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Official Voters Pamphlet

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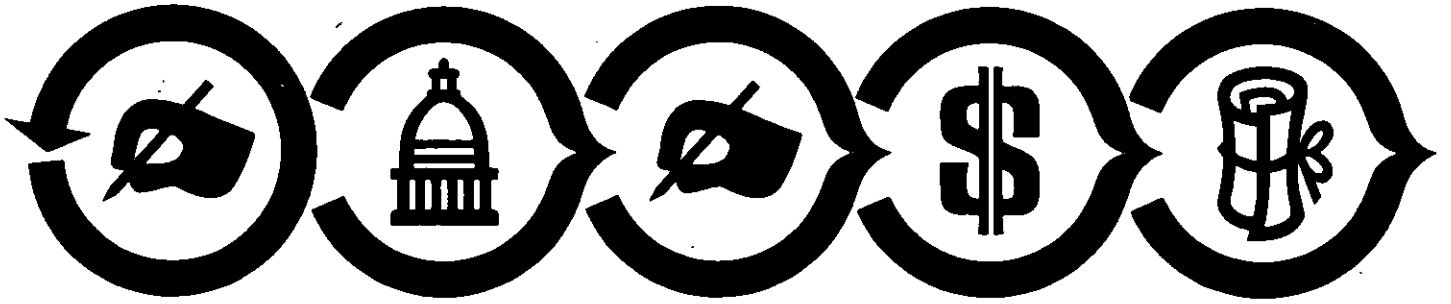
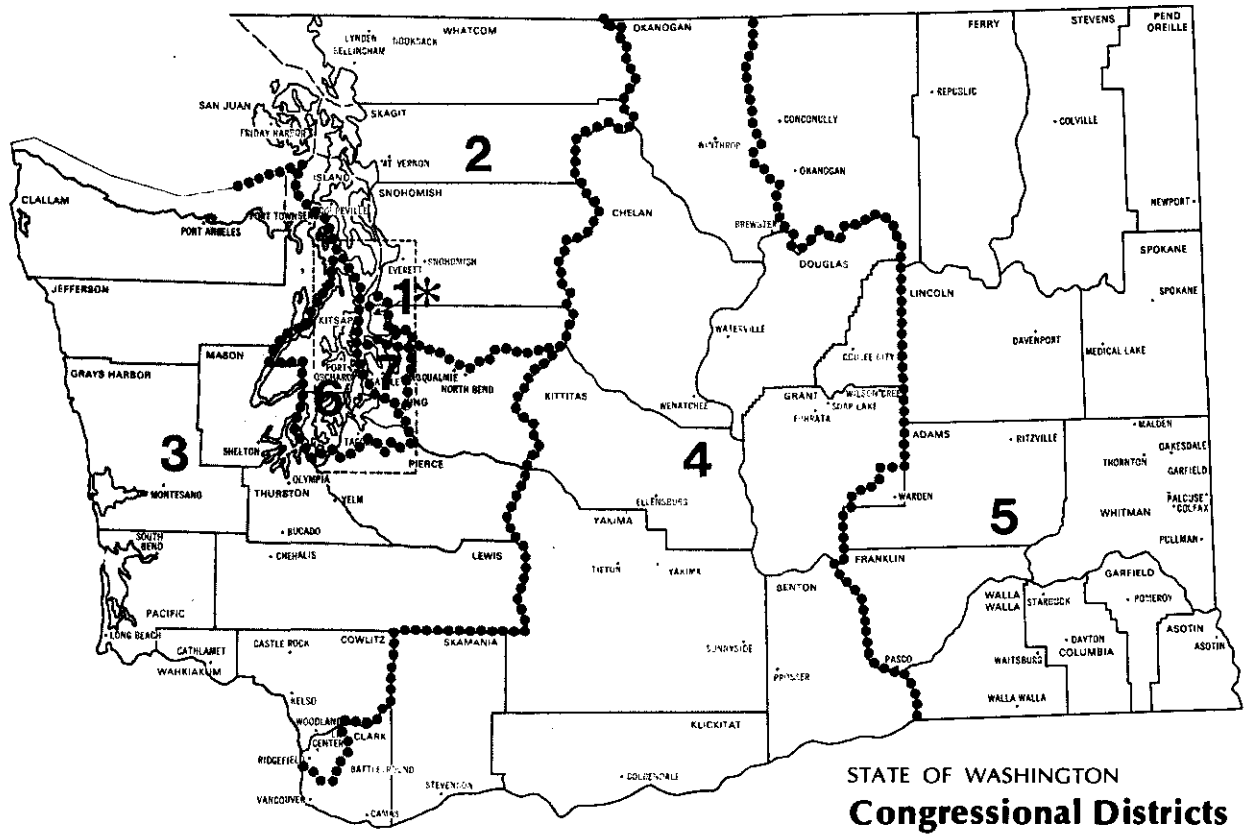
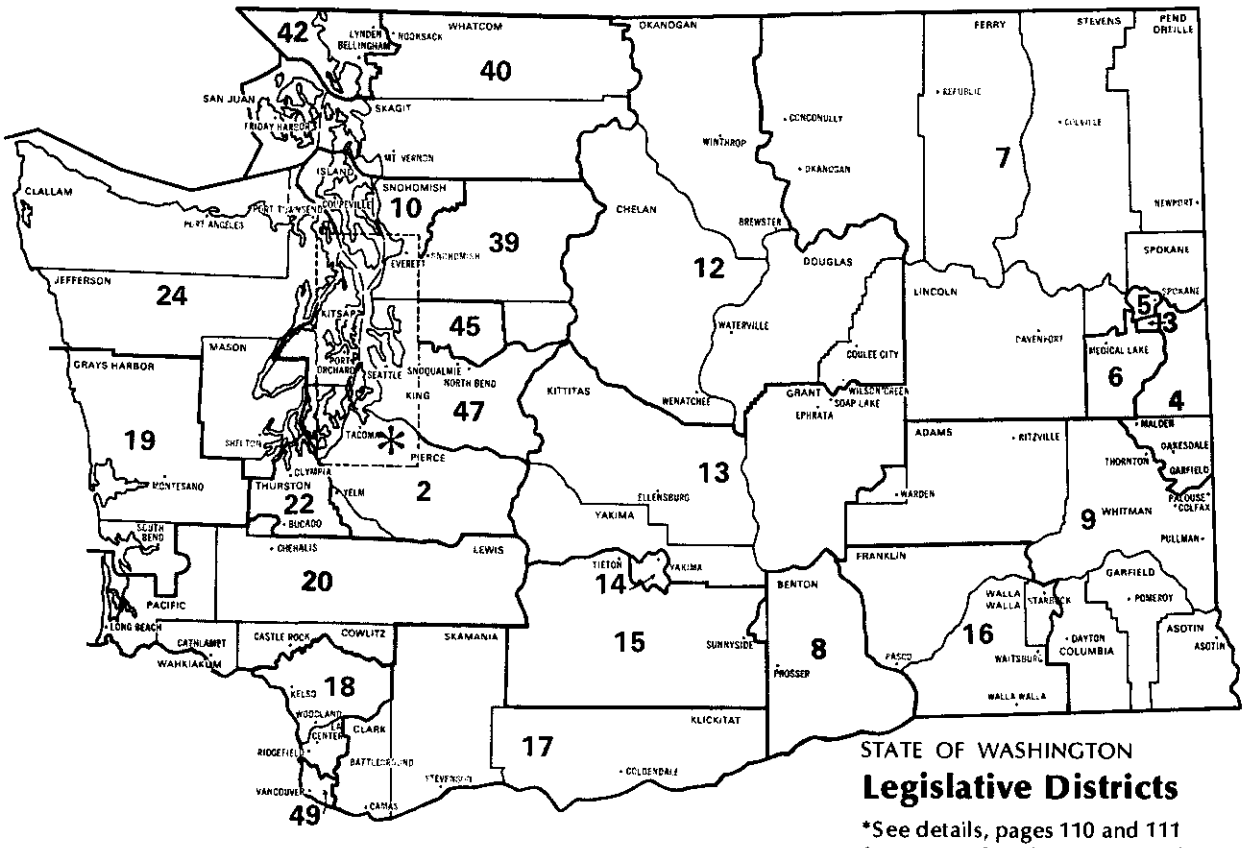




STATE OF WASHINGTON

Congressional Districts

*See details, page 111
for Everett, Seattle, Tacoma and vicinities



STATE OF WASHINGTON

Legislative Districts

*See details, pages 110 and 111
for Everett, Seattle, Tacoma, Yakima,
Spokane, Vancouver and vicinities

Voting Check List

With 24 state measures (an all time record) confronting the voters at the approaching November 7th presidential and state election, it is essential that each voter decides how he (or she) is going to vote **before** going to his (or her) polling place. The below check list is offered as a convenience to the voter to lessen the time needed to mark the ballot on the state measures.

NOTE: 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)

This check list (along with a check list for voting on candidates) will also appear in the forthcoming Candidates Pamphlet.

CUT THIS PAGE OUT AND TAKE TO YOUR POLLING PLACE

INITIATIVE 258 — Certain Cities—Greyhound Racing Franchises — FOR ☐ AGAINST ☐

INITIATIVE 261 — Liquor Sales by Licensed Retailers — FOR ☐ AGAINST ☐

INITIATIVE 276 — Disclosure—Campaign Finances—Lobbying—Records — FOR ☐ AGAINST ☐

REFERENDUM BILL 24 — Lobbyists—Regulation, Registration and Reporting — FOR ☐ AGAINST ☐

REFERENDUM BILL 25 — Regulating Certain Electoral Campaign Financing — FOR ☐ AGAINST ☐

REFERENDUM BILL 26 — Bonds for Waste Disposal Facilities — FOR ☐ AGAINST ☐

REFERENDUM BILL 27 — Bonds for Water Supply Facilities — FOR ☐ AGAINST ☐

REFERENDUM BILL 28 — Bonds for Public Recreation Facilities — FOR ☐ AGAINST ☐

REFERENDUM BILL 29 — Health, Social Service Facility Bonds — FOR ☐ AGAINST ☐

REFERENDUM BILL 30 — Bonds for Public Transportation Improvements — FOR ☐ AGAINST ☐

REFERENDUM BILL 31 — Bonds for Community College Facilities — FOR ☐ AGAINST ☐

INITIATIVE 40: Litter Control Act — FOR EITHER ☐ AGAINST BOTH ☐
ALTERNATIVE 40B: Providing Litter Control
and Indicate Preference

PREFER 40 ☐

PREFER 40B ☐

NOTE: Voter entitled to mark preference even though voting **against both** (to indicate which measure is the lesser objectionable). Preference vote will have no significance unless the majority of the voters mark their ballots as "FOR EITHER".

INITIATIVE 43: Regulating Shoreline Use — FOR EITHER ☐ AGAINST BOTH ☐
Alternative 43B: Shoreline Management Act
and Indicate Preference

PREFER 43 ☐

PREFER 43B ☐

NOTE: Voter entitled to mark preference even though voting **against both** (to indicate which measure is the lesser objectionable). Preference vote will have no significance unless the majority of the voters mark their ballots as "FOR EITHER".

INITIATIVE 44 — Statutory Tax Limitation—20 Mills — FOR ☐ AGAINST ☐

SENATE JOINT RESOLUTION 1 — Property Taxation—One Percent Limitation — YES ☐ NO ☐

SENATE JOINT RESOLUTION 5 — Permitting the Authorization of Lotteries — YES ☐ NO ☐

SENATE JOINT RESOLUTION 38 — Setting of County Officers' Salaries — YES ☐ NO ☐

HOUSE JOINT RESOLUTION 1 — Tax Exemptions—Periodic Review—Repeal — YES ☐ NO ☐

HOUSE JOINT RESOLUTION 21 — Allowed Combined County-City Governments — YES ☐ NO ☐

HOUSE JOINT RESOLUTION 47 — Changing Excess Levy Election Formula — YES ☐ NO ☐

HOUSE JOINT RESOLUTION 52 — Changing Constitutional Debt Limitation Formula — YES ☐ NO ☐

HOUSE JOINT RESOLUTION 61 — Sex Equality—Rights and Responsibilities — YES ☐ NO ☐

Introduction

Because of the record number of state ballot issues to be voted upon at the approaching November 7th state general election, coupled with the fact that several of the measures are extremely long, it required 112 pages to present them all in their entirety as provided by our state constitution.

This "king size" edition created unusual production problems, and considering all factors, including convenience to the voters, it became apparent that the best solution was to print the Voters Pamphlet (relating to issues) and the Candidates Pamphlet (relating to nominees) as two separate publications.

The Voters Pamphlet you are now reading will be followed by a separate Candidates Pamphlet delivered to each place of residence during October.

Extra copies of each edition may be obtained at the office of city clerks, county auditors, public libraries or directly from the office of the Secretary of State by calling the toll-free telephone number 1-800-562-6020.

Table of Contents

Toll Free Telephone Voters Service

Because of the lengthy and complicated ballot this November, the office of the Secretary of State has inaugurated a new information service for Washington voters—a toll-free telephone line for voter information. Voters from any part of the state may call the toll free information line in order to obtain:

1) additional background or answers to special questions pertaining to the twenty-four statewide ballot issues or to voter registration procedures, and;
2) names of potential speakers on any of these ballot issues from the Speakers Bureau established by this office.

The toll-free number is 1-800-562-6020. (The number for the Olympia area is 753-6679.)These lines will remain open 9:00 a.m. to 5:00 p.m., Monday through Friday, until the November election. We encourage Washington voters to take advantage of this service.

Remember, your toll-free voter information number is:

1-800-562-6020

Initiative Measure 258

Certain Cities—Greyhound Racing Franchises

AN ACT authorizing each city with a population over 150,000 to grant one franchise permitting greyhound racing meets; prescribing qualifications for franchises; authorizing parimutuel wagering; allowing franchisees ten percent of all moneys wagered; requiring payment of a tax of five percent of parimutuel machine gross receipts in lieu of all other taxes to the licensing city; authorizing the licensing city to pay not to exceed two and one-half percent of the net tax after subtracting costs to the county; and repealing inconsistent acts.

NOTE: New special toll-free telephone service offered to voters requesting in-depth information on state measures. See page 5 for details.

Statement for

What Initiative Measure 258 does

Enables Washington cities with more than 150,000 population—Seattle, Tacoma and Spokane—to grant one franchise each for conducting greyhound racing meets to any person who is, any unincorporated entity all of whose members are, or any corporation more than 60% of whose stock is owned by persons who are and have been citizens, residents and qualified electors of the state for 5 years.

Allows parimutuel wagering the same as is now allowed at horse racing meets in Seattle, Spokane and Yakima.

Provides for payment to the licensing city of 5% of the gross receipts of all parimutuel machines at each race meet as a privilege tax.

Will Not Change Existing Racing or Affect Our Environment

Greyhound racing will not change our existing horse racing law nor interfere with this Washington industry, but will provide a new pollution-free industry of Washington bred greyhounds for families that would like to engage in the "sport of queens."

Will Provide Employment and Provide New Revenue

A "For" vote on Initiative Measure No. 258 will create 3,000 new jobs statewide and provide an estimated six million dollar annual revenue to our larger populated areas.

Will create in excess of two million dollars voluntary new tax money for the three licensing cities thereby leaving more money from present revenue sources for smaller cities and counties.

Encourage Tourism at Reasonable Prices

In those states—ten—where greyhound racing is licensed, 13,666,462 spectators, the 6th largest attendance nationally of all non-participant sports, attended racing meets.

Three states, Connecticut, New Hampshire and Alabama, have recently licensed greyhound meets.

Only Completely Honest Racing!

As long ago as its issue of November 16, 1953, LIFE magazine, in the course of an article entitled "Background on Trotting Scandal", declared:

> "The only completely honest racing in the world now is properly supervised greyhound racing."

In the adjacent state of Oregon greyhound racing has been conducted since 1933. In this 39 years "there have been no unusual problems in supervising race meetings". It has produced in excess of 25 million dollars in revenues for the state.

Oregon has both horse and greyhound racing meets and there have been no difficulties in their supervision.

VOTE "FOR" INITIATIVE MEASURE NO. 258 TO PROVIDE JOBS, NEW INDUSTRY, TOURISM AND NEW VOLUNTARY TAX REVENUE PAID ONLY BY THOSE WHO ATTEND GREYHOUND RACES.

Committee appointed to compose statement **FOR** *Initiative Measure No. 258:*

AL HENRY, State Senator; DR. A. A. ADAMS, State Representative; P. J. (JIM) GALLAGHER, State Representative.

Advisory Committee: AUSTIN ST. LAURENT, Executive Secretary, Seattle Building and Construction Trades Council; JAMES K. BENDER, Executive Secretary, King County Labor Council, AFL-CIO; FRANK McCRILLIS, Washington State Motel and Resort Owners Association.

The Law as it now exists:

Under present law, the conduct of horse racing with parimutuel betting in this state is permitted, subject to the regulatory authority of a state horse racing commission. Parimutuel betting on horse races is allowed as a specific exception to a general prohibition against gambling.

No comparable laws currently exist in this state with respect to Greyhound dog racing.

Effect of Initiative Measure No. 258 if approved into Law:

This initiative would authorize any city in this state having a population in excess of 150,000 persons (currently, Seattle, Spokane and Tacoma) to grant a single franchise each, permitting Greyhound racing meets to be conducted in the city at any time between the hours of 7 p.m., and midnight. The initiative would also authorize parimutuel wagering to be conducted at such franchised Greyhound racing meets.

The initiative would allow franchise holders (that is, Greyhound race track operators) to retain for their use and benefit ten percent of all money wagered. Additionally, franchise holders would be required to pay five percent of all money wagered to the licensing city as a privilege tax. The city would then be authorized to pay not more than two and one-half percent of the net proceeds of this tax (after payment of all costs of granting and supervising the franchise) to the county within which the race facilities are located.

The conduct in this state of any Greyhound racing meets *not* licensed by a city in the manner provided by the initiative would be declared to be a public nuisance.

NOTE: Ballot title and the above explanatory comment were written by the Attorney General as required by state law. Complete text of Initiative Measure No. 258 starts on Page 54.

Statement against

1. It Imposes Virtually No Controls or Regulations on Dog Racing.

The proposal simply gives franchise holders a free hand. There is no racing commission and no public supervision. There is no protection for the public, the racing dogs, or the State. Dog racing would exist outside of the law.

2. Dog Racing Is a Form of Cruelty and Not a Sport.

Racing dogs are inhumanely bred and trained solely to chase a mechanical hare. Most pups are killed, and most racing dogs are gassed when their track days are over, since training makes them dangerous as pets. They are mere machines whose only purpose is to earn money—whatever the cruel cost.

3. The Initiative Opens the Door for Outside Racketeers and Criminals.

Scandals involving racketeers and organized crime have shaken dog racing in many states. This proposal would permit criminal elements from outside Washington to control racing here without restraints. Already criminal charges and scandals have resulted from dog racing initiatives here. This initiative is a dangerous threat to law and order in Washington.

4. The Initiative Could Mean Loss of Revenue for County Fairs and Shows.

It would almost certainly lead to a reduction of funds available for county fairs from horse racing parimutuels. Without this money, these fairs could disappear.

5. The Initiative Favors a Few Big Cities and Discriminates Against the Rest of the State.

The proposal permits licensing only by the big cities. Money goes to these cities with no requirement that any county share the funds. Only three counties would even be eligible to share the cities' allocations and then only if the cities are willing to give up the revenue.

6. The Initiative Would Hurt the Economy.

Although dog racing requires little investment, the proposal is a threat to Washington's multi-million dollar horse breeding industry.

A NO prevents these many abuses.

Committee appointed to compose statement **AGAINST** *Initiative No. 258:*

WILLIAM DAY, State Senator; GARY GRANT, State Representative; GERALD HOECK, Coordinator.

Initiative Measure 261

Liquor Sales by Licensed Retailers

AN ACT repealing existing statutes relating to the establishment and operation of state liquor stores; extending the state sales tax to sales of intoxicating liquor at retail; providing for the licensing of retailers of liquor and for the registration of each brand or label of liquor to be sold; and prohibiting the state of Washington from reselling any liquor either at retail or wholesale.

NOTE: New special toll-free telephone service offered to voters requesting in-depth information on state measures. See page 5 for details.

Statement for

Four Good Reasons to Support 261:

1. 261 brings an end to state abuse of the monopolistic liquor system.

The King County Grand Jury has indicted the three present members of the Washington State Liquor Control Board and a former member for grand larceny. Whether or not the allegations of missing inventory and lost samples will result in convictions, the present system inevitably creates a temptation for abuse by the state employees who run it. Three unelected state officials dictate what brands are to be sold, price, who transports the goods, hours of sale and location.

2. 261 will result in lower liquor prices.

Under our present monopoly system, Washingtonians who purchase their liquor in state pay the highest liquor prices in the entire nation. By allowing price competition, the passage of Initiative 261 will result in lower liquor prices. Additionally, 261 will allow the consumer broader selection and greater convenience.

3. 261 will benefit the state economy.

261 will result in the return to the state for useful and needed state purposes a minimum of $34,000,000 which is locked up in our present monopoly system. In addition to creating badly needed jobs, it will infuse millions of dollars into the economy for the purchase of inventory, fixtures and equipment. The present monopoly system escapes normal business taxes. 261 will also end this unfair, preferential treatment.

4. The state should not be in a retail business.

The state can and should provide many needed services for its citizens—fire and police protection, schools and parks, to name a few. It is through a historical accident that the State of Washington is in a retail business. There is no reason why retailers who sell beer and wine for off-premises consumption should not be allowed to sell liquor for off-premises consumption.

End a law that has outgrown itself—reduce state government —vote for free enterprise —vote FOR 261.

Committee appointed to compose statement **FOR** *Initiative Measure No. 261:*

JOHN STENDER, State Senator; DAVE CECCARELLI, State Representative; WARREN B. McPHERSON and ROBERT B. GOULD, Co-Chairman, Citizens Against Liquor Monopoly (CALM).

The Law as it now exists:

At the present time, although beer and wine in bottles or other original containers may be sold at retail either through state liquor stores or by licensed private retailers, spirituous liquors may only be sold at retail in such containers through state operated liquor stores or by persons employed by the state as agency vendors.

Effect of Initiative Measure No. 261 if approved into Law:

This Initiative would repeal the existing statutes relating to state liquor stores and agency vendors and would, henceforth, prohibit the state from reselling liquor either through its own stores or through agency vendors. Among the effects of this action would be an elimination of the legal basis for the existing price discount applicable to liquor sales by the liquor board to all organizations such as hotels, restaurants and clubs which are licensed to sell spirituous liquor by the drink, and a repeal of the present statutory prohibition against sales of such liquor by the bottle on Sundays.

Subject to the payment of licensing and brand registration fees to be fixed by the legislature, the initiative would allow all retailers presently holding licenses to sell beer and wine in bottles or other original containers at retail (except those licensed to sell beer or wine for on-premises consumption) to sell other intoxicating liquors at retail as well, and would also provide for the licensing of retail stores having as their primary business the sale of beer, wine and other liquor at retail. All such sales, in addition to being subject to the general state retail sales tax, would also be made subject to the same special excise taxes as now apply to retail sales of intoxicating liquor by state liquor stores and authorized agency vendors.

The provisions of this initiative if approved into law would become effective on July 1, 1973.

NOTE: Ballot title and the above explanatory comment were written by the Attorney General as required by state law. Complete text of Initiative Measure No. 261 starts on Page 54.

Statement against

Vote Against Initiative 261 for These Reasons:

1. It Increases Taxes and Boosts Liquor Prices.

Although Washington State liquor taxes already are highest in the nation, the initiative imposes an additional 5 per cent retail sales tax.

The sales tax plus the markup of private wholesalers and retailers will increase the price 48 cents a fifth.

If liquor produces the same revenue for state and local governments as it now does, an additional tax of 60 cents a fifth will be required under Initiative 261 to make up the loss of profits earned by your state stores.

THAT ADDS UP TO AN INCREASE OF MORE THAN $1.00 A FIFTH.

2. It Gives Away Your Millions to Private Interests.

The State Liquor System belongs to YOU, the Citizens of Washington. It is worth millions. Initiative 261 would give it away to private interests. Your state system produced $27.6 million in profits in fiscal year 1971 to alleviate other state and local taxes. This $27.6 million would be pocketed by private interests, and you, the taxpayers, would have to make it up by paying additional taxes.

3. It Will Increase the Drinking Problem.

Initiative 261 will allow 2,686 grocery stores and other establishments to sell hard liquor by the bottle on Sundays and during the week. That's 893 more bottle outlets, per capita, than in wide-open California. Private interests, looking for heavy profits, will promote the sale and consumption of liquor. The easy access will increase sales to minors, alcoholism, traffic accidents and other law enforcement problems.

4. State Selection Better; Prices Less Than Grocers.

Your state liquor stores offer 1,314 brands and sizes of hard liquor, wines and malt beverages. This is a far wider selection than grocery stores would offer. As proof, compare wine offerings—and wine prices. The state sells wine for less, but the initiative would eliminate state competition so private interests could charge whatever the traffic will bear.

Committee appointed to compose statement **AGAINST** *Initiative Measure No. 261:*

R. R. BOB GREIVE, State Senator, Seattle; IRVING NEWHOUSE, State Representative, Mabton; JACK ROGERS, Washington State Association of Counties, Olympia.

Advisory Committee: MARVIN L. WILLIAMS, Secretary-Treasurer, Washington State Labor Council, AFL-CIO, Seattle; NICK GIARDINA, Police Chief, Bellevue, State President of State Association of Police Chiefs and Sheriffs; JUDGE MATTHEW W. HILL, former chief justice, Washington State Supreme Court, Olympia; LESTER A. WETZSTEIN, Executive Director, Alcohol Problems Association, 5131 Arcade Building, Seattle; ALLEN F. STRATTON, President, Association of Washington Cities, 1507 E. Dalton Avenue, Spokane.

Initiative Measure 276

NOTE: New special toll-free telephone service offered to voters requesting in-depth information on state measures. See page 5 for details.

Disclosure—Campaign Finances —Lobbying—Records

AN ACT relating to campaign financing, activities of lobbyists, access to public records, and financial affairs of elective officers and candidates; requiring disclosure of sources of campaign contributions, objects of campaign expenditures, and amounts thereof; limiting campaign expenditures; regulating the activities of lobbyists and requiring reports of their expenditures; restricting use of public funds to influence legislative decisions; governing access to public records; specifying the manner in which public agencies will maintain such records; requiring disclosure of elective officials' and candidates' financial interests and activities; establishing a public disclosure commission to administer the act; and providing civil penalties.

Statement for

The People Have the Right to Know . . .

Our whole concept of democracy is based on an informed and involved citizenry. Trust and confidence in governmental institutions is at an all time low. High on the list of causes of this citizen distrust are secrecy in government and the influence of private money on governmental decision making. Initiative 276 brings all of this out into the open for citizens and voters to judge for themselves.

Where Campaign Money Comes From and Where it Goes!!

Initiatve 276 requires public disclosure of where campaign money comes from, who gets it and how much. All candidates and political committees are required to make regular, detailed reports of contributions and expenditures. Small contributions need not be reported by name. And, spending in any election campaign is limited to whichever is larger: ten cents per registered voter; $5,000; or a sum equal to the total salary for the term of the office sought.

Which Lobbyists Spend How Much For What Purposes!!

Initiative 276 allows the public to know which special interests are spending how much to influence decisions made by the legislature and various state agencies. Professional lobbyists must register and report year-round (not just during legislative sessions) their terms of employment, legislation to which employment relates, itemized expenditures made, and financial transactions with legislators and public employees. Expenditures of state funds for lobbying are prohibited.

Where Conflicts of Interest Exist!!

Initiative 276 permits the voting public to judge for itself where potential conflicts of interest may lie. All elected officials and candidates are required to disclose directorships and offices held and substantial financial or ownership interests in any business, and in real estate investments.

How Governmental Decisions Are Really Made!!

Initiative 276 makes all public records and documents in state and local agencies available for public inspection and copying. Certain records are exempted to protect individual privacy and to safeguard essential governmental functions.

The People Have The Right To Know!!
Vote For Initiative 276!!

Committee appointed to compose statement **FOR** *Initiative 276:*

BENNETT FEIGENBAUM, Coalition for Open Government, Sponsor; NAT WASHINGTON, State Senator, Ephrata; ART BROWN, State Representative, Seattle.

Advisory Committee: JOCELYN MARCHISIO, President, League of Women Voters of Washington; MARIANNE NORTON, American Association of University Women; JOAN THOMAS, President, Washington Environmental Council; LOREN ARNETT, Washington State Council of Churches.

The Law as it now exists:

Presently, candidates seeking nomination at a primary election must file a statement indicating the expenditures made for the purpose of obtaining their nomination. Violation is a misdemeanor. However, present law applies only to primaries and not to general elections; additionally, the present law relates only to campaign expenditures and not to contributions.

Legislative lobbying is now regulated by a 1967 law under which any person who is hired for the purpose of influencing legislation must register with each house of the legislature. In addition, registered lobbyists must file periodic reports of their lobbying expenses, but these reports are not required to be itemized or detailed.

State officers but not those of local governmental units are presently required to file periodic reports of certain of their private financial affairs in January of each year; and candidates for state offices are required to file these same reports at the time they file their declarations of candidacy.

Access to public records is largely governed, under present law, by court decisions under which members of the public having a legitimate interest therein are entitled to examine all records in the custody of a public official which that official is required by law to maintain. However, in the case of records which the official having custody is not required by law to maintain, the disclosure or nondisclosure of information contained therein is largely within the discretion of this official.

Effect of Initiative Measure No. 276 if approved into Law:

This initiative is divided into four basic parts:

The first part relates to the financing of electoral campaigns involving both ballot propositions and candidates for most state and local governmental offices (except precinct committeemen and offices in cities or in other less than county-wide local governmental units inhabited by fewer than 5,000 registered voters). This part would require periodic reports from all groups or individuals who attempt to influence the election of candidates or passage of measures. Such reports would disclose the sources and amounts of all campaign contributions in excess of $5.00 and the objects and amounts of all campaign expenditures in excess of $25.00.

In addition, this part of the initiative would limit the total amounts which may be expended in connection with electoral campaigns which it would cover. Expenditures paid in connection with state-wide ballot measures would be limited to $10,000, and in connection with other ballot measures to 10 cents for every registered voter who votes on the proposition. In the case of campaigns for public offices, the initiative would impose a limitation of 10 cents per registered voter, or $5,000, or a figure based upon the salary of the office sought, whichever is the greater. Anonymous contributions in excess of $1.00 from any individual or in excess of 1% of total accumulated contributions would be prohibited—as would be the use of public office facilities in electoral campaigns.

(Continued on Page 108)

NOTE: Ballot title and the above explanatory comment were written by the Attorney General as required by state law. Complete text of Initiative Measure No. 276 starts on Page 55.

Statement against

Initiative 276 is well-intentioned but certainly over-enthusiastic legislation. It tries to cleanse all evils of our political process by limiting campaign expenditures and requiring disclosure of campaign and lobbying expenditures. But it goes far beyond that.

How Far Does 276 Go?

Initiative 276 threatens individual privacy. For instance—276 requires public identification of everyone making a political contribution of $5.00 or more; such personal support then becomes a matter of public records, before the election!

What Will 276 Cost?

276 doesn't tell the taxpayer about added cost of government. Virtually every office of State and Local Government will incur added expenses—staff, office space, files, supplies and computer time—at a conservatively estimated cost of more than $2 million dollars annually. Every office holder and candidate will be subjected to countless hours of useless record keeping—thousands of hours of wasted time—merely to fill more filing cabinets in Olympia. It is impossible to estimate the potential cost to State, County and City Government of making all public records available for inspection and copying.

276 Discourages Individual Participation in the Political Process.

The reporting burdens of Initiative 276 and constant threat of frivolous or acrimonious citizen suits because of personal, political or business differences, will discourage many people from participating in politics, either as candidates or volunteers. It will definitely destroy incentive for anyone to run and serve in low-paying part-time offices.

Referendum Bills Nos. 24 and 25 far More Practical.

There is real need to place some limits on skyrocketing costs of political campaigns. There is also need for realistic campaign contribution reporting. It should not be aimed at the $5.00 contribution of individuals, but rather to prevent undue influence on the part of special interest groups. These needs are met in Referendums 24 and 25—strict laws that totally respect individual privacy and freedom of choice, while meeting the reporting and expenditure goals.

Committee appointed to compose statement **AGAINST** *Initiative Measure No. 276:*

CHARLES E. NEWSCHWANDER, State Senator; JAMES P. KUEHNLE, State Representative.

Referendum Bill 24

CHAPTER 82, LAWS OF 1972
(42nd Leg., 2nd Ex. Session)

NOTE: New special toll-free telephone service offered to voters requesting in-depth information on state measures. See page 5 for details.

Lobbyists—Regulation, Registration and Reporting

AN ACT regulating legislative lobbying; amending a prior 1967 act relating thereto; continuing to require registration of lobbyists but specifically defining lobbying as attempting to influence, through direct contact with state legislators, the passage or defeat of any legislation; requiring lobbyists to file itemized and detailed reports of lobbying expenditures during legislative sessions; transferring general responsibility for enforcement from the attorney general to the Senate and House Boards of Ethics; authorizing these boards to direct the attorney general to exercise certain enforcement powers; and replacing present criminal penalties with civil remedies including damages and injunctions against lobbyists and other violators.

Vote cast by members of the 1972 Legislature on final passage:
HOUSE: (99 members) Yeas, 81; Nays, 4; Absent or not voting, 14.
SENATE: (49 members) Yeas, 46; Nays, 1; Absent or not voting, 2.

Statement for

Referendum 24 is a realistic, yet stringent answer to the need for registering lobbyists—individuals who professionally attempt to influence legislation.

Vote FOR Referendum 24—AGAINST Initiative 276 because:

1) Referendum 24 is a most meaningful, yet workable regulation of legislative lobbyists. Yet Referendum 24 does not create the "impossible" record-keeping and bookkeeping entries required by Initiative 276.

2) Under the provisions of this act, the term "lobbyist" means any person, including any public employee, who shall lobby either on his own or on another's behalf. This provision will have the effect of identifying public funds used by public employees for lobbying purposes and will also indicate the extent of the lobbying by various employees of state and local government in an effort to promote the passage or defeat of legislation which is in their interest. Under existing law, public employees are permitted to lobby (normally at taxpayers' expense) without disclosing themselves as lobbyists. At the same time, citizens acting without compensation therefor, who wish to contact their legislators personally or by any other means of communication are completely protected in exercising this basic right of citizenship.

3) The Senate and House Boards of Ethics, established by law and consisting of eight legislators and eight non-legislators, will enforce the provisions of this act, with the Attorney General retaining certain investigatory powers.

4) The measure provides for simplified and centralized registration of lobbyists with the office of the code reviser. The code reviser is required to publish a record of these registrations every week for public inspection. The code reviser has access to legislative computer systems which will better enable him to keep accurate and centralized records of the activities of lobbyists. The required records are filed with the Secretary of State for a period of three years and are available for public inspection.

5) Referendum 24 is a workable approach to a complex problem. Unlike Initiative 276 which appears to be clearly subject to constitutional challenge, Referendum 24 will immediately institute needed controls and regulation of lobbying activities.

Committee appointed to compose statement **FOR** *Referendum Bill No. 24:*

JAMES P. KUEHNLE, State Representative, Spokane; DAMON R. CANFIELD, State Senator, Sunnyside.

The Law as it now exists:

Legislative lobbying is now regulated by a 1967 law. Under this law, any person, hired for the purpose of influencing legislation, must register with each house of the legislature. A number of legislative activities are expressly exempted.

The registration must include certain written documentation concerning the lobbyist, his employers, and his employment. In addition, lobbyists must file a statement, within sixty days after the session, reporting total contributions and lobbying expenses. General living and travel expenses are not included. The statement is a public record but is not itemized or detailed.

Present law prohibits lobbying agreements which make the lobbyist's compensation dependent upon his success.

The law imposes criminal penalties, allows private civil actions for damages, and prohibits persons convicted of violations from acting as lobbyists for ten years. The attorney general is required to enforce the act and to prosecute violations, or delegate that responsibility to an appropriate prosecuting attorney.

Effect of Ref. Bill No. 24 if approved into Law:

Referendum No. 24 would amend certain sections of existing law, repeal certain sections, and add new provisions. It would define "lobbying" as "attempting to influence, through direct contact with any legislator, the passage or defeat of any legislation by the legislature." Any lobbyist, before lobbying, would have to file with the code reviser a registration statement for each of his employers. This statement, as under present law, would have to provide information concerning the lobbyist, his employer and employment, and new information regarding custodianship of records. Changes in information would be reported weekly. Current lists of lobbyists and their employers would be published each week.

The act would redefine and clarify exempted activities. Lobbyists would have to file detailed reports of lobbying expenses. Unlike present law, Referendum 24 would require a breakdown of reported expenditures according to financial categories. Furthermore, every contribution, to or for a legislator, and each individual expenditure of more than $25 for entertainment, would have to be itemized and reported.

Referendum 24 would require registration of state employees who lobby and every legislator would be given a list containing the names and other information pertaining to such persons.

Referendum 24 would continue to prohibit presently unlawful contingent fee agreements and would impose record-keeping requirements and other restrictions on lobbyists.

Primary responsibility for enforcement of Referendum 24 would be vested in the existing Senate and House Boards of Ethics. Either board could cause the attorney general to investigate possible violations and the attorney general then would have broad investigatory and subpoena powers. The attorney general's reports and recommendations would be filed with the joint board of ethics which, on finding that a lobbyist had violated the act, could suspend his registration after notice and hearing. The joint board could direct the attorney general to bring certain civil actions, including suits to re-

(Continued on Page 108)

NOTE: Ballot title and the above explanatory comment were written by the Attorney General as required by state law. Complete text of Referendum Bill No. 24 starts on Page 66.

Statement against

The case against Referendum 24 is made by comparing it to Initiative 276. The initiative, sponsored by the Coalition for Open Government, is tough and thorough. Referendum 24, passed by the legislature and referred to the people, has loopholes that would fail to disclose how lobbying influences our elected officials.

Ref. 24 fails to apply When The Legislature is not in Session

High powered lobbying groups are busy on a full-time basis. In fact, some of the most active lobbying takes place immediately before legislative sessions and during campaigns. Initiative 276 applies year-around. Ref. 24 applies only during the legislative sessions.

Ref. 24 fails to Disclose the Lobbying of Administrative Agencies

Administrative agencies make many of the decisions most important to the public. The Utilities and Transportation Commission sets rates on telephone, electricity, auto freight, etc. The Liquor Control Board manages a $180 million business. Groups that lobby these agencies should report. Initiative 276 requires reporting. Ref. 24 does not.

Ref. 24 fails to Disclose Financial Transactions Between Elected Officials and Employees of Lobbyists

Many such transactions are legitimate, but they can also be used to influence government. Initiative 276 requires reporting. Ref. 24 does not.

Ref. 24 fails to Deal with State Agencies Which Lobby the Legislature

This lobbying often results in inflated budgets and high taxes. Initiative 276 controls this lobbying and requires reporting. Ref. 24 does not.

Most lobbying is conducted by people who are knowledgeable and ethical, and they provide information valuable to the governmental process. But complete reporting is needed to eliminate those who attempt to manipulate our government. In addition, in order to judge the performance of our elected officials, the public must know how they are influenced.

If both Initiative 276 and Ref. 24 pass, we will have conflicting laws. The initiative is a far stronger measure. If you believe in open government, vote for Initiative 276 and against Referendum 24.

Committee appointed to compose statement **AGAINST** *Referendum Bill No. 24:*

JOHN RABEL, State Representative; JONATHAN WHETZEL, State Senator; DONN CHARNLEY, State Representative.

Advisory Committee: MRS. MARIANNE NORTON, State Legislative Chairman, American Association of University Women; MRS. JOCELYN MARCHISIO, President, League of Women Voters of Washington; DOUGLASS RAFF, Director, Washington Environmental Council; LOREN ARNETT, Washington State Council of Churches.

Referendum Bill 25

CHAPTER 98, LAWS OF 1972
(42nd Leg., 2nd Ex. Session)

NOTE: New special toll-free telephone service offered to voters requesting in-depth information on state measures. See page 5 for details.

Regulating Certain Electoral Campaign Financing

AN ACT regulating certain electoral campaign contributions and expenditures; requiring organizational statements to be filed by campaign organizations; providing for reports of contributions over $100 and expenditures over $25 for or against candidates or ballot propositions from organizations other than those attempting to influence the success of two or more candidates (defined as "political committees"); prohibiting anonymous contributions exceeding $10 and the division of larger contributions to conceal their sources; directing candidates to subscribe to a code of fair campaign practices; limiting campaign expenditures; requiring reports of political advertising by commercial advertisers; and subjecting designated violators to criminal penalties.

Vote cast by members of the 1972 Legislature on final passage:
HOUSE: (99 members) Yeas, 60; Nays, 37; Absent or not voting, 2.
SENATE: (49 members) Yeas, 46; Nays, 1; Absent or not voting, 2.

Statement for

Referendum 25 represents a strict, realistic approach to the reporting and limiting of campaign contributions and expenditures without, as in the case of Initiative 276, destroying the participation of the average concerned citizen.

Vote FOR Referendum 25—AGAINST Initiative 276 because:

1) Referendum 25 was drafted with intent of making it compatible with the Federal Elections Campaign Act of 1971. It was also drafted with the intent of keeping at a practical level the onerous burdens of campaign record keeping and reporting. Although this measure is not proposed as a model reporting act, it nevertheless will serve as a firm beginning point.

2) The concern shared by most voters is that those large contributions which may be unduly influencing political candidates or campaigns should be disclosed. Referendum 25 addresses that problem by requiring the disclosure of all contributions in excess of $100.00. Initiative 276 on the other hand requires reporting of all contributions of money, labor, "donations" or "anything of value" in excess of $5.00. Such a reporting would be ridiculous and would discourage participation on the part of the average person who might very well like to help a candidate in some small way but does not want to be publicly identified and possibly criticised or penalized for having done so. Discouraging individual participation in this manner would simply make the political candidate even more dependent upon the large contributor and the organized pressure group.

3) Referendum 25 represents the first piece of legislation enacted to regulate campaign contributions and expenditures in this state. Under the provisions of this act, reports are required to be filed at periodic times by candidates, political committees, fund depositories, contributors and commercial advertisers. This will substantially eliminate the public's confusion as to the sources of campaign contributions and the extent of expenditures for public office.

4) The people have a right to be assured that candidates for public office make complete disclosure of **major** political contributions and expenditures, that candidates have no conflict between public trust and private influence, and that public officials will maintain a high level of honesty and integrity.

Referendum 25 is a strong step toward this goal.

Realistic campaign reporting YES; discourage political participation NO.

Vote FOR Referendum 25 and AGAINST Initiative 276.

Committee appointed to compose statement **FOR** *Referendum Bill No. 25:*

JAMES P. KUEHNLE, State Representative, Spokane; DAMON R. CANFIELD, State Senator, Sunnyside.

The Law as it now exists:

Presently, candidates seeking nomination at a primary election must file a statement indicating the expenditures made for the purpose of obtaining their nomination. A violation of this requirement is a misdemeanor.

However, the present law applies only to primaries and not to general elections; additionally, the present law only relates to campaign expenditures and not to contributions.

Effect of Ref. Bill No. 25 if approved into Law:

This act would apply to ballot measures such as initiatives, constitutional amendments and the like, and to candidates for all public offices except the President and the Vice-President of the United States, United States Congress, offices in fourth class municipalities, directors of school districts, offices in any less than county-wide district containing fewer than 5,000 registered voters, and precinct committeemen.

The act would define and regulate three separate types of committee organizations:

(1) Campaign committees—which work for or against the election of a single candidate only;

(2) Political committees—which work for or against the nomination of two or more candidates for public office; and

(3) Proposition committees—which work for or against any ballot proposition.

All three types of committees would be required to file statements of organization listing their names and addresses, the names and addresses of their officers, and the candidates or propositions in which they are interested.

In addition, campaign and proposition committees as well as candidates themselves would be required to appoint campaign treasurers, to maintain records of contributions and expenditures, and to make periodic reports identifying the sources of all campaign contributions exceeding $100 and the objects of all campaign expenditures exceeding $25. However, political committees (those which support two or more candidates) would not be subject to any of these record-keeping and reporting requirements. Political committees would also be excluded from certain other requirements of the act pertaining to the receipt and use of anonymous contributions and from most criminal penalties contained in the act.

The act would also limit the total amounts which may be expended in connection with the electoral campaigns which it would cover. Expenditures for or against any ballot proposition would be limited to $100,000, and in the case of candidates for office the limitations would be either 10 cents per registered voter, or $5,000, or a figure based upon the salary of the office sought, whichever is the greater.

Commercial advertisers who display or communicate political advertising would be required to report the names and addresses of the persons from whom they accepted purchases of such advertising (except political committees), together with the nature and extent of their services and the purchase price and manner of its payment.

Each candidate for an office covered by the act would be required to sub-

(Continued on Page 108)

NOTE: Ballot title and the above explanatory comment were written by the Attorney General as required by state law. Complete text of Referendum Bill No. 25 starts on Page 69.

Statement against

Referendum Bill 25 is a blatant attempt to deceive the people. House Bill 248 was so badly weakened by amendments that most of the original sponsors voted against it on final passage. As Referendum 25, it is like a shiny new car—without an engine.

Contributions of Goods and Supplies Go Unreported.

This means most monetary contributions would not be reported. Since no reports are required for contributions of supplies, printing, etc., contributors can remain secret by giving goods instead of money.

Reports Required Only After Candidate Actually Files for Office.

This excludes most campaign contributions and many expenditures. Filing take place eight weeks before the primary election. Many campaign contributions are received months earlier.

Can Avoid All Reporting.

By never *formally* announcing a candidacy, all reporting is avoided. Also, if two candidates form a committee together, no reporting is required at all.

Huge Gaps in Reporting Times and Administration.

Reports are required 20 days before primary elections and 10 days after primary and general elections. Contributions and expenditures made just prior to an election would not be known until afterwards—too late for the public to know what went on. Administration is left up to individual city clerks, county auditors, Secretary of State and the Legislative Ethics Committee (for legislators). Another heavy burden would be placed on city and county officials and uniformity would be impossible.

No Reporting by Person Dealing with Own Funds or by Out-of-state Committees.

Even large contributions would go unreported if campaign bills are paid directly by someone using his own funds. Reporting can also be avoided by forming a committee out of state.

No Restrictions on Incombents.

Referendum 25 does not prohibit use of office facilities or staff by an incumbent seeking re-election. This provides a great campaign advantage for incumbents.

Referendum 25 is a farce. Initiative 276 covers these glaring loopholes. Vote AGAINST Referendum 25. Vote FOR Initiative 276.

Committee appointed to compose statement **AGAINST** *Referendum Bill No. 25:*

ROBERT C. BAILEY, State Senator, South Bend; ART BROWN, State Representative, Seattle.

Advisory Committee: JOCELYN MARCHISIO, President, League of Women Voters of Washington; JACK ROBERTSON, Past-President, Washington Environmental Council; CAROL CHAPMAN, American Association of University Women; LOREN ARNETT, Washington State Council of Churches.

Referendum Bill 26

CHAPTER 127, LAWS OF 1972
(42nd Leg., 2nd Ex. Session)

NOTE: New special toll-free telephone service offered to voters requesting in-depth information on state measures. See page 5 for details.

Bonds for Waste Disposal Facilities

AN ACT authorizing the issuance and sale of state general obligation bonds in the sum of $225,000,000 to provide funds for the planning, acquisition, construction, and improvement of public waste disposal facilities; designating the State Department of Ecology as the agency responsible for disbursement of the bond proceeds, subject to prior legislative appropriations; and providing for payment of the bonds from unpledged state retail sales tax revenues or other means authorized by the legislature.

Vote cast by members of the 1972 Legislature on final passage:
HOUSE: (99 members) Yeas, 82; Nays, 15; Absent or not voting, 2.
SENATE: (49 members) Yeas, 36; Nays, 12; Absent or not voting, 1.

Statement for

Let's Make and Keep Our Environment Clean

One of Washington's most valued resources has been its clean, unpolluted water. The present quality of many of our waters, however, has fallen below acceptable minimum water quality standards due to numerous non-treated or poorly treated waste discharges.

The health and property of many Washingtonians is also threatened by air, land and ground water pollution resulting from more than 300 open burning garbage dumps and more than 3,000 infested, unauthorized garbage dumping areas in the state.

What Referendum 26 Will Provide

Referendum 26 will provide $225 million in bonds for construction of water pollution control and solid waste disposal facilities. These funds will be matched by more than $600 million in available federal funds to assist local governments in constructing or improving sewage treatment facilities, community sewer and storm drainage systems and solid waste disposal facilities.

How Referendum 26 Will Work

Communities of all sizes in all parts of the state will be eligible to receive Referendum 26 funds. Bonds authorized by Referendum 26, together with Referendums 27, 28, 29, 30 and 31, will require neither new taxes nor any increase in existing taxes. They will be paid off by a portion of the growth in state general fund revenues from existing state taxes (not property taxes). This growth will come from project expenditures in the program itself enlarged by federal grants that otherwise could be lost for lack of matching funds and from new jobs and business stimulated by the program.

Who Supports Referendum 26?

Referendum 26 is supported by the Association of Washington Cities, Washington Association of Counties, League of Women Voters, Washington Environmental Council and other civic, recreation and conservation groups, together with many concerned citizens in industry, labor and agriculture.

Committee appointed to compose statement **FOR** *Referendum Bill No. 26:*

ALAN BLUECHEL, State Representative; R. R. BOB GREIVE, State Senator; ALAN THOMPSON, State Representative.

Advisory Committee: JOAN THOMAS, President, Washington Environmental Council, Seattle; THOMAS W. ANDERSON, Chairman of the Board, Association of Washington Business, Tacoma; MRS. R. E. (JOCELYN) MARCHISIO, President, League of Women Voters of Washington, Bellevue; BRUCE McPHADEN, Regional Manager for Public Affairs, Kaiser Aluminum & Chemical Corp., Spokane; ROBERT G. PETTIE, Past President, Washington State Sportsmen's Council, Alderwood Manor.

The Law as it now exists:

Public waste disposal facilities within the state are presently provided by certain local governmental bodies and state agencies. New or improved facilities are financed from whatever local, state or federal funds are available for that purpose.

At its 1972 special session, the legislature enacted a law providing for the issuance of state general obligation bonds in an amount up to $225,000,000 to provide additional funds for the planning, acquisition, construction and improvement of such public waste disposal facilities at both the state and local levels. "Waste disposal facilities" are defined by this law to mean facilities for the collection, storage, treatment and disposal of liquid wastes or solid wastes and any combination thereof. Under the state constitutional debt limitation, however, this law cannot take effect until it has been referred to and approved by the people at a general election.

Effect of Ref. Bill No. 26 if approved into Law:

If approved, this act will authorize the issuance and sale of the general obligation bonds described above at any time prior to January 1, 1980. However, these bonds will be offered for sale during this period only after the legislature has made an appropriation of the proceeds of the bonds to be sold. An appropriation of $10,000,000 of these proceeds for the current (1971-73) biennium is contained in this act.

When the bonds are sold the funds derived therefrom will be administered by the state department of ecology. This department will be authorized to use these funds to accomplish the purposes for which the bonds are issued either by means of direct expenditures or by grants or loans to qualified public bodies, including grants of "matching funds" to public bodies in any case where federal, local or other funds are made available on a matching basis for improvements which are within the purposes of the act. Among the "public bodies" which would be eligible for such grants or loans would be the state itself, or any agency, political subdivision, taxing district, or municipal corporation thereof; in addition, this term would include those Indian tribes which are recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington.

The act provides for payment of these bonds from a portion of the proceeds of the state retail sales tax and from such other sources as may be authorized by the legislature. In addition, it provides that the bonds shall pledge the full faith and credit of the state for payment of the principal and interest thereon when due.

NOTE: Ballot title and the above explanatory comment were written by the Attorney General as required by state law. *Complete text of Referendum Bill No. 26 starts on Page 74.*

Statement against

No member of the 1972 Legislature could be enlisted by the Speaker, House of Representatives, or by the President, State Senate, to write a statement against Referendum Bill No. 26 for publication in this pamphlet.

Referendum Bill 27

CHAPTER 128, LAWS OF 1972
(42nd Leg., 2nd Ex. Session)

NOTE: New special toll-free telephone service offered to voters requesting in-depth information on state measures. See page 5 for details.

Bonds for Water Supply Facilities

AN ACT authorizing the issuance and sale of state general obligation bonds in the sum of $75,000,000 to provide funds for the planning, acquisition, construction, and improvement of water supply facilities; designating the state department of ecology as the agency responsible for disbursement of the bond proceeds, subject to prior legislative appropriations; and providing for payment of the bonds from unpledged state retail sales tax revenues or other means authorized by the legislature.

Vote cast by members of the 1972 Legislature on final passage:
HOUSE: (99 members) Yeas, 66; Nays, 30; Absent or not voting, 3.
SENATE: (49 members) Yeas, 34; Nays, 14; Absent or not voting, 1.

Statement for

Let's Be Certain of A Sufficient Water Supply!

Referendum 27 will provide financial assistance to local governments for (1) improving drinking water quality, (2) increasing water supply for homes and industry and (3) developing irrigation lands for food and fiber production.

Safe For Human Consumption

Many of Washington's public water supply systems today are without adequate quality control facilities to guarantee safe or acceptable drinking water at all times. This results in periodic occurrences of dirty or contaminated water, water with high mineral content, or taste and odor problems that make it undesirable or unacceptable for domestic or industrial purposes.

Sufficient For Homes, Jobs and Food

Some public water supply systems have not been able to construct facilities adequate to meet peak water demands. This results in rationing water for lawn irrigation, low water pressure, occasional disruption of service and inability to provide for good fire protection or industrial development.

Current estimates show Washington's irrigation developments by 1980 will fall short of providing our share of the nation's food and fiber requirements by about 400,000 acres.

Referendum 27 will provide $75 million in state bonds, matched by $200 million in federal and local funds, for planning and construction of improvements for water supply sources, water purification plants, water storage facilities and water distribution systems.

Who Will Benefit From Passage of Referendum 27?

Communities, public water and irrigation districts of all sizes in all parts of the state will be eligible for Referendum 27 funds. Referendum 27, together with Referendums 26, 28, 29, 30 and 31, will neither require new taxes nor any increase in existing taxes. Bonds will be paid off by a portion of the growth in state general fund revenues from existing state taxes (not property taxes). This growth will come from project expenditures in the program itself enlarged by federal grants that otherwise could be lost for lack of matching funds and from new jobs and business stimulated by the program.

Referendum 27 is supported by: Association of Cities, Counties and Washington Environmental Council, together with many concerned citizens in industry, labor and agriculture.

Committee appointed to compose statement **FOR** *Referendum Bill No. 27:*

FRANCIS HOLMAN, State Senator; NAT WASHINGTON, State Senator; JERRY KOPET, State Representative.

Advisory Committee: PAUL PATTERSON, President, Washington State Association of Water Districts; EDWARD J. FISCHER, President, Washington Public Utilities District Association; WILLIAM WOLFORD, President, Columbia Basin Development League; MRS. R. E. MARCHISIO, President, League of Women Voters of Washington; KEN BILLINGTON, Washington Public Utility District Association.

The Law as it now exists:

Public water supply facilities within the state are presently provided by certain local governmental bodies and state agencies. New or improved facilities are financed from whatever local, state or federal funds are available for that purpose.

At its 1972 special session, the legislature enacted a law providing for the issuance of state general obligation bonds in an amount up to $75,000,000 to provide funds for the planning, acquisition, construction and improvement of water supply facilities at both the state and local levels. Water supply facilities are defined by this law to mean municipal, industrial and agricultural water supply and distribution systems. Under the state constitutional debt limitation, however, this law cannot take effect until it has been referred to and approved by the people at a general election.

Effect of Ref. Bill No. 27 if approved into Law:

If approved, this act will authorize the issuance and sale of the general obligation bonds described above at any time prior to January 1, 1980. However, these bonds will be offered for sale during this period only after the legislature has made an appropriation of the proceeds of the bonds to be sold. No appropriation of these proceeds for the current (1971-73) biennium would be made by this act.

When the bonds are sold the funds derived therefrom will be administered by the state department of ecology. This department will be authorized to use these funds to accomplish the purposes for which the bonds are issued either by means of direct expenditures or by grants or loans to qualified public bodies, including grants of "matching funds" to public bodies in any case where federal, local or other funds are made available on a matching basis for improvements which are within the purposes of the act. Among the "public bodies" which would be eligible for such grants or loans would be the state itself, or any agency, political subdivision, taxing district, or municipal corporation thereof; in addition, this term would include those Indian tribes which are recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington.

The act provides for payment of these bonds from a portion of the proceeds of the state retail sales tax and from such other sources as may be authorized by the legislature. In addition, it provides that the bonds shall pledge the full faith and credit of the state for payment of the principal and interest thereon when due.

NOTE: Ballot title and the above explanatory comment were written by the Attorney General as required by state law. Complete text of Referendum Bill No. 27 starts on Page 75.

Statement against

No member of the 1972 Legislature could be enlisted by the Speaker, House of Representatives, or by the President, State Senate, to write a statement against Referendum Bill No. 27 for publication in this pamphlet.

Referendum Bill 28

CHAPTER 129, LAWS OF 1972
(42nd Leg., 2nd Ex. Session)

NOTE: New special toll-free telephone service offered to voters requesting in-depth information on state measures. See page 5 for details.

Bonds for Public Recreation Facilities

AN ACT authorizing the issuance and sale of state general obligation bonds in the sum of $40,000,000 to provide funds for the planning, acquisition, preservation, development, and improvement of recreation areas and facilities; designating the interagency committee for outdoor recreation to be responsible for disbursement of the bond proceeds, subject to prior legislative appropriations; and providing for payment of the bonds from unpledged state retail sales tax revenues or other means authorized by the legislature.

Vote cast by members of the 1972 Legislature on final passage:
HOUSE: (99 members) Yeas, 64; Nays, 33; Absent or not voting, 2.
SENATE: (49 members) Yeas, 33; Nays, 15; Absent or not voting, 1.

Statement for

Let's Protect, Improve and Develop our Recreation areas and Historical Sites!

Increased time and public demand for recreational activity have far outstripped available recreational facilities during the past decade. Annual state parks attendance has more than tripled—from 7 million persons in 1960 to 23 million in 1971. Recreational opportunities in local communities are sorely needed. As population growth spreads its impact over the state, our state's historical and archeological heritage is increasingly threatened with obliteration.

What Referendum 28 will provide

Referendum 28 will provide $40 million in state funds, to be matched by an additional $28 million in federal and local funds, to help assure that a broad variety of recreational sites and facilities will be secured in convenient locations throughout the state.

Installations or improvement at existing and new sites will include additional and enlarged campgrounds, restrooms, dump stations for campers and trailers, trails for all users, boat launching ramps, fishing areas, hunting areas, and neighborhood playgrounds. Key land areas will be sought in urban and rural locations and at ocean beaches, lakes, streams and forests. Places of historical significance will be preserved.

Referendum 28 will provide recreational funding to local governments and state agencies for all state residents. The emphasis will be on development of recreational facilities rather than acquisition.

95% of the users of state recreational facilities are Washingtonians. The 5% out-of-state users contribute $25 million annually to the state's economy, significantly contributing to the development of state and local facilities.

Bonds authorized by Referendum 28, together with Referendums 26, 27, 29, 30 and 31, will require neither new taxes nor any increase in existing taxes. They will be paid off by a portion of growth in state general fund revenues from existing state taxes (not property taxes). This growth will come from project expenditures in the program itself enlarged by federal grants that otherwise could be lost for lack of matching funds and from new jobs and business stimulated by the program.

Committee appointed to compose statement **FOR** *Referendum Bill No. 28: LOIS NORTH (R), State Representative; FRED H. DORE (D), State Senator; HARRY B. LEWIS (R), State Senator.*

Advisory Committee: BROCK EVANS, Federation of Western Outdoor Clubs, Seattle; ROBERT ASHLEY, Northwest Seaports Association, Seattle; THOMAS O. WIMMER, Washington Environmental Council, Seattle; ALBERT I. STANLEY, President, Washington State Sportsmen's Council, Issaquah; LLOYD BOURNE, Washington State Parks Association, Renton.

The Law as it now exists:

Public recreation areas and facilities within the state are presently provided by certain local governmental bodies and state and federal agencies. Additional or improved areas and facilities are financed from whatever local, state or federal funds are available for that purpose.

At its 1972 special session, the legislature enacted a law providing for the issuance of state general obligation bonds in an amount up to $40,000,000 in order to provide additional funds for the planning, acquisition, construction and improvement of such public recreation areas and facilities at both the state and local levels. Under the state constitutional debt limitation, however, this law cannot take effect until it has been referred to and approved by the people at a general election.

Effect of Ref. Bill No. 28 if approved into Law:

If approved, this act will authorize the issuance and sale of the general obligation bonds described above at any time prior to January 1, 1980. However, these bonds will be offered for sale during this period only after the legislature has made an appropriation of the proceeds of the bonds to be sold. No appropriation of these proceeds for the current (1971-73) biennium is contained in this act.

When the bonds are sold the funds derived therefrom will be administered by the interagency committee on outdoor recreation. This agency will be directed to divide these funds into three shares, as follows:

(1) Thirty-five percent to be used for the acquisition, preservation and development of recreation areas and facilities by the state and its agencies, generally;

(2) Thirty-five percent to be allocated to political subdivisions, taxing districts, municipal corporations, or certain Indian tribes for their use in the acquisition, preservation, development and improvement of recreational areas and facilities within the jurisdiction of such bodies; and

(3) Thirty percent to be allocated to the state parks and recreation commission for improvement of existing state parks and the acquisition and preservation of historic sites and buildings.

The act states that these bond proceeds may be expended for the acquisition and preservation of historic sites and buildings and scenic and environmentally valuable areas and the improvement of existing park and recreation areas and facilities.

The act provides for payment of these bonds from a portion of the proceeds of the state retail sales tax and from such other sources as may be authorized by the legislature. In addition, it provides that the bonds shall pledge the full faith and credit of the state for payment of the principal and interest thereon when due.

NOTE: Ballot title and the above explanatory comment were written by the Attorney General as required by state law. Complete text of Referendum Bill No. 28 starts on Page 76.

Statement against

No member of the 1972 Legislature could be enlisted by the Speaker, House of Representatives, or by the President, State Senate, to write a statement against Referendum Bill No. 28 for publication in this pamphlet.

Referendum Bill 29

CHAPTER 130, Laws OF 1972
(42nd Leg., 2nd Ex. Session)

NOTE: New special toll-free telephone service offered to voters requesting in-depth information on state measures. See page 5 for details.

Health, Social Service Facility Bonds

AN ACT authorizing the issuance and sale of state general obligation bonds in the sum of $25,000,000 to provide funds for planning, acquisition, construction, and improvement of health and social service facilities; designating the department of social and health services to be responsible for disbursement of the proceeds, subject to prior legislative appropriations; and providing for payment of the bonds from unpledged state retail sales tax revenues or other means authorized by the legislature.

Vote cast by members of the 1972 Legislature on final passage:
HOUSE: (99 members) Yeas, 75; Nays, 22; Absent or not voting, 2.
SENATE:—(49 members) Yeas, 34; Nays, 14; Absent or not voting, 1.

Statement for

Let's Provide Needed Community Health and Rehabilitative Services

Referendum 29 is a citizen-inspired, $25 million State Tax Revenue Bond proposal to form the base of a $75 million comprehensive community health and rehabilitation facilities plan.

Our state and its communities are moving toward more effective programs to treat our elderly, disabled, retarded and other citizens requiring help. The funds from Referendum 29 will provide an opportunity to move rapidly to community based treatment facilities that are needed to reduce dependency, suffering and, at the same time, reduce costs of less effective institutional treatment.

These community facilities will provide better treatment programs and an opportunity for unification of services that will provide rehabilitation at lower costs to the tax payers.

What Passage of Referendum 29 Will Provide

Referendum 29 can provide community based facilities to serve the mentally retarded; "multi-service" centers containing health, mental health, day care, senior citizen, public assistance and other service programs; corrections centers serving both adult and juvenile offenders; drug and alcoholism treatment centers; vocational rehabilitation centers, "sheltered workshops", mobile service units and "group homes".

How Referendum 29 Will Work

Funds for the benefits provided through Referendum 29 will be disbursed through the State and through local and regional agencies with the advice of local citizens groups and following approval by the legislature. Referendum 29 together with Referendums 26, 27, 28, 30 and 31 will neither require new taxes nor any increase in existing taxes. They will be paid off by a portion of growth in state general fund revenues from existing state taxes (not property taxes). This growth will come from project expenditures in the program itself enlarged by federal grants that otherwise could be lost for lack of matching funds, and from new jobs and business stimulated by the program.

Committee appointed to compose statement **FOR** *Referendum Bill No. 29:*

JONATHAN WHETZEL, State Senator; PAUL CONNER, State Representative; BILL KISKADDON, State Representative.

Advisory Committee: J. VERNON WILLIAMS, Chairman, Advisory Committee, Social and Health Services; DAVID G. SPRAGUE; MRS. SAMUEL L. GALLAND, Member, Executive Board, Spokane Alcoholism Coordinating Council; BETTY HORNE, Member, Executive Committee, State Comprehensive Health Planning Advisory Council; HAROLD LITTLE, President, Washington Association of Retarded Children.

The Law as it now exists:

Health and social service facilities within the state are presently provided by certain local governmental bodies and state and federal agencies. New or improved facilities are financed from whatever local, state or federal funds are available for that purpose.

At its 1972 special session, the legislature enacted a law providing for the issuance of state general obligation bonds in an amount up to $25,000,000 to provide funds for the planning, acquisition, construction and improvement of health and social service facilities at both the state and local levels. Under the state constitutional debt limitation, however, this law cannot take effect until it has been referred to and approved by the people at a general election.

Effect of Ref. Bill No. 29 if approved into Law:

If approved, this act will authorize the issuance and sale of the general obligation bonds described above at any time prior to January 1, 1980. However, these bonds will be offered for sale during this period only after the legislature has made an appropriation of the proceeds of the bonds to be sold. No appropriation of these proceeds for the current biennium (1971-73) would be made by this act.

The act calls for the development of a comprehensive plan for health and social service facilities, including facilities for social services, adult and juvenile correction or detention, child welfare, day care, drug abuse and alcoholism treatment, mental health, public health, developmental disabilities and vocational rehabilitation.

When the bonds are sold the funds derived therefrom will be administered by the state department of social and health services. This department will be authorized to use these funds to accomplish the purposes for which the bonds are issued either by means of direct expenditures or by grants or loans to qualified public bodies, including grants of "matching funds" to public bodies in any case where federal, local or other funds are made available on a matching basis for improvements which are within the purposes of the act. Among the "public bodies" which would be eligible for such grants or loans would be the state itself, or any agency, political subdivision, taxing district, or municipal corporation thereof; in addition, this term would include those Indian tribes which are recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington.

The act provides for payment of these bonds from a portion of the proceeds of the state retail sales tax and from such other sources as may be authorized by the legislature. In addition, it provides that the bonds shall pledge the full faith and credit of the state for payment of the principal and interest thereon when due.

NOTE: Ballot title and the above explanatory comment were written by the Attorney General as required by state law. Complete text of Referendum Bill No. 29 starts on Page 78.

Statement against

No member of the 1972 Legislature could be enlisted by the Speaker, House of Representatives, or by the President, State Senate, to write a statement against Referendum Bill No. 29 for publication in this pamphlet.

Referendum Bill 30

CHAPTER 132, LAWS OF 1972
(42nd Leg., 2nd Ex. Session)

NOTE: New special toll-free telephone service offered to voters requesting in-depth information on state measures. See page 5 for details.

Bonds for Public Transportation Improvements

AN ACT authorizing the issuance and sale of state general obligation bonds in the sum of $50,000,000 to provide funds for the planning, acquisition, construction, and improvement of public transportation systems; designating the state department of highways as the agency responsible for disbursement of the bond proceeds, subject to prior legislative appropriations; and providing for payment of the bonds from unpledged state retail sales tax revenues or other means authorized by the legislature.

Vote cast by members of the 1972 Legislature on final passage:
HOUSE: (99 members) Yeas, 63; Nays, 36; Absent or not voting, 0.
SENATE: (40 members) Yeas, 25; Nays, 22; Absent or not voting, 2.

Statement for

Let's Start Meeting Our Public Transportation Problems!

No Washington cities presently have integrated transportation systems. Only eight have bus systems at all. No residential service exists except where bus routes happen to pass through these areas. The routes are widely scattered and inflexible. Years of neglect have left us with virtually an automobiles-or-nothing system.

Large numbers of citizens are poorly served by a system of automobiles only. Students, senior citizens, the economically underprivileged and the physically handicapped have limited abilities to use automobiles. Furthermore, those who are able to use automobiles create, by their numbers alone, peak hour congestion in the central areas of most of our cities beyond the ability of our streets and highways to handle.

By its ability to serve larger numbers of people with far fewer vehicles, mass transportation could provide swift, convenient and economical transportation and permit a more intensive use of our existing large investment in transportation facilities.

What Referendum 30 will Provide

Referendum 30 will provide $50 million in state funds, to be matched with about $200 million federal and local funds, for public transportation vehicles, bus stops, off-street parking and other public transportation improvements.

The program is designed to provide public transportation improvements for which no other source of financing within the state is available. It is designed to provide funds for matching federal grants which exist or may become available for public transportation.

Who Will Benefit From Passage of Referendum 30?

Public transportation systems in small, medium, and large urban areas will all be eligible for assistance. Bonds authorized by Referendum 30, together with Referendums 26, 27, 28, 29 and 31, will require neither new taxes nor any increase in existing tax rates. They will be paid off by a portion of growth in state general fund revenues from existing state taxes (not property taxes). This growth will come from project expenditures in the program itself enlarged by federal grants that otherwise could be lost for lack of matching funds, and from new jobs and business stimulated by the program.

Committee appointed to compose statement **FOR** *Referendum Bill No. 30:*

ROBERT A. PERRY, State Representative; AL HENRY, State Senator; DUANE L. BERENTSON, State Representative.

Advisory Committee: WESLEY C. UHLMAN, Mayor of Seattle; FRANCIS MOORE, Washington State Good Roads Association; ROSE BESSERMAN, Councilwoman, City of Vancouver; A. A. SMICK, Washington State Council on Aging; A. CLEMENS GRADY, Automobile Club of Washington.

The Law as it now exists:

Public transportation systems for urban mass transportation within the state are now provided by certain local governmental bodies and state agencies. New or improved systems are financed from whatever local, state or federal funds are available for that purpose.

At its 1972 special session, the legislature enacted a law providing for the issuance of state general obligation bonds in an amount up to $50,000,000 in order to provide additional funds for the planning, acquisition, construction and improvement of such public transportation systems at both the state and local levels. Under the state constitutional debt limitation, however, this law cannot take effect until it has been referred to and approved by the people at a general election.

Effect of Ref. Bill No. 30 if approved into Law:

If approved, this act will authorize the issuance and sale of the general obligation bonds described above at any time prior to January 1, 1980. However, these bonds will be offered for sale during this period only after the legislature has made an appropriation of the proceeds of the bonds to be sold. An appropriation of $5,000,000 of these proceeds for the current (1971-73) biennium is contained in this act.

Public transportation systems to be financed from the proceeds of these bonds are defined by the act to mean urban mass transportation vehicles and equipment, supporting street improvements, exclusive or priority rights-of-way for public transportation vehicles, loading facilities and off-street parking facilities. However, the act provides that those urban mass transportation facilities which may lawfully be financed by moneys in the state motor vehicle fund may not be financed from the proceeds of these bonds, except for water transportation facilities.

When the bonds are sold the funds derived therefrom will be administered by the state department of highways. This department will be authorized to use these funds to accomplish the purposes for which the bonds are issued either by means of direct expenditures or by grants or loans to qualified public bodies, including grants of "matching funds" to public bodies in any case where federal, local or other funds are made available on a matching basis for improvements which are within the purposes of the act. Among the "public bodies" which would be eligible for such grants or loans would be the state itself, or any agency, political subdivision, taxing district, or municipal corporation thereof; in addition, this term would include those Indian tribes which are recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington.

The act provides for payment of these bonds from a portion of the proceeds of the state retail sales tax and from such other sources as may be authorized by the legislature. In addition, it provides that the bonds shall pledge the full faith and credit of the state for payment of the principal and interest thereon when due.

NOTE: Ballot title and the above explanatory comment were written by the Attorney General as required by state law. Complete text of Referendum Bill No. 30 starts on Page 79.

Statement against

No member of the 1972 Legislature could be enlisted by the Speaker, House of Representatives, or by the President, State Senate, to write a statement against Referendum Bill No. 30 for publication in this pamphlet.

Referendum Bill 31

CHAPTER 133, LAWS OF 1972
(42nd Leg., 2nd Ex. Session)

NOTE: New special toll-free telephone service offered to voters requesting in-depth information on state measures. See page 5 for details.

Bonds for Community College Facilities

AN ACT authorizing the issuance and sale of state general obligation bonds in the sum of $50,000,000 to provide funds for the acquisition, construction and improvement of community college facilities; designating the state board for community college education as the agency responsible for disbursement of the bond proceeds, subject to prior legislative appropriations; and providing for payment of the bonds from unpledged state retail sales tax revenues or other means authorized by the legislature.

Vote cast by members of the 1972 Legislature on final passage:
HOUSE: (99 members) Yeas, 86; Nays, 9; Absent or not voting, 4.
SENATE: (49 members) Yeas; 37; Nays, 11, Absent or not voting, 1.

Statement for

Let's Assure Community College Education Sufficient Space!

Washington's Community College System is the only branch of education continuing to grow substantially. Our 22 community college districts provide low cost vocational education, college transfer and adult programs for more than 110,000 citizens, including persons of limited income who might otherwise be denied access to these vocational and educational opportunities.

In just four more years, community colleges must find space for one-third more full-time day students than enrolled last fall, increase vocational facilities by 50 percent and add nearly one-fourth more total space than has either been built or funded so far. Even then they will have 20 percent **less** space per student than community colleges nationally.

What Referendum 31 will Provide

Referendum 31 will provide $50 million in bonds for construction of only the community college's highest priority space needs. First priority (over two-thirds of all funds) will be for vocational instruction, then classrooms, science laboratories, libraries, office space and student eating facilities.

Community Colleges Currently Receive No Tax Funds for Construction

Washington's Community College System is the only branch of public education receiving no tax funds for construction. Facilities are entirely underwritten with student tuition. Tuition bonds simply can't finance space to keep up with enrollments.

Who will Benefit from Referendum 31 Passage?

With primary emphasis on vocational education, community colleges in nearly every part of the state are targeted for construction aid. Bonds authorized by Referendum 31, together with Referendums 26, 27, 28, 29 and 30 will require neither new taxes nor any increase in existing taxes. They will be paid off by a portion of growth in state general fund revenues from existing state taxes (not property taxes). This growth will come from project expenditures in the program itself enlarged by federal grants that otherwise could be lost for lack of matching funds, and from new jobs and business stimulated by the program.

Committee appointed to compose statement **FOR** *Referendum Bill No. 31:*

ROBERT C. BAILEY, State Senator; MAX E. BENITZ, State Representative; MRS. ROBERT SHEPHERD, Chairman, State Board for Community College Education.

Advisory Committee: TOM ANDERSON, Chairman of the Board, Association of Washington Business; NEALE V. CHANEY, Chairman, Washington State Democratic Committee; EARL DAVENPORT, Chairman, Washington State Republican Committee; J. ALAN DUNCAN, Chairman, Advisory Council on Vocational Education; JOE DAVIS, President, Washington State Labor Council, AFL-CIO.

The Law as it now exists:

In 1967, all public community colleges in this state were transferred from the control of local school districts to the state board for community colleges and various community college district boards of trustees. Accordingly, the acquisition, construction and improvement of community college facilities is now a state function. Like other state buildings and related improvements, one source of funding for these facilities is the issuance of state general obligation bonds.

At its 1972 special session, the legislature enacted a law providing for the issuance of state general obligation bonds in an amount up to $50,000,000 to provide funds for the acquisition, construction and improvement of such community college facilities. Under the state constitutional debt limitation, however, this law cannot take effect until it has been referred to and approved by the people at a general election.

Effect of Ref. Bill No. 31 if approved into Law:

If approved, this act will authorize the issuance and sale of the general obligation bonds described above at any time prior to January 1, 1980. However, these bonds will be offered for sale during this period only after the legislature has made an appropriation of the proceeds of the bonds to be sold. No appropriation of these proceeds for the current (1971-73) biennium is made by the act.

When the bonds are sold the funds derived therefrom will be administered by the state board for community colleges. If this act is approved, the board will be required to submit to the governor for the 1973 legislature a list of projects to be financed with these bonds during a six-year period from 1973 to 1979.

The act provides for payment of these bonds from a portion of the proceeds of the state retail sales tax and from such other sources as may be authorized by the legislature. In addition, it provides that the bonds shall pledge the full faith and credit of the state for payment of the principal and interest thereon when due.

NOTE: Ballot title and the above explanatory comment were written by the Attorney General as required by state law. Complete text of Referendum Bill No. 31 starts on Page 81.

Statement against

No member of the 1972 Legislature could be enlisted by the Speaker, House of Representatives, or by the President, State Senate, to write a statement against Referendum Bill No. 31 for publication in this pamphlet.

Initiative Measure 40

To the Legislature

NOTE: New special toll-free telephone service offered to voters requesting in-depth information on state measures. See page 5 for details.

Litter Control Act

AN ACT regulating litter disposal; directing the Department of Ecology to administer its provisions and to promulgate necessary rules and regulations; establishing an ecology patrol with powers of enforcement; providing penalties and fines for littering; stating that littering from a moving vehicle is a moving violation; requiring litter receptacles marked with antilitter symbols or logos to be placed in designated public places; and providing that administration of the act shall be financed in substantial part by assessments levied against manufacturers, wholesalers and retailers of goods, containers or wrappers which are reasonably related to the litter problem.

Statement for

Special Statement By Sponsors

The Washington Committee To Stop Litter, sponsors of the Washington Model Litter Control Act wholeheartedly support the changes made in the original Act by the legislature and recommend that the voters of Washington vote FOR Alternative Number 40B.

We believe that the changes made by the 1971 legislature have resulted in a stronger and more realistic law. The Model Litter Control Act has been in effect for more than a year and has firmly established Washington as the nation's leader in preventive litter control.

We urge voters to support Alternative Number 40B.

RONALD A. MURPHY, Chairman
Washington Committee to Stop Litter

The Law as it now exists:

At the present time, a state-wide anti-litter program is provided for by a law which was passed by the 1971 legislature. This law was enacted as an alternative to a proposed anti-litter law which had been submitted to the legislature as Initiative Measure 40 under the provisions of our state constitution. In enacting this law the legislature placed it into immediate effect. However, the legislature further provided, as is required by the constitution, that this measure would be submitted to the voters at the 1972 general election as an alternative to Initiative Measure 40 and would remain in effect thereafter only if approved at that election.

This legislative alternative is now designated as Alternative Measure 40B, and is explained on the next two pages of this voters' pamphlet. Under the constitution, all voters will have an opportunity:

(1) To vote, first on the question of whether either Initiative Measure 40 or Alternative Measure 40B or neither one should thereafter be effective; and then

(2) To vote their preference as between the two measures. Even if a person first votes against both measures, he will still be able to vote a second time in order to indicate which of the two he feels is least objectionable.

If both measures are rejected, the legislature's enactment, Alternative Measure 40B, will cease to be effective and the only state laws regulating litter will be those which were in effect prior to its passage. Principal among these prior laws was a criminal statute which made it a misdemeanor to litter highways and roads, to discard wastes on public or private property or in state waters, and to throw debris from a moving vehicle. Violators of this law were subject to a minimum fine of $100 or bail forfeiture.

Effect of Initiative No. 40 if approved into Law:

Initiative Measure 40, if approved by the voters in the manner above described, would replace the presently effective provisions of Alternative Measure 40B. In many respects these measures are quite similar. The principal differences between them will be noted in the discussion of the legislature's alternative measure on the next two pages of this pamphlet.

This initiative measure would make the state department of ecology responsible for administering a coordinated state-wide program of litter control and removal. The program would include the adoption of regulations specifying where litter receptacles must be placed, requiring reasonable uniformity of receptacles and directing the placement of a state anti-litter symbol together with a statement of littering penalties on all receptacles.

In addition, this initiative would repeal the preexisting criminal penalties for littering and would substitute a new set of penalties and fines for violations. These fines in no case would be less than $10 per offense. Littering from a moving vehicle would be made a moving traffic violation.

Enforcement would be handled by a state ecology patrol, averaging forty members, in addition to present state and local law enforcement officials. The program would be financed by an annual tax assessment against manufacturers, wholesalers and retailers whose products, including packages, wrappers and containers, are reasonably related to the litter problem.

NOTE: Ballot title and the above explanatory comment were written by the Attorney General as required by state law. Complete text of Initiative Measure No. 40 starts on Page 82.

Statement against

This initiative, filed with the Secretary of State just prior to the 1971 legislative session, indicated a commendable desire on the part of industry and of citizens generally to take positive action with regard to the problem of littering.

Many concerned people including the original sponsors, felt that the Initiative had a number of significant weaknesses. They wished to correct these shortcomings while preserving the very worth-while concept of litter control.

Legislature cannot amend an initiative to the legislature.

Since the state constitution does not permit the legislature to change or amend this type of initiative, the sponsors felt that the best procedure would be to develop an alternate measure. This was done.

The advantages of Alternate Measure 40B over Initiative 40 will be explained under the proper heading in this pamphlet (see page 30).

Alternate Measure No. 40B is better legislation.

Briefly, opposition of Initiative 40 and support for Alternate Measure 40B is due to the simple fact that the alternate measure is acknowledged to be much improved legislation. It has now been in effect for some time; it deserves public approval.

For these reasons, the sponsors and the committee members are requesting voters to indicate their preference for Alternate Measure No. 40B.

Committee appointed to compose statement **AGAINST** *Initiative Measure No. 40:*

DAMON R. CANFIELD, State Senator and JAMES P. KUEHNLE, State Representative.

Alternative Measure 40B

Chapter 307, Laws of 1971
(42nd Leg., 1st Ex. Session)

NOTE: New special toll-free telephone service offered to voters requesting in-depth information on state measures. See page 5 for details.

Providing Litter Control

AN ACT regulating litter disposal; directing the Department of Ecology to administer its provisions and to promulgate necessary regulations; authorizing the Director to designate departmental employees to enforce the act in addition to other law enforcement officers; providing penalties and fines for littering; requiring litter receptacles marked with anti-litter symbols to be placed in designated public places; establishing a litter control account in the general fund; and providing that administration of the act shall be financed in substantial part by assessments levied against manufacturers, wholesalers and retailers of goods, containers or wrappers which are reasonably related to the litter problem.

Vote cast by members of the 1971 Legislature on final passage:
SENATE: (49 members) Yeas, 35; Nays, 0; Absent or not voting, 14.
HOUSE:—(99 members) Yeas, 89; Nays, 9; Absent or not voting, 1.

Statement for

What is Alternative Measure 40B?

It is a "Model Litter Control Act," to help create a cleaner environment. It is already in effect and working.

What does it provide?

It encourages litter control, by

(a) regulating disposal of litter on public and private lands and waters;

(b) providing for litter receptacles; their design, placement, and use;

(c) encouraging, organizing, and coordinating litter control campaigns;

(d) designating officials who actively cooperate with other enforcement personnel;

(e) carrying on education and research relative to litter control;

(f) providing for financing by businesses whose products are reasonably related to littering;

(g) providing for litter bags in vehicles and boats;

(h) providing appropriate penalties.

Why should Alternative Measure 40B be approved over Initiative 40?

Initiative 40 has a number of weaknesses:

(1) It requires every affected dealer to print portions of the anti-litter law on every package and container sold. 40B removes this requirement.

(2) Initiative 40 automatically cites the driver of a vehicle if litter is discarded from the vehicle, even though by someone else and without the driver's knowledge. 40B cites the actual violator.

(3) Initiative 40 requires all state vehicles to carry anti-litter designs.

(4) Initiative 40 creates a new state bureaucracy—the "ecology patrol"—with power to arrest without warrant. 40B provides for practical coordination of all state and local enforcement agencies.

(5) Initiative 40 unnecessarily writes into law items such as wages, mileage, etc.

(6) Initiative 40 unfairly cites a citizen for any litter on his own private property.

(7) Initiative 40 requires portions of the law to be clearly posted in every hotel and motel room, and in a multitude of other places. 40B requires posting in commonly frequented public places.

(8) Initiative 40 provides for litter bags, but does not require that they be carried or used. 40B does.

Voters: Mark your ballot in favor of Alternative Measure 40B. It is better legislation for you and for the state.

Committee appointed to compose statement **FOR** *Alternative Measure No. 40B:*

DAMON R. CANFIELD, State Senator; ALAN THOMPSON, State Representative; RONALD E. MURPHY, Chairman, Washington Committee to Stop Litter.

The Law as it now exists:

At the present time, a state-wide anti-litter program is provided for by a law which was passed by the 1971 legislature. This law was enacted as an alternative to a proposed anti-litter law which had been submitted to the legislature as Initiative Measure 40 under the provisions of our state constitution and which is explained in the preceding two pages of this voters' pamphlet. In enacting this alternative measure, the legislature placed it into immediate effect. However, the legislature further provided, as is required by the constitution, that this law would be submitted to the voters at the 1972 general election as an alternative to Initiative Measure 40 and would remain in effect thereafter only if approved at that election.

This legislative enactment is now designated Alternative Measure 40B. Under the constitution, all voters will have an opportunity:

(1) To vote, first on the question of whether either Initiative Measure 40 or Alternative Measure 40B or neither one should thereafter be effective; and then

(2) To vote their preference as between the two measures. Even if a person votes against both measures, he will still be able to vote again to indicate which of the two he feels is least objectionable.

If both measures are rejected the legislature's enactment, Alternative Measure 40B, will cease to be effective and the only state laws regulating litter will be those which were in effect prior to its passage. Principal among these prior laws was a criminal statute which made it a misdemeanor to litter highways and roads, to discard wastes on public or private property or in state waters, and to throw debris from a moving vehicle. Violators of this law were subject to a minimum fine of $100 or bail forfeiture.

Effect of Alternative No. 40B if approved into Law:

Because Alternative Measure 40B is the 1971 legislature's anti-litter enactment, a vote for this measure will be a vote to continue the existing law in effect. In the main, the fines and penalties provided for under this law are the same as would be provided in Initiative Measure 40. However, Alternative Measure 40B adds a requirement that a litter bag, similar to a litter bag to be approved by the state be carried in motor vehicles and on water craft. Alternative Measure 40B does not make littering from a moving vehicle a moving violation.

This measure also gives the state department of ecology essentially the same administrative and rule-making responsibilities as would Initiative Measure 40, but it differs in its enforcement provisions. Enforcement under Alternative Measure 40B is, and would continue to be, handled by present state and local law enforcement officials—together with such employees of the department of ecology as are, from time to time, designated by the director.

The means of financing the anti-litter program provided for under Alternative Measure 40B are essentially the same as would be provided under Initiative Measure 40; i.e., an annual tax assessment against manufacturers, wholesalers and retailers whose products, including packages, wrappers and containers, are reasonably related to the litter problem.

NOTE: Ballot title and the above explanatory comment were written by the Attorney General as required by state law. Complete text of Alternative Measure No. 40B starts on Page 85.

Statement against

No member of the 1971 Legislature could be enlisted by the Speaker, House of Representatives, or by the President, State Senate, to write a statement against Alternative Measure No. 40B for publication in this pamphlet.

Initiative Measure 43

To the Legislature

NOTE: New special toll-free telephone service offered to voters requesting in-depth information on state measures. See page 5 for details.

Regulating Shoreline Use and Development

AN ACT relating to the use and development of salt and fresh water shoreline areas, including lands located within 500 feet of ordinary high tide or high water and certain wetlands; requiring the State Ecological Commission, with the advice of regional citizens councils, to adopt a state-wide regulatory plan for these areas; requiring cities and counties to adopt plans to regulate shoreline areas not covered by the state plan; requiring both local and state-wide plans to be based upon considerations of conservation, recreation, economic development and public access; and providing both civil and criminal remedies for violations of the act.

Statement for

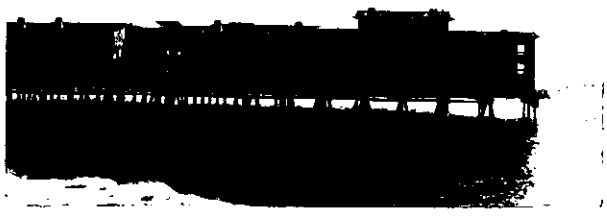
Initiative 43, the peoples' shorelines act, signed by 160,000 Washington citizens, will preserve our saltwater and freshwater shorelines for ourselves—and future generations.

Initiative 43 *will not* grant anyone access to your private property, confiscate or condemn private property, or discourage economic expansion. Initiative 43 *will* ensure that future shoreline development will be planned, with direct citizen participation, so that all private, commercial, industrial and recreational shoreline use will be in the best interest of all Washington residents.

The Future of Washington's Shorelines:

THIS?

OR THIS?



Committee appointed **FOR** *Initiative Measure No. 43:*

PETE FRANCIS, State Senator; GEORGE W. SCOTT, State Senator; WILLIAM "BILL" CHATALAS, State Representative.

Advisory Committee: THOS. O. WIMMER, Chairman, Initiative 43 Committee, Seattle; LEW BELL, Member and Former Chairman, Interagency Committee for Outdoor Recreation, Everett; JOHN F. FLETCHER, Richland Rod and Gun Club, Kennewick; BARBARA JACOBS, State Implementation Chairman, American Association of University Women, Moses Lake; DOROTHY MORRELL, 1971 Environmentalist of the Year, Washington Environmental Council, Bellevue. JOAN THOMAS, President, Washington Environmental Council, Seattle.

The Law as it now exists:

At the present time, a state-wide shoreline management program is provided for by a law entitled the "Shoreline Management Act of 1971" which was passed by the 1971 legislature. This law was enacted as an alternative to a proposed shoreline management law entitled the "Shoreline Protection Act" which had been submitted to the legislature as Initiative Measure 43 under the provisions of our state constitution. In enacting this law the legislature placed it into effect on June 1, 1971. However, the legislature further provided, as is required by the constitution, that this measure be submitted to the voters at the 1972 general election as an alternative to Initiative Measure 43 and would remain in effect thereafter only if approved at that election.

This legislative alternative is now designated as Alternative Measure 43B, and is explained on the next two pages of this voters' pamphlet. Under the constitution, all voters will have an opportunity:

(1) To vote, first on the question of whether either Initiative Measure 43 or Alternative Measure 43B or neither one should thereafter be effective; and then

(2) To vote their preference as between the two measures.

Even if a person first votes against both measures, he will still be able to vote a second time in order to indicate which of the two he feels is least objectionable.

If both measures are rejected, the legislature's enactment, Alternative Measure 43B, will cease to be effective and there will be no state-wide shoreline planning and regulatory law in effect in this state.

Effect of Initiative No. 43 if approved into Law:

Initiative Measure 43, if approved by the voters in the manner above described, would replace the presently effective provisions of Alternative Measure 43B.

This initiative would establish a planning and use regulation program for certain shoreline areas of the state. These areas would include the beds and water areas of all state marine waters and all streams and lakes within the state together with a 500 foot strip of adjacent areas extending landward from the line of ordinary high tide or water.

The administration of this act would be divided between local governments and the state department of ecology and ecological commission with primary responsibility being placed in these state agencies. The act would provide for state development and approval of comprehensive plans for all shoreline areas of the state (except lakes under 20 acres in size and streams that are nonnavigable for public use) within 36 months of its effective date. It also would provide for state administration of a permit system relating to various types of developments.

In developing comprehensive plans the department of ecology would be advised by seven or more regional citizens' councils each having a membership of more than 30. It would be the initial responsibility of local governments to enact legislation for the management and protection of the small lakes and streams not covered by comprehensive plans adopted by the state. In addition, under certain circumstances, local governments would be al-

(Continued on Page 108)

NOTE: Ballot title and the above explanatory comment were written by the Attorney General as required by state law. Complete text of Initiative Measure No. 43 starts on Page 88.

Statement against

Reasonable Supervision of Our Waters——YES

There is little disagreement relative to the need for some regulation of property abutting our states' sea shores, inland waterways, lakes and rivers. We all want to keep these waters as clean and pure as is reasonably possible. Some regulation may also be indicated to control the construction of buildings which might adversely affect adjoining property or docks and sea walls which constitute hazards to navigation. This type of reasonable, responsible legislation can and will be written following the defeat of both Initiative 43 and Alternative 43B.

More Super-Agencies and Dictatorial Powers———NO

Initiative 43 represents a "gigantic overkill" on the part of its well-meaning and concerned drafters. Passage of Initiative 43 would give to the Department of Ecology virtually dictatorial control over all lands within 500 feet of the high water level of essentially all bodies of water—lakes, rivers, and streams in this state. This 500 foot control zone, in the case of low land streams subject to flooding, would in some instances extend back several times 500 feet from the normal channel. Control zones would apply to small lakes and streams and even artificial reservoirs. A strict interpretation could create the 500 foot control zone around water storage reservoirs, private ponds and, yes, even private pools.

The construction of virtually any structure in excess of $100.00 valuation would be subject to permits from Olympia, public hearings, and waiting periods. Publication of 44 newspaper ads is required to give "reasonable public notice."

A new governmental monster would be created in the form of a State Shoreline Protection Division. Seven regional councils would be required with a minimum of 30 members on each. The power to reasonably regulate at the local level is shifted to Olympia—another step in the destruction of local government and another infringement on the rights of the taxpaying land owner.

VOTE AGAINST INITIATIVE 43

Committee appointed to compose statement **AGAINST** *Initiative Measure No. 43:*

JAMES P. KUEHNLE, State Representative, Spokane; CHARLES E. NEWSCHWANDER, State Senator.

Alternative Measure 43B

Chapter 286, Laws of 1971
(42nd Leg., 1st Ex. Session)

NOTE: New special toll-free telephone service offered to voters requesting in-depth information on state measures. See page 5 for details.

Legislative Alternative—Shoreline Management Act

AN ACT relating to the use and development of certain salt and fresh water shoreline areas including lands located within 200 feet of the ordinary high water mark and certain other adjacent designated wetlands; establishing an integrated program of shoreline management between state and local governments; requiring local governments, pursuant to guidelines established by the state department of ecology, to develop master programs for regulating shoreline uses and providing that if they do not the department will develop and adopt such programs; granting the state's consent to certain existing impairments of public navigational rights; and providing civil and criminal sanctions.

Vote cast by members of the 1971 Legislature on final passage:
SENATE: (49 members) Yeas, 38; Nays, 9; Absent or not voting, 2.
HOUSE: (99 members) Yeas, 90; Nays, 7; Absent or not voting, 2.

Statement for

Lakes, streams and marine waters are three of Washington's most valuable natural resources. Rapidly expanding recreational means, as well as increased agricultural, domestic and industrial demands for water, must be satisfied from a fixed natural supply. The economy of many areas is dependent upon the fate of water bodies and their shoreland. The Shoreline Management Act of 1971 calls for a planned rational development of our shorelines.

The Act Doesn't Prohibit Development

The goals of the Act are to coordinate land development, to encourage development which is compatible with shoreline resources, and to discourage development which is not.

Private Property Rights and Increased Recreational Opportunities

Your property remains your own and private. There is no local or state take-over of private land.

The Act recognizes the need to improve and make available public access to public shorelines for greater recreational opportunities.

State vs. Local

The principal difference between Initiative 43 and the Shorelines Management Act 43B, lies in the delegation of responsibility. Initiative 43 gives the State control while the City and County governments have the major role under 43B.

Local governments are more likely to formulate decisions and provide the flexibility necessary in resolving critical questions within their jurisdiction than State government. The Department of Ecology acts more as a supervisory and review agency maintaining consistency in the implementation of the Act.

Purpose of the Act

Uncontrolled development on shorelines may ultimately result in blighted recreational, agricultural and industrial areas. This Act attempts to meet these development problems in order to preserve our waters and shorelines for future generations.

Committee appointed to compose statement **FOR** *Alternative Measure No. 43B:*

WILLIAM A. GISSBERG (D), State Senator; AXEL C. JULIN (R), State Representative; AVERY GARRETT, Immediate Past President, Association of Washington Cities and Chairman, Shoreline Committee for 43B.

Advisory Committee: JOE DAVIS, President, Washington State Labor Council, AFL-CIO; LUKE WILLIAMS, JR., Chairman, Washington State Commission for Expo '74, Spokane, MRS. EVERETT GRIGGS, Tomolla Tree Farm, Graham; CLIFF ONSGARD, Chairman, Board of Yakima County Commissioners; C. W. DAVIDSON, Legislative Chairman, Northwest Marine Industries, c/o Davidson's Marina, Kenmore.

The Law as it now exists:

At the present time, a state-wide shoreline management program is provided for by a law entitled the "Shoreline Management Act of 1971" which was passed by the 1971 legislature. This law was enacted as an alternative to a proposed shoreline management law entitled the "Shoreline Protection Act" which has been submitted to the legislature as Initiative Measure 43 under the provisions of our state constitution and is explained in the preceding two pages of this voters' pamphlet. In enacting this alternative measure, the legislature placed it into effect on June 1, 1971. However, the legislature further provided, as is required by the constitution, that this law be submitted to the voters at the 1972 general election as an alternative to Initiative Measure 43 and would remain in effect thereafter only if approved at that election.

This legislative enactment is now designated Alternative Measure 43B. Under the constitution, all voters will have an opportunity:

(1) To vote, first on the question of whether either Initiative Measure 43 or Alternative Measure 43B or neither one should thereafter be effective; and then

(2) To vote their preference as between the two measures.

Even if a person first votes against both measures, he will still be able to vote again to indicate which of the two he least objects to.

If both measures are rejected, the legislature's enactment, Alternative Measure 43B, will cease to be effective and there will be no state-wide shoreline planning and regulatory law in effect in this state.

Effect of Alternative No. 43B if approved into Law:

Because Alternative Measure 43B is the 1971 legislature's shorelines management enactment, a vote for this measure will be a vote to continue the existing law in effect.

This measure established a planning and use regulation program for certain shoreline areas of the state. These include beds and water areas of all state marine waters, segments of streams having mean annual flows of more than 20 cubic feet per second, lakes of more than 20 surface acres, together with a 200 foot strip of adjacent areas (designated wetlands) extending landward from the ordinary high water mark, and other low lying areas.

The administration of the act is divided between local governments and the department of ecology. Primary responsibilities of the department of ecology include the preparation of guidelines for the development of master programs for shoreline use and the review and approval of such programs when submitted by local governments. The responsibilities of local governments include the preparation of such master programs and of inventories of the regulated areas together with the administration of a permit system pertaining to certain developments in the regulated areas. However, if a local government does not prepare this master program and inventory the department is responsible for their preparation.

The act prohibits surface drilling for oil in Puget Sound and the Straits of Juan de Fuca and adjacent uplands landward 1000 feet from the ordinary

(Continued on Page 108)

NOTE: Ballot title and the above explanatory comment were written by the Attorney General as required by state law. Complete text of Alternative Measure No. 43b starts on Page 93.

Statement against

Those of us who oppose Initiative 43B regard the measure only slightly preferable to Initiative 43. Although it is still a violation of private property rights it allows local officials to perform the function of permit issuing and enforcement subject to overruling by State authorities.

It is interesting to note that both of these ballot measures started out to be "Sea Coast Management" bills. Only when their intended effect was expanded to include the entire State of Washington did they get the designation "Shoreline Protection Bills".

The environmentalists managed to amend the bills until they included streams, rivers, lakes and even bodies which some of us would call puddles, plus adjacent areas in all directions (500 feet on 43 and 200 feet on 43B). With the voters' approval of either of these bills, bureaucracy will take over an area of personal rights that has been inherent since the founding of our Republic. In its present form it is "strip zoning" directed toward owners of ocean-lake-river-stream-or trickle property, restricting their rights to build on or do what they please with their own property. But in the future the so-called planners intend to recommend similar legislation for land use management for all land in the State. (Spokane Chronicle quoting commission member Francis Schadegg, April 28, 1972)

Voters should take a real hard look at this legislation. If they do, they will recognize it as one more attempt to take away more privileges of American citizenship. They should vote No! on both so-called shoreline bills and devote a reluctant designation of 43B as the least unpalatable of the two.

MOST IMPORTANT OF ALL, VOTE NO ON THE FIRST QUESTION ON THE BALLOT—WHICH WILL INDICATE OPPOSITION TO BOTH OF THESE PROPOSITIONS.

Committee appointed to compose statement **AGAINST** *Alternative Measure No. 43B.*

CARLTON A. GLADDER, State Representative; CHARLES E. NEWSCHWANDER, State Senator.

Initiative Measure 44

To the Legislature

NOTE: New special toll-free telephone service offered to voters requesting in-depth information on state measures. See page 5 for details.

Statutory Tax Limitation—20 Mills

AN ACT to limit tax levies on real and personal property by the state, and other taxing districts, except port and power districts, to an aggregate of twenty (20) mills on assessed valuation (50% of true and fair value), without a vote of the people; allowing the legislature to allocate or reallocate up to twenty (20) mills among the various taxing districts.

Statement for

Why Initiative 44?

The Washington Department of Revenue reports property taxes have increased from 204 million in 1961 to 622 million dollars in 1971. During this period assessed values increased from $3,447,126,000 to $14,539,898,000. Since assessed value has increased at a rate far in excess of the cost of living index, Initiative 44 sponsors seek to lower the rate of taxation by two mills. This reduction will save taxpayers $37 million annually assuming that assessors do not increase assessed value.

What Will Initiative 44 Accomplish

Initiative 44 is a clean property tax limit measure. There is no income tax provision contained in this initiative. The intent is to "hold the line" on property taxes until a responsible constitutional limitation is adopted.

Does Initiative 44 Help Renters

Property taxes constitute a substantial portion of the rent charged on all rental property. Existing federal rent controls permit rent increases to cover property tax increases. Renters as well as property owners face excessive property tax burdens under the existing state constitutional limits.

Confiscatory Property Taxes Must Be Curbed By Initiative 44

When property tax rates reach a point where the owner's resources are no longer adequate to pay them, the property is sold by the county and property owners lose their equity. This results in a stifling of jobs and growth for the community.

No Conflict Between SJR 1 and Initiative 44

Both are clean, no strings attached, property tax limit measures. Passage of both these measures will hold the line on basic property tax levies by limiting the basic tax rate to 1% of true and fair value. Passage of both is double insurance and is compatible. SJR 1, as a constitutional amendment, takes precedence over Initiative 44 and a long term basic limitation of 1% is assured. The increase in the basic rate and special levies can only be added to the tax bill by a vote of the people.

Committee appointed to compose statement **FOR** *Initiative 44:*

FRED H. DORE, State Senator; OTTO AMEN, State Representative; CARLTON A. GLADDER, State Representative.

Advisory Committee: LESTER P. JENKINS, Secretary, 40 Mill Tax Limit Committee; ERIC B. BERKELEY, Treasurer, 40 Mill Tax Limit Committee; ROBERT R. BEEZER, attorney; H. A. EVEREST, President, Washington Association of Realtors, Inc.; JACK SILVERS, Master, Washington State Grange.

The Law as it now exists:

The state constitution presently provides that the aggregate of all regular property tax levies on real and personal property imposed by the state and by all taxing districts except port and public utility districts shall not for any given year exceed forty mills (four percent) on the dollar of assessed valuation. Assessed valuation is defined in the constitution as meaning fifty percent of the true and fair value of the taxable property. Thus, in effect, the current constitutional limitation is equal to two percent of the true and fair value of the property.

However, although the legislature may not authorize the state or any of the taxing districts which are subject to this forty mill limit to levy regular property taxes in excess of this limitation without voter approval, it is permissible for a lower limitation to be established by statute. The current statutory limitation with respect to levies made in 1970 through 1972 is twenty-two mills on the dollar of assessed valuation, and for subsequent years it is twenty-one mills on this valuation—with "assessed valuation" continuing to mean fifty percent of the true and fair value of all taxable property.

This existing statutory limitation contains a further provision which contemplates the possible passage of a constitutional amendment (such as that which is proposed by SJR No. 1, as described on page 38 of this voter's pamphlet) reducing the constitutional limitation to one percent of true and fair value. In the event that such a constitutional amendment is approved, the present statutory limitation will be reduced to twenty mills on the dollar of assessed valuation with respect to levies made in years subsequent to such voter approval. This reduction in the maximum statutory millage will be accomplished by reducing the millage allocated to the state for public assistance, within the twenty mill limit, from two mills to one mill.

Effect of Initiative No. 44 if approved into Law:

This initiative, unlike SJR No. 1 noted above, would have no effect upon the present constitutional limitation upon regular property tax levies. However, it is designed to replace the existing statutory limitation, as above described, with a new limitation of twenty mills on the dollar of assessed valuation without voter approval. Like both the present constitutional and statutory limitations, this initiative would, however, have no application to port or public utility districts.

Allocation to the state and the various taxing districts of all millages falling within this twenty mill statutory limitation would be left to the legislature.

NOTE: Ballot title and the above explanatory comment were written by the Attorney General as required by state law. Complete text of Initiative Measure No. 44 starts on Page 100.

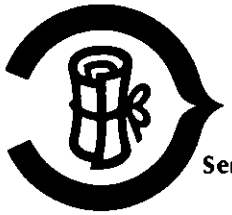
Statement against

No member of the 1971 Legislature or any responsible statewide organization could be enlisted to write a statement against Initiative Measure No. 44 for publication in this pamphlet.

Property Taxation—One Percent Limitation

Shall the state constitution be amended to replace the present forty mill limit upon those property taxes which are imposed without voter approval (in effect a limitation of two percent of the true and fair value of the taxable property) with a new provision under which the maximum allowable rate for such property taxes would be one percent of the true and fair value of the property?

Vote cast by members of the 1971 Legislature on final passage:
SENATE: (49 members) Yeas, 47; Nays, 0; Absent or not voting, 2.
HOUSE: (99 members) Yeas, 96; Nays, 0; Absent or not voting, 3.



SJR 1

Senate Joint Resolution

Proposed Constitutional Amendment

NOTE: New special toll-free telephone service offered to voters requesting in-depth information on state measures. See page 5 for details.

Statement for

SJR No. 1 Will Reduce Regular Property Taxes

Property taxpayers will save about $50 million per year on regular property levies if SJR No. 1 is approved by the voters in November. Under laws already enacted by the Legislature, which will be implemented if the people approve SJR No. 1, the property tax millage allocated to the state will be reduced from 4 mills to 1 mill. Two mills now levied by the state are eliminated and the third mill is transferred to school districts.

Present Constitutional Limit Inadequate

The present 40-mill limit on regular property tax levies is not adequate to protect property taxpayers from possible future increases. Actually, the effective current limit on regular property taxes is a legislatively enacted statutory limit of 22 mills. This limit could be increased to 40 mills by any future Legislature, without a vote of the people, unless SJR No. 1 is approved.

High Property Taxes Hardship On Many

Property taxes more than doubled in the five years between 1966 and 1971—increasing from $285.5 million levied for collection in 1966 to $622.9 million in 1971.

Property taxes have become an extreme burden on homeowners, farm operators, and businessmen. They have become a major hardship to the elderly and retired persons living on a fixed income. Ownership of property is a poor measure of ability to pay for governmental services.

Constitutional Limit of 1 Percent Best Way

Adoption of SJR No. 1 not only has the same effect as reducing the assessment ratio from 50% to 25%, but also is the best and most easily understood way to constitutionally limit regular property taxes to not more than 1% of true and fair value.

SJR No. 1 was enacted by an unanimous vote of both houses of the Legislature, but it must be approved by the people in November to become law.

Cast your vote on November 7 to protect your home, farm and business property from excessive taxation.

Committee appointed to compose statement **FOR** *Senate Joint Resolution 1:*

MARTIN J. DURKAN, State Senator; OTTO AMEN, State Representative; HORACE W. BOZARTH, State Representative.

Advisory Committee: EMMETT J. NIST, Chairman, Citizens for SJR-1%; JACK SILVERS, Master, Washington State Grange; ARNIE WEINMEISTER, President, Joint Council of Teamsters No. 28; H. A. EVEREST, President, Washington Association of Realtors, Inc., and C. DAVID GORDON, President, Association of Washington Business.

The Law as it now exists:

The state constitution presently provides that the aggregate of all regular property tax levies on real and personal property imposed by the state and by all taxing districts except port and public utility districts shall not for any given year exceed forty mills (four percent) on the dollar of assessed valuation. Assessed valuation, however, is defined in the constitution as meaning fifty percent of the true and fair value of the taxable property—thus, in effect, the constitutional current limitation is equal to two percent of the true and fair value of the property—although as explained on page 36 of this pamphlet in connection with Initiative 44, a lower statutory limitation of slightly more than one percent (twenty-two mills) is currently in effect.

In addition, the constitution presently permits the various taxing districts which are subject to this limitation to impose additional taxes ("excess levies") when authorized to do so by the voters, on either an annual basis for current expenses or on a long-term basis to fund general obligation bonds. In order for either type of excess levy to be imposed, the constitution presently requires that the following two conditions be met:

(1) The tax must be approved by at least sixty percent of the electors voting on the proposition to levy such additional tax; and

(2) The total number of persons voting on the proposition must constitute not less than forty percent of the total number of votes cast in the taxing district at its last preceding general election.

Effect of SJR No. 1 if approved into Law:

This proposed constitutional amendment would not alter the present provisions relating to voter approval of excess levies.* However, it would replace the present constitutional forty mill limit upon regular property tax levies (i.e., those which are imposed without voter authorization of excess levies), as above described, with a new constitutional limitation under which the maximum allowable rate of such regular property tax levies would be one percent of the true and fair value of all taxable property—rather than (in effect) two percent as under the present constitution.

*This aspect of SJR No. 1 should be contrasted with HJR No. 47, as described on page 48 of this voter's pamphlet.

NOTE: Ballot title and the above explanatory comment were written by the Attorney General as required by state law. Complete text of Senate Joint Resolution No. 1 starts on Page 101.

Statement against

Before any constitutional amendment can be submitted to the voters for decision, our state constitution requires that the proposal must first be approved by at least two-thirds of the members of each branch of the state legislature.

Senate Joint Resolution No. 1 was so approved by the 1971 Legislature and no member could be enlisted to write a statement against the measure for publication in this pamphlet.

SJR 5

Senate Joint Resolution

Proposed Constitutional Amendment

NOTE: New special toll-free telephone service offered to voters requesting in-depth information on state measures. See page 5 for details.

Permitting the Authorization of Lotteries

Shall Article II, section 24 of the state constitution be amended to repeal the present total prohibition against any lottery and to substitute a qualified prohibition which would allow lotteries of any sort to be conducted after there has been specific authorization by (1) an act of the legislature approved by sixty percent of the members of both houses or (2) an initiative or referendum approved by sixty percent of the electors voting thereon?

Vote cast by members of the 1971 Legislature on final passage:
SENATE: (49 members) Yeas, 43; Nays, 5; Absent or not voting, 1.
HOUSE: (99 members) Yeas, 80; Nays, 15; Absent or not voting, 4.

Statement for

The Need

In order to legalize bingo and raffles in this state—games which are very popular here and throughout the world—it is necessary to pass Senate Joint Resolution No. 5. Approval of this resolution will also clear the way for the legislature to consider a public benefit state lottery similar to those already in operation in several other states.

The Background

Bingo and raffles have recently been declared illegal by the state courts under the anti-lottery provision of the 1889 state constitution (Article II, section 24).

These games have been widely enjoyed by senior citizens, religious, veterans and fraternal groups as well as social, community, and country clubs and other nonprofit groups and have been of considerable financial benefit to them. It is safe to say that a great majority of the voters in this state have enjoyed these pastimes at one time or another.

The legislature has always had the constitutional power by majority vote to regulate gambling activities which involve an element of skill such as dominoes, poker, and other card games; but the anti-lottery provision of the state constitution has been construed by our highest court to prevent the legislature from authorizing any activity which does not involve a substantial amount of skill and does possess all three of the following elements: (1) prize, (2) chance, and (3) consideration.

In the social climate of 1972, the 1889 prohibition of lotteries is obsolete.

Great Protection Against Abuse

SJR 5 provides great protection against abuse by requiring a 60 percent vote of the members of each house of the legislature or, in case of authorization by the referendum or initiative, a 60 percent vote of the electors voting thereon. SJR 5 leaves the people at all times in full control.

Substantial Revenue

Indeed, with appropriate licensing, substantial revenue will be produced.

VOTE "YES" FOR SJR 5!

Committee appointed to compose statement **FOR** *Senate Joint Resolution No. 5:*

GORDON L. WALGREN, Sponsor and State Senator, 23rd Legislative District, Bremerton; JAMES P. KUEHNLE, State Representative, 4th Legislative District, Spokane; and ROBERT W. TWIGG, State Senator, 7th Legislative District, Spokane.

Advisory Committee: ALFRED J. SCHWEPPE, Attorney, Past President, Washington State Bar Association, Seattle; DR. A. E. GUNDERSON, Past Department Commander, Washington State American Legion, Auburn; JERRY McMANUS, Past State President, Washington State Aerie Fraternal Order of Eagles, Seattle; HAROLD G. WESTBY, State Deputy, Knights of Columbus, Washington State Council, Seattle; and JOE PATRICK, Past President, Washington State Elks Association, Wenatchee.

The Law as it now exists:

Article II, section 24 of the Washington constitution presently provides as follows:

"The legislature shall never authorize any lottery or grant any divorce."

This provision has been construed by the Washington supreme court as a total prohibition against the authorization of any lotteries in this state by the state legislature or by any municipal legislative body. A lottery has been defined by that court as any scheme or activity which does not involve a substantial amount of skill and does possess all three of the following elements: (1) Prize, (2) chance, and (3) consideration. Among the types of activities which possess each of these three elements are the game of bingo, as commonly played, slot machines, roulette, carnival games of chance, and the typical raffle or drawing for a door prize or award, if the participants are required to pay some form of valuable consideration in exchange for the right to participate.

Effect of SJR No. 5 if approved into Law:

This proposed constitutional amendment would repeal the present total prohibition against any sorts of lotteries and would substitute a qualified prohibition which would allow any activity which constitutes a lottery (such as those above listed) to be conducted in this state after there has been a specific authorization by either (1) an act of the legislature approved by sixty percent of the members of both houses or (2) an initiative or referendum approved by sixty percent of the electors voting thereon.

NOTE:—Ballot title and the above explanatory comment were written by the Attorney General as required by state law. Complete text of Senate Joint Resolution No. 5 starts on Page 102.

Statement against

GAMBLING: SJR 5 creates big problems in an attempt to solve little ones. Here's why:

No other State Legislature is Given the Constitutional Power that SJR 5 Proposes

Most state constitutions prohibit their legislatures from authorizing lotteries. A small number of constitutions give their legislatures regulatory powers over specific types of social gambling and parimutuel betting. SJR 5 does not guarantee that citizens will have an opportunity to vote on gambling issues.

Passing SJR 5 in order to Legalize Church Bingo is a Classic Case of Overkill

Many citizens favor legalizing limited social gambling for non-profit organizations. SJR 5 proposes that the legislature be given limitless power to authorize any or all types of gambling. If gambling is to be legalized, voters should pass judgment on specific proposals, not open-ended legislation.

SJR 5 will Open the Door to Professional Gamblers and Organized Crime

Wherever gambling activity exists, legally or illegally, professional gamblers and organized crime become involved. Legalizing gambling is the equivalent of legalizing organized crime. To authorize the legislature to legalize gambling would be to invite professional gamblers and organized crime to participate openly in the legislative process.

Legalized Gambling will not Relieve Tax Burdens

Gambling as a source of state taxes is highly overrated. Sweepstakes lotteries in eastern states are not producing as much tax revenue as expected. If legalized gambling in Washington became as extensive as in Nevada, and generated the same $41 million in taxes, it would only equal 1.9% of our state operating budget. Administration and policing of gambling activities would probably cost more than the revenues created.

SJR 5 is Not a Proposition to Authorize a State Lottery System

Despite the use of the term "lottery" SJR 5 does not simply authorize a state sweepstakes. If SJR 5 passes, the legislature will have the power to legalize all types of gambling including Las Vegas-type casinos.

Committee appointed to compose statement **AGAINST** *Senate Joint Resolution No. 5:*

GEORGE W. SCOTT, State Senator; KENNETH O. EIKENBERRY, State Representative; WILLIAM F. DEVIN, Chairman, Citizens Committee Against Senate Joint Resolution No. 5.

SJR 38

Senate Joint Resolution

Proposed Constitutional Amendment

NOTE: New special toll-free telephone service offered to voters requesting in-depth information on state measures. See page 5 for details.

Setting of County Officers' Salaries

Shall the state constitution be amended to allow the legislature to authorize boards of county commissioners and other county legislative authorities to set their own salaries and those of all other county officers, subject to the existing prohibition against mid-term pay increases for those officers who fix their own compensation?

Vote cast by members of the 1971 Legislature on final passage:
SENATE: (49 members) Yeas, 43; Nays, 0; Absent or not voting, 6.
HOUSE: (99 members) Yeas, 95; Nays, 3; Absent or not voting, 1.

Statement for

Vote For SJR 38 to Modernize County Government

In 1889, when the State Constitution was adopted, the duties of county elected officials were similar in every county. Consequently, the Constitution required the legislature to set the salaries. Although today the duties vary greatly from heavily populated urban counties to small rural counties, the Constitution still requires the salary of each elected county official to be set by the legislature (except in King County where home rule permits some local control).

SJR 38 Will Permit the Legislature to Place Responsibility for Setting Salary Levels on Officials Who Determine the Tax Levels

All county elected officials' salaries (except for one-half of the prosecuting attorney's salary) are paid by county revenues. The legislature sets the salary levels but the counties have to pay the bill. Certainly, if the voters can entrust their elected county commissioners to establish levels of taxation and to develop multimillion dollar budgets, these same county commissioners can and should be entrusted to establish appropriate salary levels for the county officials. Since county elected officials' responsibilities vary greatly, it is often difficult for legislators unfamiliar with the exact duties to set an appropriate salary level.

Who Is Affected by SJR 38?

SJR 38 could affect all elected county officials—auditors, assessors, clerks, commissioners, coroners, prosecuting attorneys, sheriffs and treasurers. The legislature, if SJR 38 passes, could permit the county commissioners to set the salaries of any or all of these officials. However, if the county commissioners were to authorize an increase for themselves, the increase, because of a Constitutional prohibition, could not take place during their current term of office. Thus, the voters would have a chance to express themselves on the size of salary increases when the commissioners seek re-election.

A Vote For SJR 38 is a Vote for Local Control and Increased Responsiveness to the Electorate

Committee appointed to compose statement **FOR** *Senate Joint Resolution No. 38:*

JAMES P. KUEHNLE, State Representative; JONATHAN WHETZEL, State Senator.

Advisory Committee: CHET GARDNER, Cowlitz County Commissioner; FRANK RANDALL, Kitsap County Commissioner.

The Law as it now exists:

The Washington state constitution now provides, in part, that the state legislature shall fix the compensation of all county officers, and of constables in cities having a population of five thousand and upwards. It also provides that public administrators, surveyors and coroners may or may not be salaried officers.

Effect of SJR No. 38 if approved into Law:

The last of the above-mentioned provisions would be deleted by this proposed constitutional amendment. In addition, this amendment would authorize the legislature to delegate to the legislative authorities of the various counties the power to set the salaries of their own members and the salaries of all other county officers. However, this authority would be subject to another existing constitutional prohibition against mid-term pay increases for those officers who fix their own compensation.

NOTE: Ballot title and the above explanatory comment were written by the Attorney General as required by state law. Complete text of Senate Joint Resolution No. 38 starts on Page 102.

Statement against

Before any constitutional amendment can be submitted to the voters for decision, our state constitution requires that the proposal must first be approved by at least two-thirds of the members of each branch of the state legislature.

Senate Joint Resolution No. 38 was so approved by the 1971 Legislature and no member could be enlisted to write a statement against the measure for publication in this pamphlet.

HJR 1

House Joint Resolution

Proposed Constitutional Amendment

NOTE: New special toll-free telephone service offered to voters requesting in-depth information on state measures. See page 5 for details.

Tax Exemptions-Periodic Review-Repeal

Shall the state constitution be amended to require periodic legislative review of all exemptions, deductions, exclusions from, or credits against any state or local taxes (except those concerning property held by religious organizations solely for religious or educational purposes) and to repeal automatically the statutory or constitutional provisions granting them unless such provisions are amended or reenacted by the legislature or (where necessary) reapproved by the people before March 1, 1977, and every tenth year thereafter?

Vote cast by members of the 1971 Legislature on final passage:
HOUSE: (99 members) Yeas, 69; Nays, 26; Absent or not voting, 4.
SENATE: (49 members) Yes, 34; Nays, 8; Absent or not voting, 7.

Statement for

Eliminate Preferential Tax Treatment For Special Interests—Vote YES HJR 1

HJR 1 is an opportunity for the voters to provide some real tax equity.

Washington State laws include over 200 sections on tax exemptions and other types of preferential tax treatment. A strong case can be made for many of these tax preferences. These will be re-enacted. For others the reasons for continuation may no longer exist. It is these unjustified loopholes that passage of HJR 1 will close. Passage will create more equity and spread the tax burden to include those who now enjoy unjustifiable tax loopholes.

Every agency and function of state government must directly justify their changing financial needs to the legislature with requests for appropriations.

Tax exemptions are indirect appropriations or subsidies given to a special interest showing a special need. Unfortunately when the need for special tax relief ceases, tax exemptions continue as tax loopholes.

Plug Tax Loopholes— Promote Tax Equity— Vote YES HJR 1

HJR 1 will require a systematic and orderly review of the changing need for tax exemptions and other tax preferences similar to the review required for state appropriations. This will eliminate tax loopholes.

Justified Exemptions for Charities, Hospitals, Schools, Elderly, Etc. To Be Retained— Vote Yes HJR 1

The real opponents of HJR 1 are those who receive significant benefit from tax loopholes which they enjoy and use to reduce their tax load. They will try to frighten voters into thinking an increased tax burden will be placed on the individual taxpayer, charities, schools, libraries, hospitals, the elderly, etc. Don't be deceived! The truth is that the opponents know the legislature will re-enact tax exemptions that are legitimate and can be justified and that their tax loopholes will not be re-enacted.

It should be the responsibility of the recipients of tax exemptions to periodically justify their continuing need for state assistance. When the need can no longer be justified the tax exemption should cease.

Reduce Taxes of Ordinary Taxpayer— Vote YES HJR 1

Remember, every dollar exempted by a tax loophole increases the burden on the remaining taxpayers. When the recipients of tax loopholes begin paying their fair share of taxes, the taxes for all other taxpayers will be reduced.

Committee appointed to compose statement **FOR** *House Joint Resolution No. 1:*

CHARLES MOON, State Representative, Snohomish; JOHN S. MURRAY, State Senator, Seattle; DAN VAN DYK, State Representative, Lynden.

Citizens Advisory Committee: JOCELYN H. MARCHISIO, President, League of Women Voters of Washington; KEN BUMGARNER, President, Washington Education Association; JACK ROGERS, Executive Secretary, Washington State Association of Counties; GLADYS BURNS, President, Washington Division, American Association University Women; AL LEONARD, Chairman, Washington State Jaycee's Tax Review Committee.

The Law as it now exists:

Under current law those tax exemptions, deductions and exclusions from or credits against state and local taxes which have been granted by statute or by the state constitution continue to be in effect indefinitely unless the statute or constitutional provision by which they are granted is repealed or appropriately amended by the legislature or by the people. Those exemptions, deductions, exclusions or credits which have been granted by statute may be repealed or amended either by the legislature or by the people through use of the initiative. Constitutionally granted tax exemptions, deductions, exclusions or credits may only be terminated by means of a constitutional amendment originating with the legislature and approved by the people.

Effect of HJR 1 if approved into Law:

This proposed constitutional amendment would add a new section to the constitution to require the legislature to review all statutory and constitutional tax exemptions, deductions, exclusions or credits (other than those concerning property held exclusively by religious organizations for educational or religious purposes) at least once every ten years. In the case of expressly granted statutory exemptions, deductions, exclusions or credits, the amendment would provide that if the statute is not amended or reenacted by the legislature within a prescribed time period, it will be repealed automatically. In the case of specific tax exemptions, deductions, exclusions or credits granted by the constitution, the amendment would provide that if the underlying constitutional provision is not amended or reenacted by the people within the specified time period, that constitutional provision would also be repealed automatically.

Both statutory and constitutional provisions would have to be so reviewed and approved prior to March 1, 1977, and before March 1 of every tenth year thereafter. This would mean, for example, that all existing tax provisions which are not amended or reapproved prior to March 1, 1977, would expire on that date; if they are amended, reenacted or reapproved prior to that date they would only continue in force under the same conditions until March 1, 1987, unless again amended, reenacted or reapproved. Thereafter, they would continue in force under the same conditions until March 1, 1997, etc.

NOTE: Ballot title and the above explanatory comment were written by the Attorney General as required by state law. Complete text of House Joint Resolution No. 1 starts on Page 103.

Statement against

Do You Want to Pay Some New Taxes?

Here are just some new taxes that YOU, the average citizen, could be paying should HJR 1 pass and YOUR exemptions in state and local taxes are wiped out:

> Property tax on your savings account, furniture, personal effects, life insurance—even on your cemetery plot!
> Sales tax on your rent or on bills from your doctor, hospital, dentist, barber, beautician, attorney, paper boy, etc.
> Inheritance and gift taxes; gasoline, business-& -occupation and use taxes—all are involved, to name only a few.

HJR 1 affects YOU, the taxpayer, as well as charities, businesses, schools, libraries, hospitals, nursing homes, colleges, labor unions, private and fraternal clubs, agriculture, credit unions, veterans organizations, cities and counties, fishermen, loggers, etc. The list is long. Senior citizens could be particularly hard hit.

Don't Be Deceived

On the surface HJR 1 sounds great. It calls for a "periodic review of all exemptions", which is commendable. But it also calls for AUTOMATIC EXPIRATION OF ALL EXEMPTIONS UNLESS THEY ARE RE-PASSED BY THE LEGISLATURE. By sitting on its hands the Legislature could create hundreds of millions of dollars in new taxes simply by not reenacting your expired exemptions!

Some groups might have the necessary political muscle to get their exemptions reinstated. DO YOU?

The Legislature Should Review All Exemptions

The Legislature should continually review all tax exemptions. They can do that NOW without HJR 1! Exemptions no longer justified should be repealed individually and not by wholesale elimination of them all. (That's like jailing everybody to apprehend all criminals and hoping the judge turns loose the innocent!)

Don't Raise Your Taxes!

This strange proposal asks you to grant new taxes by repealing all your exemptions! And to trust the Legislature to reenact the "GOOD" ones!

Repeal of an exemption is enactment of a tax! VOTE "NO" on HJR 1!

> (Don't confuse HJR 1, which increases taxes, with SJR 1, which limits regular levies on property to 1% of full value.)

Committee appointed to compose statement **AGAINST** *House Joint Resolution No. 1:*

CHARLES E. NEWSCHWANDER, State Senator; MARGARET HURLEY, State Representative; CHARLES W. HODDE, former Chairman, Washington State Tax Commission.

Advisory Committee: DR. R. FRANKLIN THOMPSON, Chairman, Committee Against Automatic Tax Increases! ("No" on HJR 1); JACK SILVERS, Master, Washington State Grange; R. MORT FRAYN, Seattle; JIM MATSON, State Senator, Selah; MRS. DAVID W. GAISER, Spokane.

HJR 21

House Joint Resolution

Proposed Constitutional Amendment

NOTE: New special toll-free telephone service offered to voters requesting in-depth information on state measures. See page 5 for details.

Allowing Combined County-City Governments

Shall the state constitution be amended to permit the people in any county by majority vote to create a combined "city-county" government through the adoption of a home rule charter under which other municipal corporations having such powers and duties as are prescribed in the charter could also be retained or established, if desired, and to set separate constitutional debt limitations for the "city-county" as thus created and for any new or retained municipal corporations?

Vote cast by members of the 1972 Legislature on final passage:
HOUSE: (99 members) Yeas, 94; Nays, 3; Absent or not voting, 2.
SENATE: (49 members) Yeas, 41; Nays, 0; Absent or not voting, 8.

Statement for

More Responsive and Efficient Local Government

By eliminating duplicate city and county administrations, HJR 21 permits the cost saving advantages and efficiency of a combined city-county (such as Denver). Moreover, HJR 21 also permits the retention of smaller and more responsive units of government such as certain cities or special districts within the larger city-county unit if the electorate wishes to retain them.

HJR 21 Is Enabling Only

To create a combined city-county there must be two elections: first, for freeholders to frame a charter and second, for adoption of the charter.

Extend the 1948 Constitutional Provision

This provision which first authorized combined city-county government has not yet been used, partly because of the 300,000 population requirement. HJR 21 will permit all counties, including some of the smaller ones with serious financial problems, to initiate combined city-county government as an economy measure.

Limitation on Municipal Debts Payable From Property Taxes

HJR 21 would authorize a city-county to have the debt limits presently permitted in the Constitution for the overlapping municipal corporations existing now, such as the county, cities, fire and other special districts. The maximum could not exceed the present Constitutional maximum on property within any city today.

More Effective Local Government

Voters within a portion of a combined city-county would be permitted to adopt bond issues for local improvements such as local parks without requiring the entire county to vote and pay for such local items and without having to put together a major county-wide effort to pass many local projects in one election package.

Retention of Existing Units of Government

Recognizing that smaller units of government possess many advantages, HJR 21 permits the freeholders to retain in the charter such cities or port, fire, water, sewer and other special purpose districts as seem necessary and desirable. School districts are not affected by HJR 21.

No New Tax Source

HJR 21 does not authorize an income tax or any other new tax source for a combined city-county.

Committee appointed to compose statement **FOR** *House Joint Resolution No. 21:*

SCOTT BLAIR, State Representative; BOOTH GARDNER, State Senator; JONATHAN WHETZEL, State Senator.

Advisory Committee: JAMES ELLIS, former President, Municipal League of Seattle and King County; JACK GERAGHTY, former Spokane County Commissioner; JOHN SPELLMAN, King County Executive; WES UHLMAN, Mayor of Seattle; MRS. JO YOUNT, President, Puget Sound Leagues of Women Voters.

The Law as it now exists:

Amendment 23 to the state constitution, approved in 1948, authorized the legislature to provide for the formation of combined city and county municipal corporations, but only in those areas which would result in a combined city-county containing a population of at least 300,000 inhabitants. Such a combined city-county municipal corporation, if formed, would constitute a single municipal corporation for the purposes of measuring its limitation upon indebtedness under Article VIII, § 6 of the constitution. This limitation is one and one-half percent of the taxable value of the property located within the municipality without approval of the voters; a maximum of five percent of such value for general governmental purposes with voter approval; and an additional five percent of such value for utility purposes with voter approval.

Because of the existence of overlapping municipal corporations in most areas of the state (such as counties, cities, fire protection districts, and the like) this present limitation is, in the aggregate, much lower than the combined debt limitations of all municipalities occupying a given area. For this reason, in part, no combined city and county municipal corporation has ever been formed under the present provision.

Effect of HJR 21 if approved into Law:

This proposal would amend the 1948 constitutional provision with the following principal results: (1) It would allow the formation of a city-county government in any county, regardless of population, upon approval of a "home rule" charter by a majority of the voters of such county voting on the proposition; and (2) it would authorize the retention or establishment of other municipal corporations within the city-county with such powers and duties as are prescribed in the charter. Any municipal corporation so retained or established would have a constitutional debt limit separate and apart from the debt limitation governing the combined city-county government—in the same manner as separate municipal corporations have separate debt limitations now.

The debt limitation for a combined city-county government without voter approval would be three percent of the taxable value of the property located within its limits; a maximum of ten percent of such value for general governmental purposes with voter approval; and an additional five percent of such value for water, light and sewer purposes with voter approval—or the substantial equivalent of the present combined limitations of a given city and the county in which it is located.

The separate debt limitation for any retained or established municipal corporation would be the same as at present; i.e., one and one-half percent of the taxable value of the property located therein without voter approval; a maximum of five percent of such value for general governmental purposes with voter approval; and an additional five percent for water, light and sewer purposes with voter approval.

NOTE: Ballot title and the above explanatory comment were written by the Attorney General as required by state law. Complete text of House Joint Resolution No. 21 starts on Page 103.

Statement against

HJR 21 Should be Defeated!

This measure provides authority for the creation of county-wide "super governments" which would do away with city and town government as we now know it. County councils or county commissioners would provide all government control, even over existing basic city and town functions.

Once created such super government agencies could be dissolved or changed only with extreme difficulty.

HJR 21 would permit creation of government entities that could apply taxes unequally within their jurisdiction: high in some areas, lower in others.

A city-county government formed under authority of HJR 21 could classify personal income as property. In this case your "property taxes" could include a tax of up to 2% on your personal income!

The combined city-county governments could control and manage all local government affairs, absorbing the functions of cities, towns, school districts, ports, public utility districts, and other local government bodies.

Tax equality and local government should be preserved. The biggest government is not necessarily the best government! If combined city-counties are created under the authority of HJR 21, government will be further removed from the people. The participation by the citizen in daily governmental affairs could be diminished.

HJR 21 WOULD ALLOW CREATION OF SUPER GOVERNMENT WHICH

COULD ALLOW A TAX ON PERSONAL INCOME!

WOULD ALLOW UNEQUAL TAXATION!

COULD DO AWAY WITH CITY AND TOWN GOVERNMENTS!

COULD ABOLISH SCHOOL DISTRICTS, PORTS, PUBLIC UTILITY DISTRICTS AND OTHER LOCAL BODIES!

HJR 21 Should be Defeated!

Committee appointed to compose statement **AGAINST** *House Joint Resolution No. 21:*

DON TALLEY, State Senator; MARGARET HURLEY, State Representative; R. TED BOTTIGER, State Representative.

Advisory Committee: STANLEY P. KERSEY, Mayor, City of Auburn; GEORGE J. MANOS, Secretary-Treasurer, Washington State District Council of Printing Pressmen, Seattle; PETER ZUANICH, Past President, Washington Public Ports Association.

HJR 47

House Joint Resolution

Proposed Constitutional Amendment

NOTE: New special toll-free telephone service offered to voters requesting in-depth information on state measures. See page 5 for details.

Changing Excess Levy Election Formula

Shall the formula governing certain excess property tax levies approved by sixty percent of the voters be changed so the election authorizing the levy will be valid either—

(1) if (as now) the total of all votes cast on the proposition is at least forty percent of the number cast at the taxing district's last general election; or

(2) if the total of "yes" votes is at least three-fifths of forty percent of that number of votes?

Vote cast by members of the 1971 Legislature on final passage:
HOUSE: (99 members) Yeas, 91; Nays, 3; Absent or not voting, 5.
SENATE: (49 members) Yeas, 33; Nays, 3; Absent or not voting, 13.

Statement for

Present System Unfairly Favors Non-Voting Opponents

It should not be possible to directly affect the outcome of an election by staying at home. And yet you can today because of constitutional requirements relating to special levy elections.

HJR 47 would change this for annual special levies designed to meet current expenses, most notably for school district maintenance and operation. Presently one condition necessary for passage of such a levy is that a minimum number of persons must vote on the levy proposition. That minimum is forty percent of the total number of persons voting in the previous General Election. HJR 47 would continue to require the same minimum number of "yes" votes, but would remove the minimum total vote requirement.

60% Approval Still Required

It is important to note what HJR 47 does not change as well. The sixty percent "yes" vote will still be required for passage of the levy.

40% Rule Leads to Needless Second Election

The approval of HJR 47 would also save the cost of additional elections. In 1970, for instance, a total of seven special school levies failed the first election for lack of the forty percent, all passed when resubmitted. In 1971 the figure was seventeen, and again all passed on the second try. Of these twenty-four, only in three instances was the levy amount lowered for the second election, and in one case the amount was increased. The twenty-four additional elections cost hundreds of thousands of dollars.

Voters Will Decide Fate of the Measures

In summary we urge a "yes" vote on HJR 47. Its passage can mean avoidance of the needless financial burden of second levy elections. But most important it will help provide for the passage or failure of a levy based on the merits of the proposed levy itself rather than on the number of people who simply stay home on election day.

Committee appointed to compose statement **FOR** *House Joint Resolution No. 47:*

PAUL KRAABEL, State Representative; JONATHAN WHETZEL, State Senator; MR. RICHARD R. ALBRECHT, Shoreline School District.

Advisory Committee: MR. PETER LESOURD, Seattle; MRS. FRED C. FENSKE, JR., Spokane; MR. L. H. PEDERSEN, Tacoma; MR. JOHN L. HAGENSEN, Vancouver.

The Law as it now exists:

Amendment 17 of the state constitution (commonly referred to as the forty mill limit) restricts the aggregate of property tax levies to forty mills on the dollar of assessed valuation unless the voters of a taxing district have authorized levies in excess of that limit. Excess levies may be authorized by the voters on either an annual basis for current expenses of the taxing district or on a long-term basis to fund general obligation bonds. In order for either type of excess levy to be imposed the following two conditions must be met:

(1) The tax must be approved by at least sixty percent of the electors voting on the proposition to levy such additional tax; and

(2) the total number of persons voting on the proposition must constitute not less than forty percent of the total number of votes cast in the taxing district at its last preceding general election.

Effect of HJR No. 47 if approved into Law:

This proposed constitutional amendment would retain the requirement that an excess levy proposition be approved by at least sixty percent of the electors voting thereon. However, in the case of annual excess property tax levy elections only (but not long-term excess levies for the funding of general obligation bonds) the proposed amendment would provide that the election would be valid either—

(1) if (as now) the total number of all votes cast on the proposition is not less than forty percent of the number cast at the district's last preceding election;

(2) if, where the total number of votes cast on the proposition is less than forty percent of the number cast at the district's last preceding general election, the total number of "yes" votes is, nevertheless, equal to at least three-fifths of forty percent (i.e., twenty-four percent) of the number of votes cast at the district's last general election.

By thus providing for this second, or alternative, method of validating an election held by a taxing district to obtain voter approval of an excess levy for current expenses, this proposed amendment would withdraw the present ability of voters who are opposed to a levy proposition to defeat it by declining to vote on the opposed measure at all.

NOTE:—Ballot title and the above explanatory comment were written by the Attorney General as required by state law. Complete text of House Joint Resolution No. 47 starts on Page 104.

Statement against

Before any constitutional amendment can be submitted to the voters for decision, our state constitution requires that the proposal must first be approved by at least two-thirds of the members of each branch of the state legislature.

House Joint Resolution No. 47 was so approved by the 1971 Legislature and no member could be enlisted to write a statement against the measure for publication in this pamphlet.

HJR 52

House Joint Resolution

Proposed Constitutional Amendment

NOTE: New special toll-free telephone service offered to voters requesting in-depth information on state measures. See page 5 for details.

Changing Constitutional Debt Limitation Formula

Shall the present $400,000 limitation upon certain state debts incurred without voter approval be replaced with a limitation allowing those debts covered by the amendment only if—

(1) their aggregate amount will not require annual principal and interest payments to exceed 9% of the average amount of general state revenues for the three immediately preceding fiscal years; and

(2) the laws authorizing such debts are approved by a three-fifths majority of both houses of the legislature?

Vote cast by members of the 1971 Legislature on final passage:
HOUSE: (99 members) Yeas, 98; Nays, 0; Absent or not voting, 1.
SENATE: (49 members) Yeas, 44; Nays, 3; Absent or not voting, 2.

Statement for

This proposed limitation on State indebtedness was prepared by a state-wide committee appointed by the State Finance Committee—the Governor, Lieutenant Governor and Treasurer. The goals of the committee were to reduce the interest costs of future bonding and to restrict the legislature's ability to incur State debt without the approval of the voters.

The Existing Limitation Does Not Require Voter Approval

The present $400,000 constitutional debt ceiling, established in 1889, has been virtually meaningless since 1949 when the Supreme Court ruled that state bonds, repaid by **excise** taxes, were not "state debt." Although the Court reversed this decision in 1963, the voters approved, in 1968, a constitutional amendment permitting the legislature, through the State Building Authority, to incur an unlimited amount of general purpose debt without voter approval.

GENERAL STATE DEBT AUTHORIZED 1949-1972

	Legislatively Approved	*Voter Approved*	*Total*
1949-1964	$371.5 Million	$ 99.6 Million	$471.1 Million
1965-1969	——	184.7 Million	184.7 Million
1970-1972	70.0 Million	——	70.0 Million
Total	$441.5 Million	$284.3 Million	$725.8 Million

It is obvious that the present $400,000 limit has not been effective.

Total Annual Principal and Interest Cannot Exceed 9% of Tax Receipts

The new limitation restricts the amount of debt which the legislature may authorize, without referring to the voters, to a specific proportion of the cash flow from general taxes. Annual debt service (principal and interest) for all existing and new general purpose bonds, so authorized by the legislature, cannot exceed 9% of the average of all general taxes received by the State during each of the three preceding years.

60% Majority of Legislature Must Approve Bonds

All bonds not referred to the voters must be approved by a 60% majority of the elected members of each house of the legislature.

Taxpayers Will Save $50 Million

Future bonds may be backed by the full faith and credit of the State, thereby permitting lower interest rates. The Committee estimates that state taxpayers will save approximately $50 million in interest costs on future bonds.

Committee appointed to compose statement **FOR** *House Joint Resolution No. 52.*

FRANCIS E. HOLMAN, State Senator; A. J. PARDINI, State Representative; CHARLES T. DONWORTH, Judge, State Supreme Court (Retired).

The Law as it now exists:

Article VIII, § 1 of the state constitution now limits general state indebtedness to an aggregate sum of $400,000. There are, however, numerous exceptions to this limitation, including debts payable only out of certain funds, revenue obligations, debts incurred to suppress insurrection, or to defend the state in war, and debts incurred with the approval of the voters.

In addition, pursuant to a constitutional amendment adopted in 1968, an agency known as the state building authority is permitted, without voter approval, to issue bonds without limitation as to amount for the purpose of buying land and/or constructing buildings or other improvements for the state, its agencies, or departments. Such bonds are paid from the operating revenues of the building authority.

In all cases under the present debt limitation provisions where debts may be incurred by an act of the legislature without voter approval, this act need only be passed by a simple majority of both houses of the legislature.

Effect of HJR No. 52 if approved into Law:

This proposed constitutional amendment would not affect the authority of the legislature to provide for debts to suppress insurrection or to defend the state in war by a simple majority vote without submitting the proposition to the voters for their approval. It would, however, replace the existing $400,000 state constitutional debt limitation covering other general obligations incurred without voter approval with a new provision. This new provision would allow the legislature to authorize such indebtedness as would be governed by the amendment only by a three-fifths majority vote in both houses. In addition, such indebtedness could only be authorized by the legislature to the extent that the aggregate of all such debts (exclusive of certain limited obligation, debts to pay current expenses, and refunding obligations) would not require annual debt service payment (i.e., principal and interest) to exceed nine percent of the average amount of general state revenues for the period of three fiscal years immediately preceding the contracting of the particular debt. In addition, the amendment would have the effect of barring the state building authority from incurring any further debts by prohibiting any state funds in the custody of the state treasurer from being disbursed with respect to any such future building authority debt.

NOTE: Ballot title and the above explanatory comment were written by the Attorney General as required by state law. Complete text of House Joint Resolution No. 52 starts on Page 105.

Statement against

Before any constitutional amendment can be submitted to the voters for decision, our state constitution requires that the proposal must first be approved by at least two-thirds of the members of each branch of the state legislature.

House Joint Resolution No. 52 was so approved by the 1971 Legislature and no member could be enlisted to write a statement against the measure for publication in this pamphlet.

HJR 61

House Joint Resolution

Proposed Constitutional Amendment

NOTE: New special toll-free telephone service offered to voters requesting in-depth information on state measures. See page 5 for details.

Sex equality—Rights and responsibilities

Shall a new article be added to the state constitution to provide that equality of rights and responsibilities under the law shall not be denied or abridged on account of sex, and to authorize the legislature to enforce this provision by the enactment of appropriate legislation?

Vote cast by members of the 1972 Legislature on final passage:
HOUSE:—(99 members) Yeas, 96; Nays, 3; Absent or not voting, 0.
SENATE:—(49 members) Yeas, 36; Nays, 13; Absent or not voting, 0.

Statement for

What is the Basic Principle of the Era?

It is that both sexes be treated equally under the law. The State could not pass or enforce any law which places a legal obligation, or confers a special legal privilege on one sex but not the other.

How Would It Affect Our State Laws?

Laws which render benefits to one sex could in most cases be retained, and extended to everyone. Laws which restrict and deny rights to one sex would be eliminated. Special labor laws originally enacted to protect women, but which now have the effect of handicapping them when they compete in the labor force would be dropped. (Regulations, now reserved only for women, which are determined to be of general human benefit could be extended to everyone.) Present laws which allow discrimination in the extension of credit, the issuance of insurance, and granting of mortgages solely on the basis of sex could be successfully challenged. Educational requirements based on sex would either be eliminated or applied to both sexes.

Does This Mean an End to All Sexually Segregated Facilities?

No. Supreme Court decisions guarantee the right to privacy in situations involving sleeping, disrobing, or performing bodily functions. For example, restrooms, hospital wards and lingerie departments could remain segregated.

What will the Era do to Family Life?

It will have no effect on private life. The amendment is only concerned with what happens "under the law". Custody and child support would no longer be based essentially on sex but on a spouse's ability to provide a proper environment and financial support.

Is This a Women's Rights Amendment?

No, nor does it protect just a minority. It protects the rights of all persons not to have the law discriminate against them solely on the basis of sex.

Committee appointed to compose statement **FOR** *House Joint Resolution No. 61:*

PETER D. FRANCIS, State Senator; LOIS NORTH, State Representative; and A. J. PARDINI, State Representative.

Advisory Committee: MRS. R. E. MARCHISIO, President League of Women Voters of Washington; W. J. OLWELL, President Retail Clerks 1001; GLADYS BURNS, President American Association of University Women in Washington State; REV. EVERETT J. JENSEN, General Secretary, Washington State Council of Churches; and BETTY B. FLETCHER, President Seattle-King County Bar Association.

The Law as it now exists:

Both the present federal and state constitutions contain general prohibitions (commonly referred to as "equal protection" clauses) against governmental actions which discriminate among persons or classes of persons without a reasonable basis. It is presently permissible under these provisions, in some instances, to base legal classifications of persons solely upon sex; for example, laws applicable to women only which limit the maximum number of hours per day which may be worked in certain industries have been held by the courts to be constitutional. The only area in which there is now an explicit constitutional prohibition against the legal classification of persons solely on the basis of sex is that of voting, under the 19th Amendment to the United States Constitution (women's suffrage) which was adopted in 1920.

Effect of HJR No. 61 if approved into Law:

This proposed amendment would add to the Washington State Constitution the principle that sex is not a permissible factor to be considered in determining the legal rights or responsibilities of women or of men. The amendment would apply to acts done under authority of law, but not to the private conduct of persons. Thus, state and local government could not treat persons differently because they are of one sex or the other. Individual persons acting in their private capacities would, however, not be prohibited by the amendment from making distinctions and expressing preferences between other persons because of their sex.

NOTE: Ballot title and the above explanatory comment were written by the Attorney General as required by state law. Complete text of House Joint Resolution No. 61 starts on Page 107.

Statement against

There is widespread agreement on granting equal rights, status and opportunity to women in areas where they do not now exist. Women should have equal employment opportunity, equal pay for equal work, and equal credit consideration. The controversy arises in how these can best be realized without destroying certain preferential treatment rightfully extended to women.

HJR 61 is a constitutional amendment requiring that NO distinction be made between men and women. This is the wrong solution, going far beyond the intent of the sponsors. Needed changes should be made by law, not by a broad over-reaching constitutional amendment.

Passage of HJR 61 would remove all preferential consideration presently extended to women in our society. A vast legal framework of distinction between the sexes has been built up through the years; this must be carefully modified to preserve what is good and proper while eliminating that which is unfair or unwise. HJR 61 would destroy it wholesale and result in legal chaos.

HJR 61 would establish rules in our society which were not intended and which the citizenry simply could not support. Examples are numerous:

(1) Preferential insurance rates for women would be eliminated—auto insurance, health and accident benefits, life insurance;

(2) Women can and should participate in sports; however, it is absolutely ridiculous to have girls compete with boys on the high school wrestling team. Under HJR 61, segregation of men and women in athletic participation would be unconstitutional;

(3) Homosexual and lesbian marriage would be legalized, with further complication regarding adopting children into such a "family". People will live as they choose, but the beauty and sanctity of marriage must be preserved from such needless desecration;

(4) Divorce settlements, governmental aid to mothers of dependent children, dependency allowances to service personnel could no longer offer preferential treatment to women;

(5) At the national level this amendment would allow *no distinction whatever* between the sexes regarding the draft, barracks life, and *including actual combat duty*.

The logical and needed granting of full rights for women must be achieved, but without the chaos and somewhat bizarre results of HJR 61.

Committee appointed to compose statement **AGAINST** *House Joint Resolution No. 61:*

JACK METCALF, State Senator, Mukilteo; JAMES P. KUEHNLE, State Representative, Spokane; MRS. ROBERT G. YOUNG, State Chairman, H.O.W. League of Housewives, Inc., Bellevue.

Advisory Committee: CONNIE BAMESBERGER, Seattle and DENNIS DUNN, Arcade Building, Seattle.

COMPLETE TEXT OF

Initiative Measure 258

Ballot Title as issued by the Attorney General:

Certain Cities—Greyhound Racing Franchises

AN ACT authorizing each city with a population over 150,000 to grant one franchise permitting greyhound racing meets; prescribing qualifications for franchises; authorizing pari-mutuel wagering; allowing franchisees ten percent of all moneys wagered; requiring payment of a tax of five percent of pari-mutuel machine gross receipts in lieu of all other taxes to the licensing city; authorizing the licensing city to pay not to exceed two and one-half percent of the net tax after subtracting costs to the county; and repealing inconsistent acts.

BE IT ENACTED, *by the people of the State of Washington:*

NEW SECTION. Section 1. There is added to Title 67 RCW a new chapter as set forth in Sections 2 through 7 of this Act.

NEW SECTION. Sec. 2. Each city of the State of Washington of over one hundred fifty thousand population may grant not more than one franchise for conducting greyhound racing meets. A franchise once granted shall continue in effect so long as the holder thereof shall comply with all applicable laws of the state and the licensing municipality relating to greyhound racing, or until the right thereunder shall terminate by operation of law making greyhound racing unlawful, or forfeiture of the franchise by the holder thereof.

NEW SECTION. Sec. 3. Any person who is, any unincorporated entity all of whose members are, or any corporation more than sixty per cent of whose stock is owned by persons who are and have been citizens, residents and qualified electors of the State of Washington for five years, desiring to conduct greyhound racing in any city authorized to grant a franchise shall file an application with such cities' licensing authority under such rules and regulations as it may prescribe not inconsistent with this chapter: PROVIDED, That all greyhound racing shall be conducted between the hours of 7:00 PM and midnight.

NEW SECTION. Sec. 4. Any franchise holder conducting a greyhound racing meet may provide a place in the race meeting enclosure for the conducting and supervision of the pari-mutuel system of wagering and the same shall be lawful, other statutes of the state notwithstanding.

NEW SECTION. Sec. 5. Each franchise holder under the provisions of this chapter shall withhold and retain for his, their or its own use and benefit ten per cent of all moneys wagered. In addition to any license fees levied hereunder by the licensor, the franchise holder shall withhold and pay to the licensing city five per cent of the gross receipts of all pari-mutuel machines at each race meet as a privilege tax: PROVIDED, That such licensor may pay not to exceed two and one-half per cent of such net tax after payment of all costs of granting and supervising the franchise to the county within which the race meeting enclosure is located.

NEW SECTION. Sec. 6. The tax provided in this chapter for a race meeting licensed hereunder shall be in lieu of all other licenses, privilege taxes, or charges by the state or any subdivision thereof for the privilege of conducting a race meet.

NEW SECTION. Sec. 7. Every greyhound race meet held in this state contrary to the provisions of this chapter is declared to be a public nuisance.

NEW SECTION. Sec. 8. If any provision of this Act, or its application to any person or circumstance is held invalid, the remainder of this Act, or the application of the provisions to other persons or circumstances is not affected.

NEW SECTION. Sec. 9. All acts or parts of acts inconsistent with the provisions of this Act are hereby repealed.

EXPLANATORY COMMENT

Initiative Measure No. 258 filed in the office of the Secretary of State as of January 7, 1972.

Sponsors filed 151,916 supporting signatures as of July 5, 1972.

Signatures found sufficient. Measure then certified to the November 7, 1972 state general election for approval or rejection by the voters.

COMPLETE TEXT OF

Initiative Measure 261

Ballot Title as issued by the Attorney General:

Liquor Sales by Licensed Retailers

AN ACT repealing existing statutes relating to the establishment and operation of state liquor stores; extending the state sales tax to sales of intoxicating liquor at retail; providing for the licensing of retailers of liquor and for the registration of each brand or label of liquor to be sold; and prohibiting the State of Washington from reselling any liquor either at retail or wholesale.

BE IT ENACTED, *by the people of the State of Washington:*

SECTION 1. That RCW 66.16 (RCW 66.16.010 through RCW 66.16.090 inclusive) Enacted by Law Extraordinary Session 1933, Chapter 62, as amended, be repealed and that the State of Washington be prohibited from operating state liquor stores for the sale of liquor.

SECTION 2. That RCW 82.08.020 be amended so that the retail sales tax which now is applicable to the sale of intoxicating liquor by Washington State Liquor Stores be made applicable to sale of intoxicating liquor at retail.

SECTION 3. That the Washington State Legislature is hereby empowered to determine a licensing fee for retailers of liquor and a registration fee for the registration of each brand or label of liquor to be sold in the State of Washington.

SECTION 4. That all Washington State retailers holding a Class E license to sell beer at retail or those Washington State retailers holding a Class F license to sell wine at retail, excepting those Class E and Class F license holders who are allowed to sell beer or wine for on-premises consumption, will be allowed to sell intoxicating liquor at retail if they comply with the licensing requirement of Section 3 hereof, and further that the legislature of the State of Washington is hereby empowered to establish licensing requirements for retail stores which will sell as their primary business beer, wine and liquor at retail.

SECTION 5. That Washington State is prohibited from the reselling of any liquor, either at retail or wholesale.

SECTION 6. That the provisions of this initiative shall become effective July 1, 1973.

SECTION 7. That the Washington State Legislature may pass such laws or resolutions implementing this initiative as may be desirable or necessary to effectuate its purpose.

EXPLANATORY COMMENT

Initiative Measure No. 261 filed in the office of the Secretary of State as of January 11, 1972.

Sponsor filed 122,241 supporting signatures as of January 11, 1972.

Signatures found sufficient. Measure then certified to the November 7, 1972 state general election for approval or rejection by the voters.

COMPLETE TEXT OF

Initiative Measure 276

Ballot Title as issued by the Attorney General:

Disclosure—Campaign Finances-Lobbying-Records

AN ACT relating to campaign financing, activities of lobbyists, access to public records, and financial affairs of elective officers and candidates; requiring disclosure of sources of campaign contributions, objects of campaign expenditures, and amounts thereof; limiting campaign expenditures; regulating the activities of lobbyists and requiring reports of their expenditures; restricting use of public funds to influence legislative decisions; governing access to public records; specifying the manner in which public agencies will maintain such records; requiring disclosure of elective officials' and candidates' financial interests and activities; establishing a public disclosure commission to administer the act; and providing civil penalties.

BE IT ENACTED, *by the people of the State of Washington:*

SECTION 1. Declaration of Policy. It is hereby declared by the sovereign people to be the public policy of the State of Washington:

(1) That political campaign and lobbying contributions and expenditures be fully disclosed to the public and that secrecy is to be avoided.

(2) That the people have the right to expect from their elected representatives at all levels of government the utmost of integrity, honesty and fairness in their dealings.

(3) That the people shall be assured that the private financial dealings of their public officials, and of candidates for those offices, present no conflict of interest between the public trust and private interests.

(4) That our representative form of government is founded on a belief that those entrusted with the offices of government have nothing to fear from full public disclosure of their financial and business holdings, provided those officials deal honestly and fairly with the people.

(5) That public confidence in government at all levels is essential and must be promoted by all possible means.

(6) That public confidence in government at all levels can best be sustained by assuring the people of the impartiality and honesty of the officials in all public transactions and decisions.

(7) That the concept of attempting to increase financial participation of individual contributors in political campaigns is encouraged by the passage of the Revenue Act of 1971 by the Congress of the United States, and in consequence thereof, it is desirable to have implementing legislation at the state level.

(8) That the concepts of disclosure and limitation of election campaign financing are established by the passage of the Federal Election Campaign Act of 1971 by the Congress of the United States, and in consequence thereof it is desirable to have implementing legislation at the state level.

(9) That small contributions by individual contributors are to be encouraged, and that not requiring the reporting of small contributions may tend to encourage such contributions.

(10) That the public's right to know of the financing of political campaigns and lobbying and the financial affairs of elected officials and candidates far outweighs any right that these matters remain secret and private.

(11) That, mindful of the right of individuals to privacy and of the desirability of the efficient administration of government, full access to information concerning the conduct of government on every level must be assured as a fundamental and necessary precondition to the sound governance of a free society.

The provisions of this act shall be liberally construed to promote complete disclosure of all information respecting the financing of political campaigns and lobbying, and the financial affairs of elected officials and candidates, and full access to public records so as to assure continuing public confidence in fairness of elections and governmental processes, and so as to assure that the public interest will be fully protected.

SECTION 2. DEFINITIONS. (1) "Agency" includes all state agencies and all local agencies. "State agency" includes every state office, public official, department, division, bureau, board, commission or other state agency. "Local agency" includes every county, city, city and county, school district, municipal corporation, district, political subdivision, or any board, commission or agency thereof, or other local public 'agency.

(2) "Ballot proposition" means any "measure" as defined by R.C.W. 29.01.110, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of any specific constituency which has been filed with the appropriate election officer of that constituency.

(3) "Campaign depository" means a bank designated by a candidate or political committee pursuant to section 5 of this act.

(4) "Campaign treasurer" and "deputy campaign treasurer" mean the individuals appointed by a candidate or political

committee, pursuant to section 5 of this act, to perform the duties specified in that section.

(5) "Candidate" means any individual who seeks election to public office. An individual shall bedeemed to seek election when he first:

(a) Receives contributions or makes expenditures or reserves space or facilities with intent to promote his candidacy for office; or

(b) Announces publicly or files for office.

(6) "Commercial advertiser" means any person who sells the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, direct mail advertising companies, printing companies, or otherwise.

(7) "Commission" means the agency established under section 35 of this act.

(8) "Contribution" includes a loan, gift, deposit, subscription, forgiveness of indebtedness, donation, advance, pledge, payment, transfer of funds between political committees, or transfer of anything of value, including personal and professional services, for less than full consideration, but does not include ordinary home hospitality and the rendering of "part time" personal services of the sort commonly performed by volunteer campaign workers or incidental expenses not in excess of twenty-five dollars personally paid for by any volunteer campaign worker. "Part time" services, for the purposes of this act, means services in addition to regular full time employment, or, in the case of an unemployed person, services not in excess of twenty hours per week, excluding weekends. For the purposes of this act, contributions other than money or its equivalents shall be deemed to have a money value equivalent to the fair market value of the contribution. Sums paid for tickets to fund-raising events such as dinners and parties are contributions; however, the amount of any such contribution may be reduced for the purpose of complying with the reporting requirements of this act, by the actual cost of consumables furnished in connection with the purchase of such tickets, and only the excess over actual cost of such consumables shall be deemed a contribution.

(9) "Elected official" means any person elected at a general or special election to any public office, and any person appointed to fill a vacancy in any such office.

(10) "Election" includes any primary, general or special election for public office and any election in which a ballot proposition is submitted to the voters.

(11) "Election campaign" means any campaign in support of or in opposition to a candidate for election to public office and any campaign in support of, or in opposition to, a ballot proposition.

(12) "Expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise, or agreement, whether or not legally enforceable, to make an expenditure. The term "expenditure" also includes a promise to pay, a payment or a transfer of anything of value in exchange for goods, services, property, facilities or anything of value for the purpose of assisting, benefiting or honoring any public official or candidate, or assisting in furthering or opposing any election campaign.

(13) "Final report" means the report described as a final report in section 8, subsection 2, of this act.

(14) "Immediate family" includes the spouse and children living in the household and other relatives living in the household.

(15) "Legislation" means bills, resolutions, motions, amendments, nominations, and other matters pending or proposed in either house of the state legislature, and includes any other matter which may be the subject of action by either house, or any committee of the legislature and all bills and resolutions which having passed both houses, are pending approval by the Governor.

(16) "Lobby" and "lobbying" each mean attempting to influence the passage or defeat of any legislation by the legislature of the State of Washington, or the adoption or rejection of any rule, standard, rate or other legislative enactment of any state agency under the state Administrative Procedure Acts, chap. 34.04 R.C.W. and chap. 28 B.19 R.C.W.

(17) "Lobbyist" includes any person who shall lobby either in his own or another's behalf.

(18) "Lobbyist's employer" means the person or persons by whom a lobbyist is employed and all persons by whom he is compensated for acting as a lobbyist.

(19) "Person" includes an individual, partnership, joint venture, public or private corporation, association, federal, state or local governmental entity or agency however constituted, candidate, committee, political committee, political party, executive committee thereof, or any other organization or group of persons, however organized.

(20) "Person in interest" means the person who is the subject of a record or any representative designated by said person, except that if such person be under a legal disability, the term "person in interest" shall mean and include the parent or duly appointed legal representative.

(21) "Political advertising" includes any advertising displays, newspaper ads, billboards, signs, brochures, articles, tabloids, flyers, letters, radio or television presentations or other means of mass communication, used for the purpose of appealing, directly or indirectly, for votes or for financial or other support in any election campaign.

(22) "Political committee" means any person (except a candidate or an individual dealing with his own funds or property) having the expectation of receiving contributions or making expenditures in support of, or opposition to, any candidate or any ballot proposition.

(23) "Public office" means any federal, state, county, city, town, school district, port district, special district, or other state political subdivision elective office.

(24) "Public record" includes any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics.

(25) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including letters, words, pictures, sounds; or symbols, or combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, magnetic or punched cards, discs, drums and other documents.

As used in this act, the singular shall take the plural and any gender, the other, as the context requires.

CHAPTER I. CAMPAIGN FINANCING

SECTION 3. Applicability. The provisions of this act relating to election campaigns shall apply in all election campaigns other than (a) for precinct committeeman; (b) for the President and Vice President of the United States; and (c) for an office the constituency of which does not encompass a whole county and which contains less than five thousand registered voters as of the date of the most recent general election in such district.

SECTION 4. Obligation of Political Committees to File Statement of Organization. (1) Every political committee, within ten days after its organization or, within ten days after the date when it first has the expectation of receiving contributions or making expenditures in any election campaign, whichever is earlier, shall file a statement of organization with the commission and with the county auditor of the county in which the candidate resides (or in the case of a political com-

mittee supporting or opposing a ballot proposition, the county in which the campaign treasurer resides). Each political committee in existence on the effective date of this act shall file a statement of organization with the commission within ninety days after such effective date.

(2) The statement of organization shall include but not be limited to:

(a) The name and address of the committee;

(b) The names and addresses of all related or affiliated committees or other persons, and the nature of the relationship or affiliation;

(c) The names, addresses, and titles of its officers; or if it has no officers, the names, addresses and titles of its responsible leaders;

(d) The name and address of its campaign treasurer and campaign depository;

(e) A statement whether the committee is a continuing one;

(f) The name, office sought, and party affiliation of each candidate whom the committee is supporting or opposing, and, if the committee is supporting the entire ticket of any party, the name of the party;

(g) The ballot proposition concerned, if any, and whether the committee is in favor of or opposed to such proposition;

(h) What distribution of surplus funds will be made in the event of dissolution; and

(i) Such other information as the commission may by regulation prescribe, in keeping with the policies and purposes of this act.

3. Any material change in information previously submitted in a statement of organization shall be reported to the commission and to the appropriate county auditor within the ten days following the change.

SECTION 5. Campaign Treasurer and Depositories. (1) Each candidate, at or before the time he announces publicly or files for office, and each political committee, at or before the time it files a statement of organization, shall designate and file with the commission the names and addresses of:

(a) One legally competent individual, who may be the candidate, to serve as a campaign treasurer; and

(b) One bank doing business in this state to serve as campaign depository.

(2) A candidate, a political committee or a campaign treasurer may appoint as many deputy campaign treasurers as is considered necessary and may designate not more than one additional campaign depository in each other county in which the campaign is conducted. The candidate or political committee shall file the names and addresses of the deputy campaign treasurers and additional campaign depositories with the commission.

(3) (a) A candidate or political committee may at any time remove a campaign treasurer or deputy campaign treasurer or change a designated campaign depository.

(b) In the event of the death, resignation, removal, or change of a campaign treasurer, deputy campaign treasurer or depository, the candidate or political committee shall designate and file with the commission the name and address of any successor.

(4) No campaign treasurer, deputy campaign treasurer, or campaign depository shall be deemed to be in compliance with the provisions of this act until his name and address is filed with the commission.

SECTION 6. Deposit of Contributions—Statement of Campaign Treasurer—Anonymous Contributions. (1) All monetary contributions received by a candidate or political committee shall be deposited by the campaign treasurer or deputy treasurer in a campaign depository in an account designated, "Campaign Fund of ----------" (name of candidate or political committee).

(2) All deposits made by a campaign treasurer or deputy campaign treasurer shall be accompanied by a statement containing the name of each person contributing the funds so deposited and the amount contributed by each person: PROVIDED, that contributions not exceeding five dollars from any one person may be deposited without identifying the contributor. The statement shall be in triplicate, upon a form prescribed by the commission, one copy to be retained by the campaign depository for its records, one copy to be filled by the campaign treasurer with the commission, and one copy to be retained by the campaign treasurer for his records. In the event of deposits made by a deputy campaign treasurer, the third copy shall be forwarded to the campaign treasurer to be retained by him for his records. Each statement shall be certified as correct by the campaign treasurer or deputy campaign treasurer making the deposit.

(3) (a) Accumulated anonymous contributions in excess of one dollar from any individual contributor, and

(b) Accumulated anonymous contributions in excess of one per cent of the total accumulated contributions received to date or three hundred dollars (whichever is less).

shall not be deposited, used or expended, but shall be returned to the donor, if his identity can be ascertained. If the donor cannot be ascertained, the contribution shall escheat to the state, and shall be paid to the state treasurer for deposit in the state general fund.

SECTION 7. Authorization of Expenditures and Restrictions Thereon. No expenditures shall be made or incurred by any candidate or political committee except on the authority of the campaign treasurer or the candidate, and a record of all such expenditures shall be maintained by the campaign treasurer.

SECTION 8. Candidates' and Treasurers' Duty to Report. (1) On the day the campaign treasurer is designated, each candidate or political committee shall file with the commission and the county auditor of the county in which the candidate resides (or in the case of a political committee supporting or opposing a ballot proposition, the county in which the campaign treasurer resides), in addition to any statement of organization required under section 4, a report of all contributions received and expenditures made in the election campaign prior to that date: PROVIDED, that if the political committee is an organization of continuing existence not established in anticipation of any particular election the campaign treasurer shall report, at the times required by this act, and at such other times as are designated by the commission, all contributions received and expenditures made since the date of his or his predecessor's last report. In addition to any statement of organization required under section 4, the initial report of the campaign treasurer of such a political committee in existence at the time this act becomes effective need include only:

(a) The funds on hand at the time of the report, and

(b) Such other information as shall be required by the commission by regulation in conformance with the policies and purposes of this act.

(2) At the following intervals each campaign treasurer shall file with the commission and the county auditor of the county in which the candidate resides (or in the case of a political committee supporting or opposing a ballot proposition the county in which the campaign treasurer resides) a further report of the contributions received and expenditures made since the date of the last report:

(a) On the fifth and nineteenth days immediately preceding the date on which the election is held; and

(b) Within ten days after the date of a primary election, and within twenty-one days after the date of all other elections; and

(c) On the tenth day of each month preceding the election in which no other reports are required to be filed under this section.

The report filed under paragraph (b) above shall be the final report if there is no outstanding debt or obligation, and the campaign fund is closed, and the campaign is concluded in all respects, and if in the case of a political committee, the committee has ceased to function and has dissolved. If the candidate or political committee has any outstanding debt or obligation, additional reports shall be filed at least once every six months until the obligation or indebtedness is entirely satisfied at which time a final report shall be filed. A continuing political committee shall file reports as required by this act until it is dissolved, at which time a final report shall be filed. Upon submitting a final report, the duties of the campaign treasurer shall cease and there shall be no obligation to make any further reports.

(3) The campaign treasurer shall maintain books of account in accordance with generally accepted accounting principles reflecting all contributions and expenditures on a current basis within three business days of receipt or expenditure. During the eight days immediately preceding the date of the election the books of account shall be kept current within one business day and shall be open for public inspection during normal business hours at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer.

(4) All reports filed pursuant to this section shall be certified as correct by the candidate and the campaign treasurer.

(5) Copies of all reports filed pursuant to this section shall be readily available for public inspection at the principal campaign headquarters or, if there is no campaign headquarters, at the address of the campaign treasurer.

SECTION 9. Contents of Report. (1) Each report required under section 8 of this act shall disclose for the period beginning at the end of the period for the last report or, in the case of an initial report, at the time of the first contribution or expenditure, and ending not more than three days prior to the date the report is due:

(a) The funds on hand at the beginning of the period;

(b) The name and address of each person who has made one or more contributions during the period, together with the money value and date of such contributions and the aggregate value of all contributions received from each such person during the preceding twelve-month period: PROVIDED, that contributions not exceeding five dollars in aggregate from any one person during the election campaign may be reported as one lump sum so long as the campaign treasurer maintains a separate and private list of the names and amounts of each such contributor;

(c) Each loan, promissory note or security instrument to be used by or for the benefit of the candidate or political committee made by any person, together with the names and addresses of the lender and each person liable directly, indirectly or contingently and the date and amount of each such loan, promissory note or security instrument;

(d) The name and address of each political committee from which the reporting committee or candidate received, or to which that committee or candidate made, any transfer of funds, together with the amounts, dates and purpose of all such transfers;

(e) All other contributions not otherwise listed or exempted;

(f) The name and address of each person to whom an expenditure was made in the aggregate amount of twenty five dollars or more, and the amount, date and purpose of each such expenditure;

(g) The total sum of expenditures;

(h) The surplus or deficit of contributions over expenditures;

(i) The disposition made of any surplus of contributions over expenditures;

(j) Such other information as shall be required by the commission by regulation in conformance with the policies and purposes of this act; and

(k) Funds received from a political committee not domiciled in Washington State and not otherwise required to report under this act (a "non-reporting committee"). Such funds shall be forfeited to the State of Washington unless the nonreporting committee has filed with the commission a statement disclosing: (i) its names and address; (ii) the purposes of the non-reporting committee; (iii) the names, addresses and titles of its officers or if it has no officers, the names, addresses and titles of its responsible leaders; (iv) a statement whether the non-reporting committee is a continuing one; (v) the name, office sought, and party affiliation of each candidate in the State of Washington whom the non-reporting committee is supporting, and, if such committee is supporting the entire ticket of any party, the name of the party; (vi) the ballot proposition supported or opposed in the State of Washington, if any, and whether such committee is in favor of or opposed to such proposition; (vii) the name and address of each person residing in the State of Washington or corporation which has a place of business in the State of Washington who has made one or more contributions to the non-reporting committee during the preceding twelve month period, together with the money value and date of such contributions; (viii) the name and address of each person in the State of Washington to whom an expenditure was made by the non-reporting committee on behalf of a candidate or political committee in the aggregate amount of twenty five dollars or more, the amount, date and purpose of such expenditure, and the total sum of such expenditures; (ix) such other information as the commission may by regulation prescribe, in keeping with the policies and purposes of this act.

(2) The campaign treasurer and the candidate shall certify the correctness of each report.

SECTION 10. Special Reports. In addition to the other reports required by this act:

(1) Any person who makes an expenditure in support of or in opposition to any candidate or proposition (except to the extent that a contribution is made directly to a candidate or political committee), in the aggregate amount of one hundred dollars or more during an election campaign, shall file with the commission a report signed by the contributor disclosing (a) the contributor's name and address, and (b) the date, nature, amount and recipient of such contribution or expenditure; and

(2) Any person who contributes in the aggregate amount of one hundred dollars or more during the preceding twelve month period to any political committee not domiciled in the State of Washington or not otherwise required to report under this act, if the person reasonably expects such political committee to make contributions in respect to any election covered by this act, shall file with the commission a report signed by the contributor disclosing (a) the contributor's name and address, and (b) the date, nature, amount and recipient of such contribution, and (c) any instructions given as to the use or disbursement of such contribution.

SECTION 11. Commercial Advertisers' Duty to Report. (1) Within fifteen days after an election each commercial advertiser who has accepted or provided political advertising during the election campaign shall file a report with the commission which shall be certified as correct and shall specify:

(a) The names and addresses of persons from whom it accepted political advertising;

(b) The exact nature and extent of the advertising services rendered;

(c) The consideration and the manner of paying that consideration for such services; and

(d) Such other facts as the commission may by regulation prescribe, in keeping with the policies and purposes of this act.

(2) No report shall be required from any commercial advertiser as to any single candidate or political committee when the total value of such political advertising does not exceed fifty dollars.

SECTION 12. Identification of Contributions and Communications. No contribution shall be made and no expenditure shall be incurred, directly or indirectly, in a fictitious name, anonymously, or by one person through an agent, relative or other person in such a manner as to conceal the identity of the source of the contribution.

SECTION 13. Forbids Use of Public Office Facilities in Campaigns. No elective official nor any employee of his office may use or authorize the use of any of the facilities of his public office, directly or indirectly, for the purpose of assisting his campaign for reelection to the office he holds, or for election to any other office, or for election of any other person to any office or for the promotion or opposition to any ballot proposition. Facilities of public office include, but are not limited to, use of stationery, postage, machines and equipment, use of employees of the office during working hours, vehicles, office space, publications of the office, and clientele lists of persons served by the office: PROVIDED, that this section shall not apply to those activities performed by the official or his office which are part of the normal and regular conduct of the office.

SECTION 14. Campaign Expenditure Limitations. (1) The total of expenditures made in any election campaign in connection with any public office shall not exceed the larger of the following amounts:

(a) Ten cents multiplied by the number of voters registered in the constitutency at the last general election for the public office; or

(b) Five thousand dollars; or

(c) A sum equal to the public salary which will be paid to the occupant of the office which the candidate seeks, during the term for which the successful candidate will be elected: PROVIDED, that with respect to candidates for the office of governor and lieutenant governor of the State of Washington only, a sum equal to the public salary which will be paid the governor during the term sought, multiplied by two; and with respect to candidates for the state legislature only, a sum equal to the public salary which will be paid to a member of the state senate during his term.

(2) In any election campaign in connection with any statewide ballot proposition the total of expenditures made shall not exceed one hundred thousand dollars. The total of such expenditures in any election campaign in connection with any other ballot proposition shall not exceed ten cents multiplied by the number of voters registered in the constituency voting on such proposition.

CHAPTER II. LOBBYIST REPORTING

SECTION 15. Registration of Lobbyists. (1) Before doing any lobbying, or within thirty days after being employed as a lobbyist, whichever occurs first, a lobbyist shall register by filing with the commission a lobbyist registration statement, in such detail as the commission shall prescribe, showing:

(a) His name, permanent business address, and any temporary residential and business addresses in Thurston County during the legislative session;

(b) The name, address and occupation or business of the lobbyist's employer;

(c) The duration of his employment;

(d) His compensation for lobbying; how much he is to be paid for expenses, and what expenses are to be reimbursed; and a full and particular description of any agreement, arrangement or understanding according to which his compensation, or any portion thereof, is or will be contingent upon the success of any attempt to influence legislation.

(e) Whether the person from whom he receives said compensation employs him solely as a lobbyist or whether he is a regular employee performing services for his employer which include but are not limited to the influencing of legislation;

(f) The general subject or subjects of his legislative interest;

(g) A written authorization from each of the lobbyist's employers confirming such employment;

(h) The name and address of the person who will have custody of the accounts, bills, receipts, books, papers, and documents required to be kept under this act;

(i) If the lobbyist's employer is an entity (including, but not limited to, business and trade associations) whose members include, or which as a representative entity undertakes lobbying activities for, businesses, groups, associations or organizations, the name and address of each member of such entity or person represented by such entity whose fees, dues, payments or other consideration paid to such entity during either of the prior two years have exceeded five hundred dollars or who is obligated to or has agreed to pay fees, dues, payments or other consideration exceeding five hundred dollars to such entity during the current year.

(2) Any lobbyist who receives or is to receive compensation from more than one person for his services as a lobbyist shall file a separate notice of representation with respect to each such person; except that where a lobbyist whose fee for acting as such in respect to the same legislation or type of legislation or type of legislation is, or is to be, paid or contributed to by more than one person then such lobbyist may file a single statement, in which he shall detail the name, business address and occupation of each person so paying or contributing, and the amount of the respective payments or contributions made by each such person.

(3) Whenever a change, modification, or termination of the lobbyist's employment occurs, the lobbyist shall, within one week of such change, modification or termination, furnish full information regarding the same by filing with the commission an amended registration statement.

(4) Each lobbyist who has registered shall file a new registration statement, revised as appropriate, each January, and failure to do so shall terminate his registration.

SECTION 16. Exemption from Registration. The following persons and activities shall be exempt from registration and reporting under Sections 15, 17, 19, and 20 of this act:

(1) Persons who limit their lobbying activities to appearance before public sessions of committees of the legislature, or public hearings of state agencies.

(2) News or feature reporting activities and editorial comment by working members of the press, radio, or television and the publication or dissemination thereof by a newspaper, book publisher, regularly published periodical, radio station, or television station.

(3) Lobbying without compensation or other consideration: PROVIDED, such person makes no expenditure for or on behalf of any member of the legislature or elected official or public officer or employee of the State of Washington in connection with such lobbying. Any person exempt under this subsection (3) may at his option register and report under this act.

(4) The Governor.

(5) The Lieutenant Governor.

(6) Except as provided by Section 19(1), members of the legislature.

(7) Except as provided by Section 19(1), persons employed by the legislature for the purpose of aiding in the preparation and enactment of legislation.

(8) Except as provided by Section 19 elected state officers, state officers appointed by the Governor subject to confirmation by the Senate, and employees of any state agency.

SECTION 17. Reporting by Lobbyists. (1) Any lobbyist reg-

istered under section 15 of this act and any person who lobbies shall file with the commission periodic reports of his activities signed by both the lobbyist and the lobbyist's employers. The reports shall be made in the form and manner prescribed by the commission. They shall be due quarterly and shall be filed within thirty days after the end of the calendar quarter covered by the report. In addition to the quarterly reports, while the legislature is in session, any lobbyist who lobbies with respect to any legislation shall file interim weekly periodic reports for each week that the legislature is in session, which reports need be signed only by the lobbyist and which shall be filed on each Tuesday for the activities of the week ending on the preceding Saturday.

(2) Each such quarterly and weekly periodic report shall contain:

(a) The totals of all expenditures made or incurred by such lobbyist or on behalf of such lobbyist by the lobbyist's employer during the period covered by the report, which totals shall be segregated according to financial category, including food and refreshments; living accommodations; advertising; travel; telephone; contributions; office expenses, including rent and the salaries and wages paid for staff and secretarial assistance, or the proportionate amount thereof, paid or incurred for lobbying activities; and other expenses or services: PROVIDED HOWEVER, that unreimbursed personal living and travel expenses of a lobbyist not incurred directly or indirectly for any lobbying purpose need not be reported: and PROVIDED FURTHER, that the interim weekly reports of legislative lobbyists for the legislative session need show only the expenditures for food and refreshments; living accommodations; travel; contributions; and such other categories as the commission shall prescribe by rule. Each individual expenditure of more than fifteen dollars for entertainment shall be identified by date, place, amount, and the names of all persons in the group partaking in or of such entertainment including any portion thereof attributable to the lobbyist's participation therein but without allocating any portion of such expenditure to individual participants.

(b) In the case of a lobbyist employed by more than one employer, the proportionate amount of such expenditures in each category incurred on behalf of each of his employers.

(c) An itemized listing of each such expenditure in the nature of a contribution of money or of tangible or intangible personal property to any legislator, or for or on behalf of any legislator. All contributions made to, or for the benefit of, any legislator shall be identified by date, amount, and the name of the legislator receiving, or to be benefited by each such contribution.

(d) The subject matter of proposed legislation or rule-making; the proposed rules, standards, rates or other legislative enactments under chap. 34.04 R.C.W. and chap. 28B.19 R.C.W. (the state Administrative Procedure Acts) and the state agency considering the same; and the number of each senate or house bill, resolution, or other legislative activity which the lobbyist has been engaged in supporting or opposing during the reporting period; PROVIDED, that in the case of appropriations bills the lobbyist shall enumerate the specific section or sections which he supported or opposed.

SECTION 18. Reports by Employers of Registered Lobbyists. Every employer of a lobbyist registered under this act shall file with the commission on or before January 31st of each year a statement disclosing for the preceding twelve months the following information:

(1) The name of each elected official candidate, or any member of his immediate family to whom such employer has paid any compensation, the value of such compensation and the consideration given or performed in exchange for such compensation.

(2) The name of any corporation, partnership, joint venture, association, union or other entity of which any elected official candidate, or any member of his immediate family is a member, officer, partner, director, associate or employee and to which the employer has paid compensation, the value of such compensation and the consideration given or performed in exchange for such compensation.

SECTION 19. Legislative Activities of State Agencies and Other Units of Government. (1) Every legislator and every committee of the Legislature shall file with the commission quarterly reports listing the names, addresses, and salaries of all persons employed by the person or committee making the filing for the purpose of aiding in the preparation and enactment of legislation during the preceding quarter. The reports shall be made in the form and the manner prescribed by the commission and shall be filed between the first and tenth days of each calendar quarter.

(2) Unless expressly authorized by law, no state funds shall be used directly or indirectly for lobbying: PROVIDED, this shall not prevent state officers or employees from communicating with a member of the legislature on the request of that member; or communicating to the legislature, through the proper official channels, requests for legislative action or appropriations which are deemed necessary for the efficient conduct of the public business or actually made in the proper performance of their official duties: PROVIDED FURTHER, that this subsection shall not apply to the legislative branch.

(3) Each state agency which expends state funds for lobbying pursuant to an express authorization by law or whose officers or employees communicate to members of the legislature on request of any member or communicate to the legislature requests for legislation or appropriations shall file with the commission quarterly statements providing the following information for the quarter just completed:

(a) The name of the agency filing the statement;

(b) The name, title, and job description and salary of each employee engaged in such legislative activity, a general description of the nature of his legislative activities, and the proportionate amount of his time spent on such activities.

(c) In the case of any communications to a member of the legislature in response to a request from the member, the name of the member making the request and the nature and subject of the request.

The statements shall be in the form and the manner prescribed by the commission and shall be filed within thirty days after the end of the quarter covered by the report.

(4) The provisions of this section shall not relieve any state officer or any employee of a state agency from complying with other provisions of this act, if such officer or employee is not otherwise exempted.

SECTION 20. Grass Roots Lobbying Campaigns. (1) Any person who has made expenditures, not reported under other sections of this act, exceeding five hundred dollars in the aggregate within any three month period or exceeding two hundred dollars in the aggregate within any one month period in presenting a program addressed to the public, a substantial portion of which is intended, designed, or calculated primarily to influence legislation shall be required to register and report, as provided in subsection (2), as a sponsor of a grass roots lobbying campaign.

(2) Within thirty days after becoming a sponsor of a grass roots lobbying campaign, the sponsor shall register by filing with the commission a registration statement, in such detail as the commission shall prescribe showing:

(a) The sponsor's name, address and business or occupation, and, if the sponsor is not an individual, the names, addresses and titles of the controlling persons responsible for managing the sponsor's affairs.

(b) The names, addresses, and business or occupation of all persons organizing and managing the campaign, or hired to assist the campaign, including any public relations or advertising firms participating in the campaign, and the terms of compensation for all such persons.

(c) The names and addresses of all persons contributing to the campaign, and the amount contributed by each contri-butor.

(d) The purpose of the campaign, including the specific legislation, rules, rates, standards or proposals which are the subject matter of the campaign.

(e) The totals of all expenditures made or incurred to date on behalf of the campaign, which totals shall be segregated according to financial category, including but not limited to the following: advertising, segregated by media and, in the case of large expenditures (as provided by rule of the commission), by outlet; contributions; entertainment, including food and refreshments; office expenses including rent and the salaries and wages paid for staff and secretarial assistance, or the proportionate amount thereof paid or incurred for lobbying campaign activities; consultants; and printing and mailing expenses.

(3) Every sponsor who has registered under this section shall file monthly reports with the commission, which shall be filed by the tenth day of the month for the activity during the preceding month. The reports shall update the information contained in the sponsor's registration statement and in prior reports and shall show contributions received and totals of expenditures made during the month, in the same manner as provided for in the registration statement.

(4) When the campaign has been terminated, the sponsor shall file a notice of termination with the final monthly report, which notice shall state the totals of all contributions and expenditures made on behalf of the campaign, in the same manner as provided for in the registration statement.

SECTION 21. Employment of Legislators, Attaches, or State Employees; Statement, Contents and Filing. If any person registered or required to be registered as a lobbyist under this act employs, or if any employer of any person registered or required to be registered as a lobbyist under this act, employs any member of the legislature, or any member of any state board or commission, or any employee of the legislature, or any fulltime state employee, if such new employee shall remain in the partial employ of the State or any agency thereof, then the new employer shall file a statement under oath with the commission setting out the nature of the employment, the name of the person to be paid thereunder, and the amount of pay or consideration to be paid thereunder. The statement shall be filed within fifteen days after the commencement of such employment.

SECTION 22. Employment of Unregistered Persons. It shall be a violation of this act for any person to employ for pay or any consideration, or pay or agree to pay any consideration to, a person to lobby who is not registered under this act except upon condition that such person register as a lobbyist as provided by this act, and such person does in fact so register as soon as practicable.

SECTION 23. Duties of Lobbyists. A person required to register as a lobbyist under this act shall also have the following obligations, the violation of which shall constitute cause for revocation of his registration, and may subject such person, and such person's employer, if such employer aids, abets, ratifies or confirms any such act, to other civil liabilities, as provided by this act:

(1) Such persons shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to substantiate the financial reports required to be made under this act for a period of at least six years from the date of the filing of the statement containing such items, which accounts, bills, receipts, books, papers and documents shall be made available for inspection by the commission at any time: PROVIDED, that if a lobbyist is required under the terms of his employment contract to turn any records over to his employer, responsibility for the preservation of such records under this subsection shall rest with such employer.

(2) In addition, a person required to register as a lobbyist shall not:

(a) Engage in any activity as a lobbyist before registering as such;

(b) Knowingly deceive or attempt to deceive any legislator as to any fact pertaining to any pending or proposed legislation;

(c) Cause or influence the introduction of any bill or amendment thereto for the purpose of thereafter being employed to secure its defeat;

(d) Knowingly represent an interest adverse to any of his employers without first obtaining such employer's written consent thereto after full disclosure to such employer of such adverse interest;

(e) Exercise any undue influence, extortion, or unlawful retaliation upon any legislator by reason of such legislator's position with respect to, or his vote upon, any pending or proposed legislation.

CHAPTER III. REPORTING OF ELECTED OFFICIALS FINANCIAL AFFAIRS

SECTION 24. Elected Officials Reports of Financial Affairs. (1) Every elected official (except President, Vice President and precinct committeemen) shall on or before January 31st of each year, and every candidate (except for the offices of President, Vice President and precinct committeeman) shall, within two weeks of becoming a candidate, file with the commission a written statement sworn as to its truth and accuracy stating for himself and his immediate family for the preceding twelve months:

(a) Occupation, name of employer, and business address; and

(b) Each direct financial interest in excess of five thousand dollars in a bank or savings account or cash surrender value of any insurance policy; each other direct financial interest in excess of five hundred dollars; and the name, address, nature of entity, nature and value of each such direct financial interest; and

(c) The name and address of each creditor to whom the value of five hundred dollars or more was owed; the original amount of each debt to each such creditor; the amount of each debt owed to each creditor as of the date of filing; the terms of repayment of each such debt; and the security given, if any, for each such debt: PROVIDED, that debts arising out of a "retail installment transaction" as defined in chap. 63.14 R.C.W. (Retail Installment Sales Act) need not be reported; and

(d) Every public or private office, directorship and position as trustee held; and

(e) All persons for whom actual or proposed legislation, rules, rates, or standards has been prepared, promoted, or opposed for current or deferred compensation; the description of such actual or proposed legislation, rules, rates or standards; and the amount of current or deferred compensation paid or promised to be paid; and

(f) The name and address of each governmental entity, corporation, partnership, joint venture, sole proprietorship, association, union, or other business or commercial entity from whom compensation has been received in any form of a total value of five hundred dollars or more; the value of such compensation; and the consideration given or performed in exchange for such compensation; and

(g) The name of any corporation, partnership, joint venture, association, union or other entity in which is held any office, directorship or any general partnership interest, or an ownership interest of ten percent or more; the name or title of that office, directorship or partnership; the nature of ownership interest; and with respect to each such entity the name of each governmental entity, corporation, partnership, joint

venture, sole proprietorship, association, union or other business or commercial entity from which such entity has received compensation in any form in the amount of five hundred dollars or more during the preceding twelve months and the consideration given or performed in exchange for such compensation; and

(h) A list, including legal descriptions, of all real property in the State of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was acquired during the preceding calendar year, and a statement of the amount and nature of the financial interest and of the consideration given in exchange for such interest; and

(i) A list, including legal descriptions, of all real property in the State of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which any direct financial interest was divested during the preceding calendar year, and a statement of the amount and nature of the consideration received in exchange for such interest, and the name and address of the person furnishing such consideration; and

(j) A list, including legal descriptions, of all real property in the State of Washington, the assessed valuation of which exceeds two thousand five hundred dollars in which a direct financial interest was held: PROVIDED, that if a description of such property has been included in a report previously filed, such property may be listed, for purposes of this provision, by reference to such previously filed report; and

(k) A list, including legal descriptions, of all real property in the State of Washington, the assessed valuation of which exceeds five thousand dollars, in which a corporation, partnership, firm, enterprise or other entity had a direct financial interest, in which corporation, partnership, firm or enterprise a ten percent or greater ownership interest was held; and

(l) Such other information as the commission may deem necessary in order to properly carry out the purposes and policies of this act, as the commission shall by rule prescribe.

(2) Where an amount is required to be reported under subsection (1), paragraphs (a) through (k) of this section, it shall be sufficient to comply with such requirement to report whether the amount is less than one thousand dollars, at least one thousand dollars but less than five thousand dollars, at least five thousand dollars but less than ten thousand dollars, at least ten thousand dollars but less than twenty five thousand dollars, or twenty five thousand dollars or more. An amount of stock may be reported by number of shares instead of by market value. No provision of this subsection shall be interpreted to prevent any person from filing more information or more detailed information than required.

(3) Elected officials and candidates reporting under this section shall not be required to file the statements required to be filed with the Secretary of State under R.C.W. 42.21.060.

CHAPTER IV. PUBLIC RECORDS

SECTION 25. Duty to Publish Procedures. (1) Each state agency shall separately state and currently publish in the Washington Administrative Code and each local agency shall prominently display and make available for inspection and copying at the central office of such local agency, for guidance of the public:

(a) descriptions of its central and field organization and the established places at which, the employees from whom, and the methods whereby, the public may obtain information, make submittals or requests, or obtain copies of agency decisions;

(b) statements of the general course and method by which its operations are channeled and determined, including the nature and requirements of all formal and informal procedures available;

(c) rules of procedure;

(d) substantive rules of general applicability adopted as authorized by law, and statements of general policy or interpretations of general applicability formulated and adopted by the agency; and

(e) each amendment or revision to, or repeal of any of the foregoing.

(2) Except to the extent that he has actual and timely notice of the terms thereof, a person may not in any manner be required to resort to, or be adversely affected by, a matter required to be published or displayed and not so published or displayed.

SECTION 26. Documents and Indexes To Be Made Public. (1) Each agency, in accordance with published rules, shall make available for public inspection and copying all public records. To the extent required to prevent an unreasonable invasion of personal privacy, an agency shall delete identifying details when it makes available or publishes any public record; however, in each case, the justification for the deletion shall be explained fully in writing.

(2) Each agency shall maintain and make available for public inspection and copying a current index providing identifying information as to the following records issued, adopted, or promulgated after June 30, 1972:

(a) final opinions, including concurring and dissenting opinions, as well as orders, made in the adjudication of cases;

(b) those statements of policy and interpretations of policy, statute and the Constitution which have been adopted by the agency;

(c) administrative staff manuals and instructions to staff that affect a member of the public;

(d) planning policies and goals, and interim and final planning decisions;

(e) factual staff reports and studies, factual consultant's reports and studies, scientific reports and studies, and any other factual information derived from tests, studies, reports or surveys, whether conducted by public employees or others; and

(f) correspondence, and materials referred to therein, by and with the agency relating to any regulatory, supervisory or enforcement responsibilities of the agency, whereby the agency determines, or opines upon, or is asked to determine or opine upon, the rights of the state, the public, a subdivision of state government, or of any private party.

(3) An agency need not maintain such an index, if to do so would be unduly burdensome, but it shall in that event:

(a) issue and publish a formal order specifying the reasons why and the extent to which compliance would unduly burden or interfere with agency operations; and

(b) make available for public inspection and copying all indexes maintained for agency use.

(4) A public record may be relied on, used, or cited as precedent by an agency against a party other than an agency and it may be invoked by the agency for any other purpose only if—

(a) it has been indexed in an index available to the public; or

(b) parties affected have timely notice (actual or constructive) of the terms thereof.

(5) This act shall not be construed as giving authority to any agency to give, sell or provide access to lists of individuals requested for commercial purposes, and agencies shall not do so unless specifically authorized or directed by law.

SECTION 27. Facilities for Copying. Public records shall be available to any person for inspection and copying, and agencies shall, upon request for identifiable records, make them promptly available to any person. Agency facilities shall be made available to any person for the copying of public records except when and to the extent that this would unreasonably disrupt the operations of the agency.

SECTION 28. Times for Inspection and Copying. Public records shall be available for inspection and copying during

the customary office hours of the agency: PROVIDED, that if the agency does not have customary office hours of at least thirty hours per week, the public records shall be available from nine o'clock a.m. to noon and from one o'clock p.m. to four o'clock p.m. Monday through Friday, excluding legal holidays, unless the person making the request and the agency or its representative agree on a different time.

SECTION 29. Protection of Public Records. Agencies shall adopt and enforce reasonable rules and regulations, consonant with the intent of this act to provide full public access to official records, to protect public records from damage or disorganization, and to prevent excessive interference with other essential functions of the agency. Such rules and regulations shall provide for the fullest assistance to inquirers and the most timely possible action on requests for information.

SECTION 30. Charges for copying. No fee shall be charged for the inspection of public records. Agencies may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records, which charges shall not exceed the amount necessary to reumburse the agency for its actual costs incident to such copying.

SECTION 31. Certain Personal and Other Records Exempt. (1) The following shall be exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers or parolees.

(b) Personal information in files maintained for employees, appointees or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would violate the taxpayer's right to privacy or would result in unfair competitive disadvantage to such taxpayer.

(d) Specific intelligence information and specific investigative files compiled by investigative, law enforcement and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the non-disclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement or penology agencies, except as the complainant may authorize.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment or academic examination.

(g) Except as provided by chap. 8.26 R.C.W., the contents of real estate appraisals, made for or by any agency relative to the acquisition of property, until the project is abandoned or until such time as all of the property has been acquired, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(2) The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interest, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records, exempt under the provisions of this section, may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records, is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or part, inspection of any record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

SECTION 32. Prompt Responses Required. Responses to requests for records shall be made promptly by agencies. Denials of requests must be accompanied by a written statement of the specific reasons therefor. Agencies shall establish mechanisms for the most prompt possible review of decisions denying inspection, and such review shall be deemed completed at the end of the second business day following the denial of inspection and shall constitute final agency action for the purposes of judicial review.

SECTION 33. Court Protection of Records. The examination of any specific record may be enjoined if, upon motion and affidavit, the superior court for the county in which the movant resides or in which the record is maintained, finds that such examination would clearly not be in the public interest and would substantially and irreparably damage any person, or would substantially and irreparably damage vital governmental functions.

SECTION 34. Judicial Review of Agency Actions. (1) Upon the motion of any person having been denied an opportunity to inspect or copy a public record by an agency, the superior court in the county in which a record is maintained may require the responsible agency to show cause why it has refused to allow inspection or copying of a specific record or class of records. The burden of proof shall be on the agency to establish that refusal to permit public inspection and copying is required.

(2) Judicial review of all agency actions taken or challenged under Sections 25 through 32 of this act shall be *de novo*. Courts shall take into account the policy of this act that free and open examination of public records is in the public interest, even though such examination may cause inconvenience or embarrassment to public officials or others. Courts may examine any record *in camera* in any proceeding brought under this section.

(3) Any person who prevails against an agency in any action in the courts seeking the right to inspect or copy any public record shall be awarded all costs, including reasonable attorney fees, incurred in connection with such legal action. In addition, it shall be within the discretion of the court to award such person an amount not to exceed twenty-five dollars for each day that he was denied the right to inspect or copy said public record.

CHAPTER V. ADMINISTRATION AND ENFORCEMENT

SECTION 35. Commission—Established—Membership. There is hereby established a "Public Disclosure Commission" which shall be composed of five members who shall be appointed by the governor, with the consent of the senate. All

appointees shall be persons of the highest integrity and qualifications. No more than three members shall have an identification with the same political party. The original members shall be appointed within sixty days after the effective date of this act. The term of each member shall be five years except that the original five members shall serve initial terms of one, two, three, four and five years, respectively, as designated by the governor. No member of the commission, during his tenure, shall (1) hold or campaign for elective office; (2) be an officer of any political party or political committee; (3) permit his name to be used, or make contributions, in support of or in opposition to any candidate or proposition; (4) participate in any way in any election campaign; or (5) lobby or employ or assist a lobbyist. No member shall be eligible for appointment to more than one full term. A vacancy on the commission shall be filled within thirty days of the vacancy by the governor, with the consent of the senate, and the appointee shall serve for the remaining term of his predecessor. A vacancy shall not impair the powers of the remaining members to exercise all of the powers of the commission. Three members of the commission shall constitute a quorum. The commission shall elect its own chairman and adopt its own rules of procedure in the manner provided in chapter 34.04 R.C.W. Any member of the commission may be removed by the governor, but only upon grounds of neglect of duty or misconduct in office.

Members shall serve without compensation, but shall be reimbursed for necessary traveling and lodging expenses actually incurred while engaged in the business of the commission as provided in chapter 43.03 R.C.W.

SECTION 36. Commission—Duties. The commission shall:

(1) Develop and provide forms for the reports and statements required to be made under this act;

(2) Prepare and publish a manual setting forth recommended uniform methods of bookkeeping and reporting for use by persons required to make reports and statements under this act;

(3) Compile and maintain a current list of all filed reports and statements;

(4) Investigate whether properly completed statements and reports have been filed within the times required by this act;

(5) Upon complaint or upon its own motion, investigate and report apparent violations of this act to the appropriate law enforcement authorities;

(6) Prepare and publish an annual report to the governor as to the effectiveness of this act and its enforcement by appropriate law enforcement authorities; and

(7) Enforce this act according to the powers granted it by law.

SECTION 37. Commission—Additional Powers. The commission is empowered to:

(1) Adopt, promulgate, amend and rescind suitable administrative rules and regulations to carry out the policies and purposes of this act;

(2) Prepare and publish such reports and technical studies as in its judgment will tend to promote the purposes of this act, including reports and statistics concerning campaign financing, lobbying, financial interests of elected officials, and enforcement of this act;

(3) Make from time to time, on its own motion, audits and field investigations;

(4) Make public the fact that an alleged or apparent violation has occurred and the nature thereof;

(5) Administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence and require the production of any books, papers, correspondence, memorandums or other records which the commission deems relevant or material for the purpose of any investigation authorized under this act, or any other proceeding under this act;

(6) Adopt and promulgate a Code of Fair Campaign Prac-tices;

(7) Relieve, by published regulation of general applicability, candidates or political committees of obligations to comply with the provisions of this act relating to election campaigns, if they have not received contributions nor made expenditures in connection with any election campaign of more than one thousand dollars; and

(8) Enact regulations prescribing reasonable requirements for keeping accounts of and reporting on a quarterly basis costs incurred by state agencies, counties, cities and other municipalities and political subdivisions in preparing, publishing and distributing legislative information. The term "legislative information," for the purposes of this subsection, means books, pamphlets, reports and other materials prepared, published or distributed at substantial cost, a substantial purpose of which is to influence the passage or defeat of any legislation. The state auditor in his regular examination of each agency under chapter 43.09 R.C.W. shall review such regulations, accounts and reports and make appropriate findings, comments and recommendations in his examination reports concerning those agencies.

(9) The commission, after hearing, by order may suspend or modify any of the reporting requirements hereunder in a particular case if it finds that literal application of this act works a manifestly unreasonable hardship and if it also finds that such suspension or modification will not frustrate the purposes of the act. Any such suspension or modification shall be only to the extent necessary to substantially relieve the hardship. The commission shall act to suspend or modify any reporting requirements only if it determines that facts exist that are clear and convincing proof of the findings required hereunder. Any citizen shall have standing to bring an action in Thurston County Superior Court to contest the propriety of any order entered hereunder within one year from the date of entry of such order.

SECTION 38. Secretary of State, Attorney General—Duties. (1) The secretary of state, through his office, shall perform such ministerial functions as may be necessary to enable the commission to carry out its responsibilities under this act. The office of the secretary of state shall be designated as the place where the public may file papers or correspond with the commission and receive any form or instruction from the commission.

(2) The attorney general, through his office, shall supply such assistance as the commission may require in order to carry out its responsibilities under this act. The commission may employ attorneys who are neither the attorney general nor an assistant attorney general to carry out any function of the attorney general prescribed in this section.

SECTION 39. Civil Remidies and Sanctions. (1) One or more of the following civil remedies and sanctions may be imposed by court order in addition to any other remedies provided by law:

(a) If the court finds that the violation of any provision of this act by any candidate or political committee probably affected the outcome of any election, the result of said election may be held void and a special election held within sixty days of such finding. Any action to void an election shall be commenced within one year of the date of the election in question. It is intended that this remedy be imposed freely in all appropriate cases to protect the right of the electorate to an informed and knowledgeable vote.

(b) If any lobbyist or sponsor of any grass roots lobbying campaign violates any of the provisions of this act, his registration may be revoked or suspended and he may be enjoined from receiving compensation or making expenditures for lobbying: PROVIDED, however, that imposition of such sanction shall not excuse said lobbyist from filing statements and reports required by this act.

the customary office hours of the agency: PROVIDED, that if the agency does not have customary office hours of at least thirty hours per week, the public records shall be available from nine o'clock a.m. to noon and from one o'clock p.m. to four o'clock p.m. Monday through Friday, excluding legal holidays, unless the person making the request and the agency or its representative agree on a different time.

SECTION 29. Protection of Public Records. Agencies shall adopt and enforce reasonable rules and regulations, consonant with the intent of this act to provide full public access to official records, to protect public records from damage or disorganization, and to prevent excessive interference with other essential functions of the agency. Such rules and regulations shall provide for the fullest assistance to inquirers and the most timely possible action on requests for information.

SECTION 30. Charges for copying. No fee shall be charged for the inspection of public records. Agencies may impose a reasonable charge for providing copies of public records and for the use by any person of agency equipment to copy public records, which charges shall not exceed the amount necessary to reumburse the agency for its actual costs incident to such copying.

SECTION 31. Certain Personal and Other Records Exempt. (1) The following shall be exempt from public inspection and copying:

(a) Personal information in any files maintained for students in public schools, patients or clients of public institutions or public health agencies, welfare recipients, prisoners, probationers or parolees.

(b) Personal information in files maintained for employees, appointees or elected officials of any public agency to the extent that disclosure would violate their right to privacy.

(c) Information required of any taxpayer in connection with the assessment or collection of any tax if the disclosure of the information to other persons would violate the taxpayer's right to privacy or would result in unfair competitive disadvantage to such taxpayer.

(d) Specific intelligence information and specific investigative files compiled by investigative, law enforcement and penology agencies, and state agencies vested with the responsibility to discipline members of any profession, the non-disclosure of which is essential to effective law enforcement or for the protection of any person's right to privacy.

(e) Information revealing the identity of persons who file complaints with investigative, law enforcement or penology agencies, except as the complainant may authorize.

(f) Test questions, scoring keys, and other examination data used to administer a license, employment or academic examination.

(g) Except as provided by chap. 8.26 R.C.W., the contents of real estate appraisals, made for or by any agency relative to the acquisition of property, until the project is abandoned or until such time as all of the property has been acquired, but in no event shall disclosure be denied for more than three years after the appraisal.

(h) Valuable formulae, designs, drawings and research data obtained by any agency within five years of the request for disclosure when disclosure would produce private gain and public loss.

(i) Preliminary drafts, notes, recommendations, and intra-agency memorandums in which opinions are expressed or policies formulated or recommended except that a specific record shall not be exempt when publicly cited by an agency in connection with any agency action.

(j) Records which are relevant to a controversy to which an agency is a party but which records would not be available to another party under the rules of pretrial discovery for causes pending in the superior courts.

(2) The exemptions of this section shall be inapplicable to the extent that information, the disclosure of which would violate personal privacy or vital governmental interest, can be deleted from the specific records sought. No exemption shall be construed to permit the nondisclosure of statistical information not descriptive of any readily identifiable person or persons.

(3) Inspection or copying of any specific records, exempt under the provisions of this section, may be permitted if the superior court in the county in which the record is maintained finds, after a hearing with notice thereof to every person in interest and the agency, that the exemption of such records, is clearly unnecessary to protect any individual's right of privacy or any vital governmental function.

(4) Agency responses refusing, in whole or part, inspection of any record shall include a statement of the specific exemption authorizing the withholding of the record (or part) and a brief explanation of how the exemption applies to the record withheld.

SECTION 32. Prompt Responses Required. Responses to requests for records shall be made promptly by agencies. Denials of requests must be accompanied by a written statement of the specific reasons therefor. Agencies shall establish mechanisms for the most prompt possible review of decisions denying inspection, and such review shall be deemed completed at the end of the second business day following the denial of inspection and shall constitute final agency action for the purposes of judicial review.

SECTION 33. Court Protection of Records. The examination of any specific record may be enjoined if, upon motion and affidavit, the superior court for the county in which the movant resides or in which the record is maintained, finds that such examination would clearly not be in the public interest and would substantially and irreparably damage any person, or would substantially and irreparably damage vital governmental functions.

SECTION 34. Judicial Review of Agency Actions. (1) Upon the motion of any person having been denied an opportunity to inspect or copy a public record by an agency, the superior court in the county in which a record is maintained may require the responsible agency to show cause why it has refused to allow inspection or copying of a specific record or class of records. The burden of proof shall be on the agency to establish that refusal to permit public inspection and copying is required.

(2) Judicial review of all agency actions taken or challenged under Sections 25 through 32 of this act shall be *de novo*. Courts shall take into account the policy of this act that free and open examination of public records is in the public interest, even though such examination may cause inconvenience or embarrassment to public officials or others. Courts may examine any record *in camera* in any proceeding brought under this section.

(3) Any person who prevails against an agency in any action in the courts seeking the right to inspect or copy any public record shall be awarded all costs, including reasonable attorney fees, incurred in connection with such legal action. In addition, it shall be within the discretion of the court to award such person an amount not to exceed twenty-five dollars for each day that he was denied the right to inspect or copy said public record.

CHAPTER V. ADMINISTRATION AND ENFORCEMENT

SECTION 35. Commission—Established—Membership. There is hereby established a "Public Disclosure Commission" which shall be composed of five members who shall be appointed by the governor, with the consent of the senate. All

appointees shall be persons of the highest integrity and qualifications. No more than three members shall have an identification with the same political party. The original members

1972 (42nd Leg. 2nd Ex. Sess.) and Referendum Bill No. 25 are each hereby repealed.

EXPLANATORY COMMENT

Initiative Measure No. 276 filed in the office of the Secretary of State as of March 29, 1972.

Sponsor filed 162,782 supporting signatures as of July 6, 1972.

Signatures found sufficient. Measure then certified to the November 7, 1972 state general election for approval or rejection by the voters.

COMPLETE TEXT OF

Referendum Bill

24

CHAPTER 82, LAWS OF 1972
(42nd Leg., 2nd Ex. Session)

Ballot Title as issued by the Attorney General:

Lobbyists—Regulation, Registration and Reporting

AN ACT regulating legislative lobbying; amending a prior 1967 act relating thereto; continuing to require registration of lobbyists but specifically defining lobbying as attempting to influence, through direct contact with state legislators, the passage or defeat of any legislation; requiring lobbyists to file itemized and detailed reports of lobbying expenditures during legislative sessions; transferring general responsibility for enforcement from the attorney general to the Senate and House Boards of Ethics; authorizing these boards to direct the attorney general to exercise certain enforcement powers; and replacing present criminal penalties with civil remedies including damages and injunctions against lobbyists and other violators.

LEGISLATIVE TITLE
(Sub. House Bill No. 341)

LEGISLATIVE LOBBYING

AN ACT relating to legislative lobbying; providing for the registration and regulation of lobbyists; amending section 3, chapter 150, Laws of 1967 ex. sess. and RCW 44.60.030; amending section 1, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.010; amending section 2, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.020; amending section 3, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.030; amending section 4, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.040; amending section 6, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.060; adding new sections to chapter 131, Laws of 1967 ex. sess. and to chapter 44.64. RCW; repealing section 5, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.050; and providing for a referendum.

(6) Adopt and promulgate a Code of Fair Campaign Prac-tices;

(7) Relieve, by published regulation of general applicabil-

BE IT ENACTED, *by the Legislature of the State of Washington:*

Section 1, Section 1, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.010 are each amended to read as follows:

When used in this chapter:

(1) ~~((The term "contribution" includes a gift, subscription, loan, advance or deposit of money or anything of value and includes a contract, promise or agreement, whether or not legally enforceable, to make a contribution, given with the intent of influencing the passage or defeat of any pending or proposed legislation;~~

~~(2))~~ The term "expenditure" includes a payment, contribution, subscription, distribution, loan, advance, deposit, or gift of money or anything of value, and includes a contract, promise or agreement, whether or not legally enforceable, to make an expenditure((.)) ;

~~((3))~~ (2) The term "person" includes an individual, partnership, committee, association, corporation, and any other organization or group of persons. The term does not include a member or member-elect of either house of the state legislature ~~((,))~~ , an elected state officer nor a gubernatorial appointee to a position requiring confirmation by the senate;

~~((4))~~ (3) The term "legislation" means bills, resolutions, amendments, motions, nominations, and other matters pending or proposed in either house or any committee of the legislature;

(4) The terms "lobby" and "lobbying" each mean attempting to influence, through direct contact with any legislator or legislators, the passage or defeat of any legislation by the legislature;

(5) The term "lobbyist" means any person, including any public employee, who shall lobby either on his own or another's behalf;

(6) The term "lobbyist's employer" means the person or persons by whom or on whose behalf the lobbyist is employed, and all persons by whom he is compensated for acting as a lobbyist;

(7) The term "code reviser" means the person so designated under the provisions of chapter 1.08 RCW;

(8) The terms "senate board of ethics" and "house board of ethics" mean the boards designated and defined in RCW 44.60.010;

(9) The term "prescribed form" means a form prescribed by the joint board of ethics.

Sec. 2. Section 2, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.020 are each amended to read as follows:

(1) ~~((Any person who shall be engaged for pay or for any consideration for the purpose of attempting to influence the passage or defeat of any legislation by the legislature of the state of Washington or the approval or veto of any legislation by the governor of the state of Washington shall register with the president of the senate and the speaker of the house before doing anything in furtherance of such object and shall give to such officers in writing and under oath a statement))~~ Before doing any lobbying a lobbyist shall register by filing with the code reviser a lobbyist registration statement executed under oath on a prescribed form, for each of his employers, showing:

(a) Name ~~((and))~~, permanent business address, and business address during the legislative session;

(b) Name and address of the ~~((person or persons by whom he is employed and in whose interest he appears or works and by whom he is compensated))~~ lobbyist's employer;

(c) The duration of such employment;

(d) If employed as a lobbyist, whether he is paid on a permanent basis with a lobbying assignment as a partial, temporary or incidental part of his duties, or whether his compensated employment is solely for lobbying purposes;

(e) A written authorization from ~~((each person by whom he is so employed))~~ the lobbyist's employer confirming such employment;

(f) Name and address of the person, if other than the lobbyist or his employer, who will have custody of the accounts, bills, receipts, books, papers, and documents required to be kept by section 7 of this 1972 amendatory act;

(g) The general area or areas of his legislative interest.

~~(2) ((In addition, any person as described in subsection (1) above shall similarly file not later than sixty days after the adjournment of each regular and extraordinary session of the legislature a statement which shall contain the total of all contributions and expenditures made, incurred, or expended for the purposes described in this section exclusive of personal living and travel expenses: PROVIDED, HOWEVER, That when an extraordinary session follows immediately after a regular session such statement shall be filed not later than sixty days after the adjournment of the extraordinary session.~~

~~(3) Each statement required by this section shall be made on forms agreed upon by the president of the senate and the speaker of the house, a duplicate copy of which shall be filed with and preserved by the secretary of state for a period of three years as a public record open to public inspection.))~~ On each Friday that the legislature is in session, the code reviser shall publish a list of the names of all lobbyists whose registration is then in effect and the names and addresses of the lobbyists' employers, and shall deliver a copy of this list to the governor, the president of the senate, the speaker of the house, the attorney general, the secretary of state, and the president of the capital correspondents' association.

(3) Whenever a change, modification, or termination to the lobbyist's employment occurs, the lobbyist shall within one week of such change, modification, or termination furnish full information regarding the same by filing with the code reviser an amended registration statement.

(4) The registration of all lobbyists shall terminate with the adjournment of the legislative session for which the lobbyist has registered: PROVIDED, HOWEVER, That the registration of all lobbyists shall continue in effect through the duration of any regular or extraordinary session convened not more than ten days following the adjournment of any regular or extraordinary session of the legislature.

Sec. 3. Section 3, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.030 are each amended to read as follows:

The following activities shall not be deemed to require compliance with ~~((RCW 44.64.020))~~ sections 2, or 7(1) of this 1972 amendatory act:

(1) ~~((The activities or appearance of a person promoting or opposing the passage of any legislation or its approval or veto by the governor, in his own behalf and not as a representative, agent or employee of another person))~~ Lobbying without compensation or other consideration by a person in his own personal behalf, or as a member of a business, profession, occupation, or other group where no different benefit or detriment will accrue to that person because of his membership than will accrue to any other member of such business, profession, occupation, or group;

(2) Providing professional services in the drafting of legislative measures or in advising ~~((clients))~~ and rendering opinions to clients as to the construction and effect of proposed or pending legislation ((, ~~or in communicating with members of the legislature or the governor in connection therewith~~));

(3) Appearing or testifying ~~((before a))~~ at a meeting of any committee of the legislature in support of or in opposition to any legislation;

(4) ~~((Giving testimony at committee hearings upon the request of the legislature or a committee or a member thereof;~~

~~(5) Giving testimony or contracting legislators by government employees as a part of their official duties;~~

~~or~~

~~(6))~~ News or feature reporting activities by working members of the press, radio, or television; PROVIDED, HOWEVER, That any member of the press, radio, or television who shall lobby shall register and be subject to all provisions of this chapter; or

(5) Communication, orally or in writing, to a legislator in response to an inquiry received from such legislator.

Sec. 4. Section 4, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.040 are each amended to read as follows:

No agreement to ~~((accomplish any purpose set forth in RCW 44.64.020))~~ lobby shall be enforceable and no action shall be brought thereon where payment of all or any part of the compensation under said agreement depends in any manner upon the passage or defeat or executive approval or veto of any legislation, or upon any other contingency in connection with legislation: PROVIDED, That this section shall not apply to those agreements made between attorney and client in connection with claims against the state of Wash-ington.

Sec. 5. Section 6, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.060 are each amended to read as follows:

The ~~((attorney general))~~ senate board of ethics and house board of ethics shall enforce the provisions of this chapter ~~((and shall prosecute, or may delegate to the appropriate prosecuting attorney the prosecution of all violations of this chapter: PROVIDED, That this section shall not preclude actions for the recovery of damages))~~. Each board shall have the following powers, duties, and functions:

(1) The boards jointly, shall adopt procedural rules and guidelines for processing complaints and notifications of violations including, but not limited to, rules for the preservation of confidentiality when necessary and in the public interest.

(2) Upon the written complaint of any person who has reason to believe that there is or has been a violation of this 1972 amendatory act, or whenever in the board's judgment the public interest requires, either board may cause the attorney general to investigate the activities of any lobbyist or other person when there is reason to believe he is or has been acting in violation of this 1972 amendatory act.

(3) When the attorney general investigates any lobbyist or other person as directed by either the senate board of ethics or house board of ethics he may require any such person or any other person reasonably believed to have information concerning the activities of such person to appear at a time and place designated by the attorney general in the county in which such person resides or is found, to give such information under oath and to produce all accounts, bills, receipts, books, papers, and documents related to the expenditures statement required by section 7 of this 1972 amendatory act. When the attorney general requires the attendance of any person to obtain such lobbying information or the production of the lobbyist's accounts, bills, receipts, books, papers, and documents required to be preserved by section 7 of this 1972 amendatory act, he shall issue an order setting forth the time when and the place where attendance is required and shall cause the same to be delivered to or sent by registered mail to the person at least fourteen days before the date fixed for attendance. Such order shall have the same force and effect as a subpoena, shall be effective state-wide, and, upon application of the attorney general, obedience to the order may be enforced by any superior court judge in the county where the person receiving it resides or is found, in the same manner as though the notice were a subpoena. The court, after hearing, for good cause, and upon application of any person aggrieved by the order, shall have the right to alter, amend, revise, suspend, or postpone all or any part of its provisions. In any case where the order is not enforced by the court according to its terms, the reasons for the court's actions shall be clearly stated in the record, and shall be subject to review by the appellate courts by certiorari or other appropriate proceeding.

(4) As soon as practical, the attorney general shall submit his report and recommendations to the joint board of ethics as to whether in his opinion the preponderance of evidence is that a lobbyist has violated or is violating any provisions of this 1972 amendatory act.

(5) The joint board of ethics may revoke or suspend the registration of any lobbyist who, it finds has violated or is violating any provision of this 1972 amendatory act. Before revoking or suspending any registration under this subsection, the joint board shall give the lobbyist reasonable notice of its intention regarding his registration, and shall, if requested by him, conduct a hearing on the issue of the revocation or suspension of his registration.

(6) When the joint board of ethics has reason to believe that a lobbyist has violated or is violating any provision of this 1972 amendatory act, it may direct the attorney general to bring a civil action to revoke such lobbist's registration and enjoin his lobbying activities. A lobbyist whose registration is revoked shall be enjoined from all lobbying activities for a period of not less than two years: PROVIDED, HOWEVER, That revocation of a lobbyist's registration does not excuse said lobbyist from filing the statements required under section 7 of this 1972 amendatory act.

(7) When the joint board of ethics has reason to believe that a lobbyist, without good cause, has failed to file any statement required by section 7 of this 1972 amendatory act, or has filed any such statement reporting less than the amount required to be reported, it may direct the attorney general to bring an action in the name of the state to require the filing of the required statement or information. If the state prevails in such action and the court finds that the lobbyist wilfully and knowingly violated the provisions of said section 7 then there may be awarded as a judgment to the state for its general fund an amount not more than treble the amount the lobbyist failed to report in violation of this 1972 amendatory act. In the event the lobbyist reported less than the amount required under the provisions of this 1972 amendatory act, then the amount he "failed to report", for purposes of computing damages, shall be the difference between the amount required to be reported and the actual amount reported. The court may, in addition, award to the state all costs of investigating and trial, including a reasonable attorney's fee to be fixed by the court. The registration of any lobbyist may be revoked under subsection (6) of this section if his violation of section 7 is found to have been intentional. If damages are awarded in such action, the judgment may be awarded against the lobbyist, the lobbyist's employer or employers joined as defendants, jointly, severally, or both.

(8) The senate board of ethics or house board of ethics may by general rule authorize the attorney general to serve written notice upon any person whenever the attorney general has reason to believe that person is or has been violating section 2 of this 1972 amendatory act by carrying on lobbying activities without having registered, which notice shall direct such person to respond within twenty-four hours of receipt of such notice and show cause why he should not register or be enjoined from all lobbying activities. An action to enjoin such person's lobbying activities may be brought by the attorney general at the direction of the joint board of ethics if the person does not register or the attorney general does not receive a satisfactory response as directed.

(9) The senate board of ethics, the house board of ethics, and the joint board of ethics may employ attorneys who are neither the attorney general nor an assistant attorney general to carry out any function of the attorney general prescribed in this section.

NEW SECTION. Sec. 6. There is added to chapter 131, Laws of 1967 ex. sess. and to chapter 44.64 RCW a new section to read as follows:

The powers and duties of the attorney general pursuant to this 1972 amendatory act shall not be construed to limit or restrict the exercise of his power or the performance of his duties under any other provision of law.

NEW SECTION. Sec. 7. There is added to chapter 131, Laws of 1967 ex. sess. and to chapter 44.64 RCW a new section to read as follows:

(1) Each lobbyist registered according to section 2 of this 1972 amendatory act shall file with the code reviser not later than sixty days after the expiration of his lobbyist registration, whether by termination of employment or adjournment of any session of the legislature, a complete and detailed statement upon a prescribed form showing:

The totals of all expenditures made or incurred by or on behalf of such lobbyist during the legislative session, which totals shall be segregated according to financial category, including but not limited to the following: (a) Entertainment, including food and refreshments; (b) advertising; (c) contributions; and (d) other expenses or services: PROVIDED, HOWEVER, That a lobbyist's personal living and travel expenses and the expenses incidental to establishing and maintaining an office in connection with lobbying activities need not be reported, and no expenditure which is properly reported as a campaign contribution under any other law of this state enacted after January 1, 1972, shall be reported under this 1972 amendatory act: PROVIDED, FURTHER, That all contributions made to, or for the benefit of, any legislator shall be indentified by date, amount, and the name of the legislator receiving, or to be benefited by, each such contribution. Each individual expenditure of more than twenty-five dollars for entertainment shall be identified by date, place, amount, and the names of all persons in the group partaking in or of such entertainment including any portion thereof attributable to the lobbyist's participation therein but without allocating any portion of such expenditure to individual participants.

The reporting period of the statement required by this subsection shall be the duration of each legislative session: PROVIDED, HOWEVER, That when a regular or extraordinary session convenes not more than ten days following the adjournment of any regular or extraordinary session, the reporting period of the statement required by this subsection shall be the combined duration of such sessions.

(2) Within ninety days after the termination of all lobbyist registrations by the adjournment of the legislature, the code reviser shall publish a report showing each person who has registered as a lobbyist since the last such report, and shall deliver a copy of such report to the governor, the president of the senate, the speaker of the house, the president of the capitol correspondents' association, the attorney general and the secretary of state. The report shall contain:

(a) The lobbyist's name and permanent address;

(b) The name and address of all employers listed by such lobbyist;

(c) The total of all expenditures by category reported by such lobbyist.

The secretary of state shall file and preserve such report for a period of three years as a public record open to public inspection.

NEW SECTION. Sec. 8. There is added to chapter 131, Laws of 1967 ex. sess. and to chapter 44.64 RCW a new section to read as follows:

Any employee of the governor's office or of any other state funded activity, agency, or department engaged in lobbying activities shall be registered with the code reviser's office.

A list of such people shall be provided each legislator showing the name, age, address, salary, agency represented, education, previous employment, and areas they claim expertise in.

NEW SECTION. Sec. 9. There is added to chapter 131, Laws of 1967 ex. sess. and to chapter 44.64 RCW a new section to read as follows:

Each lobbyist's registration form, following the first publication thereof as required in section 2 (2) of this 1972 amendatory act, and each lobbyist's statement of expenditures, following publication as required in section 7 (2) of this 1972 amendatory act, shall be delivered by the code reviser to the secretary of state who shall file and preserve such documents

for a period of three years as a public record open to public inspection.

NEW SECTION. Sec. 10. There is added to chapter 131, Laws of 1967 ex. sess. and to chapter 44.64 RCW a new section to read as follows:

A lobbyist has the following obligations, the violation of which shall constitute cause for revocation of his registration, and may subject the lobbyist, and the lobbyist's employer if such employer aids, abets, ratifies, or confirms any such act of the lobbyist, to other civil liabilities, as provided by this 1972 amendatory act.

A lobbyist shall obtain and preserve all accounts, bills, receipts, books, papers, and documents necessary to substantiate the financial reports required to be made under this 1972 amendatory act for a period of at least two years from the date of the filing of the statement containing such items: PROVIDED, That if the lobbyist is required under the terms of his employment contract to turn any records over to his employer, responsibility for the preservation of such records under this subsection shall rest with such employer.

In addition, a lobbyist shall not:

(1) Engage in any activity as a lobbyist in any session before registering as such;

(2) Knowingly deceive or attempt to deceive any legislator as to any fact pertaining to any pending or proposed legislation;

(3) Cause or influence the introduction of any bill or amendment thereto for the purpose of thereafter being employed to secure its defeat;

(4) Knowingly represent an interest adverse to any of his employers without first obtaining such employer's written consent thereto after full disclosure to such employer of such adverse interest.

(5) Exercise any undue influence, extortion, or unlawful retaliation upon any legislator by reason of such legislator's position with respect to, or his vote upon, any pending or proposed legislation.

Sec. 11. Section 3, chapter 150, Laws of 1967 ex. sess. and RCW 44.60.030 are each amended to read as follows:

The jurisdiction of the respective boards of ethics created by this chapter shall be strictly limited to the consideration of the conduct of the members of its own house ~~((and))~~, the conduct of employees of its own house, and the activities of legislative lobbying regulated under chapter 44.64 RCW.

NEW SECTION. Sec. 12. Section 5, chapter 131, Laws of 1967 ex. sess. and RCW 44.64.050 are each repealed.

NEW SECTION. Sec. 13. Any person damaged by reason of any violation of the provisions of this 1972 amendatory act by any person may maintain an action against such person. If damages are awarded in such action a reasonable attorney's fee may also be allowed by the court.

NEW SECTION. Sec. 14. The enactment of this 1972 amendatory act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence at the date this act becomes effective. Nothing in this 1972 amendatory act shall be construed to in any way limit the power of the senate and house of representatives, or either of them, to adopt additional or supplementary rules regarding lobbying activities nor limit the right of any person to recover damages from any other person on account of any violation of this 1972 amendatory act.

NEW SECTION. Sec. 15. If any provision of this 1972 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.

NEW SECTION. Sec. 16. The rule of strict construction shall not be applied to the operation of this act, and this act shall be liberally construed to carry out the purposes hereof.

NEW SECTION. Sec. 17. This 1972 amendatory act shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1972, in accordance with the provisions of section 1, Article II of the state Constitution, as amended, and laws adopted to facilitate the operation thereof.

Passed the House February 20, 1972.
Passed the Senate February 19, 1972.
Received directly from the office of Chief Clerk, House of Representatives, and filed February 22, 1972 in the office of the Secretary of State.

A. LUDLOW KRAMER, Secretary of State

COMPLETE TEXT OF

REFERENDUM BILL 25

CHAPTER 98, LAWS OF 1972
(42nd Leg., 2nd Ex. Session)

Ballot Title as issued by the Attorney General:

Regulating Certain Electoral Campaign Financing

AN ACT regulating certain electoral campaign contributions and expenditures; requiring organizational statements to be filed by campaign organizations; providing for reports of contributions over $100 and expenditures over $25 for or against candidates or ballot propositions from organizations other than those attempting to influence the success of two or more candidates (defined as "political committees"); prohibiting anonymous contributions exceeding $10 and the division of larger contributions to conceal their sources; directing candidates to subscribe to a code of fair campaign practices; limiting campaign expenditures; requiring reports of political advertising by commercial advertisers; and subjecting designated violators to criminal penalties.

LEGISLATIVE TITLE
(House Bill No. 248)

CAMPAIGN REPORTING ACT OF 1972

AN ACT relating to the regulation and reporting of campaign contributions and expenditures: Establishing an elections commission; adding a new chapter to Title 29 RCW; creating new sections; repealing section 29.18.140, chapter 9, Laws of 1965, section 9, chapter 150, Laws of 1965 ex. sess. and RCW 29.18.140; repealing section 29.85.270, chapter 9, Laws of 1965 and RCW 29.85.270; prescribing penalties; and providing for submission of this act to a vote by the people.

BE IT ENACTED, *by the Legislature of the State of Washington:*

NEW SECTION. Section 1. There is added to Title 29 RCW a new chapter to read as set forth in sections 2 through 24 of this act.

NEW SECTION. Sec. 2. Declaration of Legislative Purpose. It is hereby declared to be the public policy of the state of Washington that:

(1) The legislature recognizes that requiring an individual contributor of a campaign contribution to be identified may very well, especially in the case of small contributors, seem to be a distasteful invasion of the right of privacy. Such a requirement would mean that each individual contributor would have to publicly declare his politics and that his personal philosophic leanings, which hitherto he may only have shared with his family and intimates, would now be subject to public scrutiny and be recorded in government offices and computers. It is the finding of the legislature that requiring disclosure of the identity of these contributors would effectively cause many small contributors to cease making contributions. For this reason and for reasons of privacy the legislature declares that the identity of minor contributors to political parties or political organizations having the interst of electing numerous candidates should not be required to be disclosed.

(2) The legislature further finds that the concept of attempting to increase financial participation of individual contributors in political campaigns is encouraged by the passage of the Revenue Act of 1971 by the Congress of the United States, and in consequence thereof, there is a need for legislation on the state level for implementing legislation.

(3) The legislature further declares that the public interest is sufficient to require that contributors in amounts in excess of one hundred dollars to the campaigns of individual candidates should be identified, notwithstanding the loss of privacy involved. It is the feeling of the legislature that to require the disclosure of contributors to ideological political parties and like organizations would constitute an extreme invasion of the right of privacy.

(4) Major political campaign contributions and expenditures be fully disclosed to the public and that secrecy be avoided.

(5) The people have the right to expect from their elected representatives at all levels of government, assurances of the utmost integrity, honesty and fairness in their dealings.

(6) The people further have the right to be assured to the fullest extent possible that the private financial dealings of their governmental representatives, and of candidates for those offices, present no conflict of interest between the public trust and private interests.

(7) Public confidence in government at all levels can be sustained by assuring the people of the impartiality and honesty of the officials in all governmental transactions and decisions.

NEW SECTION. Sec. 3. Applicability. The provisions of this chapter shall apply to all election campaigns other than campaigns for:

(1) President and vice president of the United States;

(2) United States congress;

(3) Offices of any municipal corporation of the fourth class;

(4) Directors of any school district;

(5) Offices of any district which does not encompass a whole county, and which contains less than five thousand registered voters according to the most recent general election of such district and/or officers of any district which requires ownership of property as a prerequisite to voting;

(6) Precinct committeemen.

NEW SECTION. Sec. 4. Definitions. As used in this chapter, unless the context requires otherwise:

(1) "Campaign depository" means a bank designated by a candidate or campaign or proposition committee pursuant to section 6 of this act.

(2) "Campaign treasurer" and "deputy campaign treasurer" mean the individuals appointed by a candidate or campaign or proposition committee, pursuant to section 6 of this act to perform the duties specified in sections 7 through 12 of this act.

(3) "Candidate" means any individual who seeks nomination for, or election to, public office. For purposes of this chapter, an individual shall be deemed to seek nomination or election when he files for office.

(4) "Campaign committee" means any person, except an individual dealing with his own funds or property, receiving contributions or making expenditures solely in support of, or in opposition to, a particular candidate.

(5) "Commercial advertiser" means any person who sells or supplies the service of communicating messages or producing printed material for broadcast or distribution to the general public or segments of the general public whether through the use of newspapers, magazines, television and radio stations, billboard companies, printing companies, or otherwise.

(6) "Contribute" or "contribution" means any monetary advance, conveyance, deposit, distribution, gift, loan, payment, pledge or subscription of money, the aggregate of which is in excess of one hundred dollars and any contract, agreement, promise or other obligation, whether or not legally enforceable, to make a monetary contribution in support of or in opposition to any candidate, campaign committee or proposition; but do not include:

(a) Services of the sort commonly performed by volunteer workers and for which no compensation is asked or given.

(b) Incidental expenses personally paid for by volunteer campaign workers.

(7) "Election" includes primary, general, and special elections for a public office to be filled by the voters and any election in which a proposition is submitted to the voters.

(8) "Election campaign" means any campaign of a candidate for nomination for, or election to, public office and any campaign in support of, or in opposition to, a proposition.

(9) "Expend" or "expenditure" means any advance, conveyance, payment or transfer of money or any other thing of value, and any contract, agreement, promise or other obligation to make an expenditure, whether or not legally enforceable, in support of or in opposition to any candidate, campaign committee or proposition.

(10) "Final report" means the report described and designated as such in section 9 of this act.

(11) "Person" includes an individual, partnership, joint venture, corporation, association, governmental entity or agency, candidate, proposition committee, campaign committee, or any other organization or group of persons, however organized. PROVIDED, HOWEVER, That political committees and political parties and their executive committees thereof are specifically excluded from the scope of this definition.

(12) "Political advertising" means any advertising displays, newspaper advertisements, billboards, signs, tabloids, radio or television presentations, handbills, letters, envelopes and postage, used for the purpose of appealing directly or indirectly, for votes or for financial or other support in any election campaign.

(13) "Political committee" means any committee, association, or organization (whether or not incorporated) organized and operated for the purpose of influencing, or attempting to influence, the nomination or election of two or more individuals who are candidates for nomination or election to any state, or local elective public office.

(14) "Proposition committee" means any person, except an individual dealing with his own funds or property, re-

ceiving contributions or making expenditures in support of, or in opposition to, a proposition.

(15) "Proposition" means any "measure" as defined by RCW 29.01.110, or any initiative, recall, or referendum proposition proposed to be submitted to the voters of any specific constituency when that proposition is filed with the appropriate election officer of that constituency.

(16) Supervisory authority means:

(A) in the case of an election involving cities of the first class the city clerk thereof;

(B) in the case of an election involving cities, other than first class cities, the county auditor;

(C) in the case of an election involving any other political subdivision of the state of Washington located in one county, the county auditor;

(D) in the case of an election involving any other political subdivision of the state of Washington located in two or more counties, the secretary of state;

(E) in the case of an election involving a state-wide issue or candidate, excepting legislative positions, the secretary of state;

(F) in the case of an election involving legislative positions, the respective board of legislative ethics, created pursuant to RCW 44.60.020.

(17) When consistent with the context, words in the masculine, feminine or neuter genders shall be construed to be interchangeable with and to include such other genders; and words in the singular number shall be construed to include the plural, and in the plural to include the singular, and each shall be construed to be interchangeable with the other.

NEW SECTION. Sec. 5. Obligation of Committees to file Statement of Organization. (1) Every committee, within ten days after its organization or, within ten days after the date when it first has the expectation of receiving contributions or making expenditures in any election campaign, whichever is earlier, shall file with the supervisory authority a statement of organization. Each committee in existence on the effective date of this act shall file a statement of organization with the supervisory authority within ninety days after such effective date.

(2) The statement of organization shall include but not be limited to:

(a) The name and address of the committee;

(b) The names and addresses of all related or affiliated committees;

(c) The names, addresses and titles of its officers; or if it has no officers, the names, addresses and titles of its responsible leaders, and the persons that will have custody of its book of accounts;

(e) The name and address of its campaign treasurer and campaign depository, if any;

(f) A statement whether the committee is a continuing one;

(g) The name, office sought, and party affiliation of each candidate whom the committee is supporting, and, if the committee is supporting the entire ticket of any party, the name of the party; and (h) The ballot proposition concerned, if any, and whether the committee is in favor of or opposed to such proposition.

(3) Any material change in information previously submitted in a statement of organization shall be reported to the supervisory authority within the ten days following the change.

NEW SECTION. Sec. 6. Campaign Treasurer and Depositories. (1) Each candidate, at or before the time he announces publicly or files for office, whichever occurs later and each campaign or proposition committee, at or before the time it files a statement of organization, shall designate and file with the supervisory authority the names and addresses of:

(a) One elector, who may be the candidate, to serve as a campaign treasurer; and

(b) One bank doing business in this state to serve as campaign depository.

(2) A candidate, campaign or proposition committee or a campaign treasurer may appoint as many deputy treasurers as is considered necessary and may designate not more than one additional campaign depository in each county in which the campaign is conducted. The candidate or campaign or proposition committee shall file the names and addresses of the deputy campaign treasurers and additional campaign depositories with the supervisory authority.

(3) (a) A candidate, or campaign or proposition committee may at any time remove a campaign treasurer or deputy treasurer or change a designated campaign depository.

(b) In the event of the death, resignation or removal of a campaign treasurer, deputy campaign treasurer or depository, the candidate or campaign or proposition committee shall designate and file with the supervisory authority the name and address of any successor.

(4) No campaign treasurer, deputy campaign treasurer, or campaign depository shall be qualified until his name and address is filed with the supervisory authority.

NEW SECTION. Sec. 7. Deposit of Contributions—Statement of Campaign Treasurer—Anonymous Contributions. (1) All monetary contributions received by a candidate or campaign or proposition committee shall be deposited by the campaign treasurer or deputy treasurer in a campaign depository in an account designated, "Campaign Fund of ....." (name of candidate or committee) no later than the fifth regular day of business of such depository after the day of receipt.

(2) Each deposit made by a campaign treasurer or deputy campaign treasurer shall be documented by a statement containing the amount of the deposit and the name of each person contributing the funds so deposited and the amount contributed by each person, in excess of one hundred dollars which statement shall be retained by the campaign treasurer. The statement shall be upon a form prescribed by the supervisory authority and shall be sworn to as correct by the campaign treasurer or deputy campaign treasurer making the deposit.

(3) Anonymous contributions by a single contributor in excess of an aggregate amount of ten dollars received by a candidate or campaign or proposition committee shall not be deposited, used, or expended, but shall be returned to the donor, if his identity can be ascertained. If the donor's identity cannot be ascertained, the contribution shall escheat to the state, and shall be paid to the state treasurer for deposit in the state general fund.

NEW SECTION. Sec. 8. Authorization of Expenditures and Restrictions Thereon. From the time the campaign treasurer is appointed, until a final report is filed, no expenditures shall be made or incurred by any candidate or campaign or proposition committee except on the authority of the campaign treasurer or the candidate, and a record of all such expenditures shall be maintained by the campaign treasurer.

NEW SECTION. Sec. 9. Reports of Contributions and Expenditures by Candidates and Committees. (1) Within seven days after the day the campaign treasurer is designated each candidate or campaign or proposition committee shall file with the supervisory authority a report of contributions and expenditures made in the election campaign: PROVIDED, That the initial report of a campaign or proposition committee in existence on the effective date of this act and not established in anticipation of any specific election campaign shall be filed with the supervisory authority within ten days after such effective date and shall include:

(a) A statement of the funds on hand at the time of such report;

(b) Such other information as the supervisory authority may by regulation prescribe in furtherance of and consistent with the policy and purpose of this act.

(2) Reports of contributions and expenditures shall also be filed by each candidate and campaign or proposition committee with the supervisory authority:

(a) As to contributions and expenditures made in or on account of the election campaign of a candidate for nomination for, or election to, public office:

(i) On or before twenty days prior to the primary election; and

(ii) Within ten days after the primary election; and

(iii) Within ten days after the general election.

(3) As to contributions and expenditures made in or on account of an election campaign in support of, or in opposition to, a proposition:

(a) On or before the last day of each month prior to the date of the election; and

(b) Within ten days after the date of the election.

If after filing the last report as provided in this section, the candidate or committee has any outstanding debts or obligations for expenditures incurred in or on account of the election campaign, or if the committee continues in existence, supplemental reports of all contributions and expenditures made since the date of the last report shall be filed quarterly until the obligation or indebtedness is entirely satisfied or the committee dissolved as the case may be, and the last such report shall be the final report: PROVIDED, That when the campaign fund has been closed, the campaign has been concluded in all respects, there are no outstanding debts or obligations incurred in or on account of the election campaign, and in the case of a committee, such committee has ceased to function and has dissolved, a report filed at any time thereafter shall be the final report and the duties of the campaign treasurer shall cease and there shall be no obligation to make any further reports.

NEW SECTION. Sec. 10. Contents of Reports. All reports filed pursuant to section 9 of this act shall be duly sworn to as to correctness by the candidate or by the campaign treasurer of a committee and shall disclose for the period covered:

(1) The funds on hand at the beginning of the period;

(2) The name and address of each person who has made one or more contributions during the period for which the report is filed, together with the amount of such contributions;

(3) The sum of contributions not reported under subsection (2) above;

(4) Each loan, promissory note or security instrument to be used by or for the benefit of the candidate or committee made by any person in furtherance of the election campaign together with the names and addresses of the maker of such loan, note or instrument, the date and amount thereof, and the names and addresses of any endorsers;

(5) The name and address of any political committee from which the reporting committee or candidate received, or to which the reporting committee or candidate transferred any funds, together with the amounts, dates and purposes of all such transfers;

(6) The name and address of each person to whom an expenditure in excess of twenty-five dollars was made and the amount, date and purpose of each such expenditure;

(7) The sum of expenditures required to be reported above.

NEW SECTION. Sec. 11. Every candidate for an elective office in this state including state, county, city, town and district offices whether such election is partisan or nonpartisan, except a candidate for precinct committeeman, shall simultaneously with filing a declaration of candidacy file with the same officer at the same time a signed copy of the following code of fair campaign practices.

"CODE OF FAIR CAMPAIGN PRACTICES

There are basic principles of decency, honesty and fair play which every candidate for public office in the United States and the State of Washington has a moral obligation to observe and uphold, in order that, after vigorously contested but fairly conducted campaigns, our citizens may exercise their constitutional right to a free and untrammeled choice and the will of the people may be fully and clearly expressed on the issues before the country and this state.

Therefore:

I shall conduct my campaign in the best American tradition, discussing the issues as I see them, presenting my record and policies with sincerity and frankness, and criticizing without fear or favor the record and policies of my opponent and his party which merit such criticism.

I shall defend and uphold the right of every qualified American voter to full and equal participation in the electoral process.

I shall condemn the use of personal vilification, character defamation, whispering campaigns, libel, slander, or scurrilous attacks on any candidate or his personal or family life.

I shall condemn the use of campaign material of any sort which misrepresents, distorts, or otherwise falsifies the facts regarding any candidate, as well as the use of malicious or unfounded accusations against any candidate which aim at creating or exploiting doubts, without justification, as to his loyalty and patriotism.

I shall condemn any appeal to prejudice based on race or national origin.

I shall condemn any dishonest or unethical practice which tends to corrupt or undermine our American system of free elections or which hampers or prevents the full and free expression of the will of the voters.

I, the undersigned, candidate for election to public office in the United States of America and the State of Washington, hereby endorse, subscribe to, and solemnly pledge myself to conduct my campaigns in accordance with the above principles and practices, so help me God.

Date

Signature"

NEW SECTION. Sec. 12. Campaign Expenditure Limitations. From the time the campaign treasurer is appointed, until a final report is filed.

The total of expenditures made by, for, or on behalf of any candidate in relation to any campaign shall not exceed the larger of the following amounts:

(a) Ten cents multiplied by the number of voters registered; or

(b) Five thousand dollars; or

(c) A sum equal to the public salary which will be paid to the occupant of the office which the candidate seeks, during the term for which the successful candidate will be elected; or

(d) With respect to candidates for the office of governor and lieutenant governor of the state of Washington only, a sum equal to the public salary which will be paid the governor during the term sought, multiplied by two.

Any candidate who knowingly, intentionally and wilfully violates the provisions of this section, and any person who aids or abets such a violation, shall be subject to the provisions and penalties of section 18 of this act.

The total of expenditures made by, for or on behalf of any ballot proposition shall not exceed one hundred thousand dollars.

NEW SECTION. Sec. 13. Commercial Advertisers' Duty to Report. (1)Within fifteen days after an election each commercial advertiser who has accepted and displayed or communi-

cated political advertising to the public during the election campaign shall file a report with the supervisory authority which shall be certified as correct and shall specify:

(a) The names and addresses of persons from whom it accepted political advertising;

(b) The exact nature and extent of the advertising services rendered;

(c) The consideration and the manner of paying that consideration for such services; and

(d) Such other facts as the supervisory authority may by regulation prescribe, in keeping with the purposes of this act.

(2) No report shall be required from any printing company as to any single candidate or campaign or proposition committee when the total consideration received therefrom does not exceed fifty dollars.

NEW SECTION. Sec. 14. Duty to Preserve Statements and Reports. Persons with whom statements or reports or copies of statements or reports are required to be filed under this act shall preserve them for two years. The supervisory authority, however, shall preserve such statements or reports for a period of five years.

NEW SECTION. Sec. 15. Identification of Contributions and Communications. No contribution in excess of one hundred dollars shall be made and no expenditure shall be incurred, directly or indirectly, in a fictitious name, anonymously, or by one person through an agent, relative or other person in such a manner as to conceal the identity of the source of the contribution, in any election campaign.

NEW SECTION. Sec. 16. Political Advertising—Identification of Sponsors. All political advertising, whether relating to candidates or propositions, however proposed, promulgated or disseminated, shall identify the sponsors thereof by listing the name and address of the sponsor or sponsors on the material or in connection with its presentation. If a candidate or candidates run for partisan political office, they and their sponsors shall also designate on all such political advertising clearly in connection with each such candidate the party to which each such candidate belongs: PROVIDED, That licensees of the federal communications commission shall identify political advertisers in compliance with FCC regulations.

NEW SECTION. Sec. 17. Supervisory Authority Duties. The supervisory authority shall:

(1) Develop and distribute prescribed forms for the filing of the reports and statements required by this chapter;

(2) Prepare and publish a manual setting forth recommended uniform methods of bookkeeping and reporting for use by persons required to make reports and statements under this chapter;

(3) Make each report and statement filed with it available during regular office hours for public inspection and for copying at cost to any person requesting copies of the same;

(4) Preserve such reports and statements as required by section 14 hereof;

(5) Compile and maintain a current list of all statements or part of statements pertaining to each candidate;

(6) Determine whether the required reports and statements have been filed and, if so, whether they conform with the requirements of this chapter; and

(7) Report apparent criminal acts in violation of law, as provided in section 18 of this act, to the appropriate law enforcement authorities.

NEW SECTION. Sec. 18. Criminal Penalties; Limitations on Actions. (1) Any person who knowingly and wilfully violates a provision of this chapter shall be guilty of a misdemeanor and shall be punishable by a fine of not more than five hundred dollars. Violations include, but are not limited to:

(a) Filing a statement or report containing any intentionally false or misleading information;

(b) Making or receiving a contribution in contravention of this chapter;

(c) Making or receiving an expenditure in contravention of this chapter;

(d) Failing to return a contribution in excess of ten dollars allegedly made anonymously to the known donor or failing to send any contribution whose donor is actually unknown to the state treasurer;

(e) Paying funds for a campaign fund contrary to the provisions of this chapter;

(f) Failing to preserve statements or reports for the required period of time;

(g) Failing to maintain accounts of political advertising as required by this chapter.

(2) Any action for the enforcement of the provisions of this chapter must be commenced within one year after the date of the election to which the violation is reasonably related.

(3) In addition, any office holder, not subject to impeachment, who, after exhausting his rights of appeal, is convicted of violating any provisions of this chapter shall forfeit his office and its rights and privileges, and the office shall be vacant and shall be filled in the manner prescribed by law; or, if subject to impeachment, such violation shall constitute a ground for impeachment of such office holder in the manner provided by law.

(4) The prosecuting attorneys of political subdivisions of this state shall enforce this section by filing criminal complaints in courts of appropriate jurisdiction.

NEW SECTION. Sec. 19. Date of Mailing Deemed Date of Receipt. When any application, report, notice, or payment required to be made to any person or supervisory authority under the provisions of this chapter has been deposited postpaid in the United States mail addressed to such person or supervisory authority, it shall be deemed to have been received by him on the date of mailing. It shall be presumed that a date shown by the post office cancellation mark on the envelope is the date of mailing.

NEW SECTION. Sec. 20. Repeals. The following acts or parts of acts are each hereby repealed:

(1) Section 29.18.140, chapter 9, Laws of 1965, section 9, chapter 150, Laws of 1965 ex. sess. and RCW 29.18.140; and

(2) Section 29.85.270, chapter 9, Laws of 1965 and RCW 29.85.270.

NEW SECTION. Sec. 21. Penalty. Any person, partnership, association or corporation that knowingly divides a campaign contribution so as to avoid the necessity of reporting under this act, or any candidate who knowingly accepts a contribution which has been divided so as to avoid reporting under this act, shall be guilty of a misdemeanor.

NEW SECTION. Sec. 22. Title. This act shall be known and cited as the "Campaign Reporting Act of 1972."

NEW SECTION. Sec. 23. Section Headings Are Not Part of Law. Section captions or headings, used in this act, do not constitute any part of the law.

NEW SECTION. Sec. 24. Severability. If any provision of this act, or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. Sec. 25. Effective Date. The effective date of sections 9 through 25 of this act shall be January 30, 1973 if passed by a vote of the people.

NEW SECTION. Sec. 26. Referendum. This act shall be

submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1972, in accordance with the provisions of section 1, Article II of the state Constitution, as amended, and laws adopted to facilitate the operation thereof.

Passed the House February 22, 1972.
Passed the Senate February 19, 1972.
Received directly from the office of Chief Clerk, House of Representatives, and filed February 24, 1972 in the office of the Secretary of State.

A. LUDLOW KRAMER, Secretary of State

COMPLETE TEXT OF

Referendum Bill

26

CHAPTER 127, LAWS OF 1972
(42nd Leg., 2nd Ex. Session)

Ballot Title as issued by the Attorney General:

Bonds for Waste Disposal Facilities

AN ACT authorizing the issuance and sale of state general obligation bonds in the sum of $225,000,000 to provide funds for the planning, acquisition, construction, and improvement of public waste disposal facilities; designating the state department of ecology as the agency responsible for disbursement of the bond proceeds, subject to prior legislative appropriations; and providing for payment of the bonds from unpledged state retail sales tax revenues or other means authorized by the legislature.

LEGISLATIVE TITLE
(House Bill No. 186)

WASTE DISPOSAL FACILITIES BONDS

AN ACT relating to state and local government and the support thereof; authorizing the issuance and sale of state general obligation bonds to provide waste disposal facilities throughout the state; providing ways and means to pay said bonds; providing for submission of this act to a vote of the people; adding new sections to Title 43 RCW; making an appropriation; and creating new sections.

BE IT ENACTED, *by the Legislature of the State of Washington:*

NEW SECTION. Section 1. The long-range development goals for the state of Washington must include the protection of the resources and environment of the state and the health and safety of its people by providing adequate facilities and systems for the collection, treatment, and disposal of solid and liquid waste materials.

NEW SECTION. Sec. 2. For the purpose of providing funds for the planning, acquisition, construction, and improvement of public waste disposal facilities in this state, the state finance committee is authorized to issue, at any time prior to January 1, 1980, general obligation bonds of the state of Washington in the sum of two hundred twenty-five million dollars or so much thereof as may be required to finance the improvements defined in this act and all costs incidental thereto. These bonds shall be paid and discharged within twenty years of the date of issuance or within thirty years should Article VIII of the Constitution of the state of Washington be amended to permit such longer term. No bonds authorized by this act shall be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold.

NEW SECTION. Sec. 3. The proceeds from the sale of bonds authorized by this act and any interest earned on the interim investment of such proceeds, shall be deposited in the state and local improvements revolving account hereby created in the general fund and shall be used exclusively for the purpose specified in this act and for payment of the expenses incurred in the issuance and sale of the bonds.

NEW SECTION. Sec. 4. The proceeds from the sale of the bonds deposited in the state and local improvements revolving account of the general fund under the terms of this act shall be administered by the state department of ecology subject to legislative appropriation. The department may use or permit the use of any funds derived from the sale of bonds authorized under this act to accomplish the purpose for which said bonds are issued by direct expenditures and by grants or loans to public bodies, including grants to public bodies as matching funds in any case where federal, local or other funds are made available on a matching basis for improvements within the purposes of this act.

Integration of the management and operation of systems for solid waste disposal with systems of liquid waste disposal holds promise of improved waste disposal efficiency and greater environmental protection and restoration. To encourage the planning for and development of such integration, the legislature may provide for special grant incentives to public bodies which plan for or operate integrated waste disposal management systems.

NEW SECTION. Sec. 5. As used in this act, the term "waste disposal facilities" shall mean any facilities owned or operated by a public body for the collection, storage, treatment, and disposal of liquid wastes or solid wastes, including, but not limited to, sanitary sewage, storm water, residential, industrial, and commercial wastes, and any combination thereof, and all equipment, utilities, structures, real property, and interests in and improvements on real property, necessary for or incidental to such purpose.

As used in this act, the term "public body" means the state of Washington or any agency, political subdivision, taxing district, or municipal corporation thereof, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington.

NEW SECTION. Sec. 6. This act shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1972, in accordance with the provisions of section 3, Article VIII of the Constitution of the state of Washington, and in accordance with the provisions of section 1, Article II of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof.

NEW SECTION. Sec. 7. The state finance committee is au-

thorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance. None of the bonds herein authorized shall be sold for less than their par value.

NEW SECTION. Sec. 8. When the state finance committee has decided to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of such bonds, which notes shall be designated as "anticipation notes." Such portion of the proceeds of the sale of such bonds as may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The bonds and notes shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The state finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of the bonds and notes.

NEW SECTION. Sec. 9. The waste disposal facilities bond redemption fund is created in the state treasury. This fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this act. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements, and on July 1st of each year the state treasurer shall deposit such amount in the waste disposal facilities bond redemption fund from moneys transmitted to the state treasurer by the state department of revenue and certified by the department to be sales tax collections. Such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest. The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein.

NEW SECTION. Sec. 10. The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized herein, and this act shall not be deemed to provide an exclusive method for such payment.

NEW SECTION. Sec. 11. The bonds herein authorized shall be a legal investment for all state funds, or for funds under state control, and for all funds of any other public body.

NEW SECTION. Sec. 12. There is appropriated to the state department of ecology, from the state and local improvements revolving account out of the proceeds of sale of the bonds or notes authorized herein, for the period from the effective date of this act through June 30, 1973, the sum of ten million dollars for use by said department for grants to public bodies as state matching funds for the purpose of aiding in the planning, acquisition, construction, and improvement of waste disposal facilities.

NEW SECTION. Sec. 13. Sections 1 through 11 of this act are added to Title 43 RCW.

Passed the House February 18, 1972.
Passed the Senate February 17, 1972.
Approved by the Governor February 25, 1972.

COMPLETE TEXT OF

Referendum Bill 27

CHAPTER 128, LAWS OF 1972
(42nd Leg., 2nd Ex. Session)

Ballot Title as issued by the Attorney General:

Bonds for Water Supply Facilities

AN ACT authorizing the issuance and sale of state general obligation bonds in the sum of $75,000,000 to provide funds for the planning, acquisition, construction, and improvement of water supply facilities; designating the state department of ecology as the agency responsible for disbursement of the bond proceeds, subject to prior legislative appropriations; and providing for payment of the bonds from unpledged state retail sales tax revenues or other means authorized by the legislature.

LEGISLATIVE TITLE
(House Bill No. 187)

WATER SUPPLY FACILITIES BONDS

AN ACT relating to state and local government and the support thereof; authorizing the issuance and sale of state general obligation bonds to provide for needed water supply facilities throughout the state; providing ways and means to pay said bonds; providing for submission of this act to a vote of the people; adding new sections to Title 43 RCW; and creating a new section.

BE IT ENACTED, By the Legislature of the State of Washington:

NEW SECTION. Section 1. The long-range development goals for the state of Washington must include the provision of those supportive public services necessary for the development and expansion of industry, commerce, and employment including the furnishing of an adequate supply of water for domestic, industrial, and agricultural purposes.

NEW SECTION. Sec. 2. For the purpose of providing funds for the planning, acquisition, construction, and improvement of water supply facilities within the state, the state finance committee is authorized to issue, at any time prior to January 1, 1980, general obligation bonds of the state of Washington in the sum of seventy-five million dollars or so much thereof as may be required to finance the improvements defined in this act and all costs incidental thereto. These bonds shall be paid and discharged within twenty years of the date of issuance or within thirty years should Article VIII of the Constitution of the state of Washington be amended to permit such longer term. No bonds authorized by this act shall be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold.

NEW SECTION. Sec. 3. The proceeds from the sale of bonds authorized by this act, and any interest earned on the

interim investment of such proceeds, shall be deposited in the state and local improvements revolving account hereby created in the general fund and shall be used exclusively for the purpose specified in this act and for payment of the expenses incurred in the issuance and sale of the bonds.

NEW SECTION. Sec. 4. The proceeds from the sale of the bonds deposited in the state and local improvements revolving account of the general fund under the terms of this act shall be administered by the state department of ecology subject to legislative appropriation. The department may use or permit the use of any funds derived from the sale of bonds authorized under this act to accomplish the purpose for which said bonds are issued by direct expenditures and by grants or loans to public bodies, including grants to public bodies as matching funds in any case where federal, local, or other funds are made available on a matching basis for improvements within the purposes of this act.

NEW SECTION. Sec. 5. As used in this act, the term "water supply facilities" shall mean municipal, industrial, and agricultural water supply and distribution systems including, but not limited to, all equipment, utilities, structures, real property, and interests in and improvements on real property, necessary for or incidental to the acquisition, construction, installation, or use of any municipal, industrial, or agricultural water supply or distribution system.

As used in this act, the term "public body" means the state of Washington, or any agency, political subdivision, taxing district, or municipal corporation thereof, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington.

NEW SECTION. Sec. 6. This act shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1972, in accordance with the provisions of section 3, Article VIII of the Constitution of the state of Washington, and in accordance with the provisions of section 1, Article II of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof.

NEW SECTION. Sec. 7. The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance. None of the bonds herein authorized shall be sold for less than their par value.

NEW SECTION. Sec. 8. When the state finance committee has decided to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of such bonds, which notes shall be designated as "anticiption notes." Such portion of the proceeds of the sale of such bonds as may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The bonds and notes shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The state finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of the bonds and notes.

NEW SECTION. Sec. 9. The water supply facilities bond redemption fund is created in the state treasury. This fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this act. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements, and on July 1st of each year the state treasurer shall deposit such amount in the water supply facilities bond redemption fund from moneys transmitted to the state treasurer by the state department of revenue and certified by the department to be sales tax collections. Such amount cetified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest. The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein.

NEW SECTION. Sec. 10. The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized herein, and this act shall not be deemed to provide an exclusive method for such payment.

NEW SECTION. Sec. 11. The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and for all funds of any other public body.

NEW SECTION. Sec. 12. Sections 1 through 11 of this act are added to Title 43 RCW.

Passed the House February 18, 1972.
Passed the Senate February 17, 1972.
Approved by the Governor February 25, 1972.

COMPLETE TEXT OF

Referendum Bill 28

CHAPTER 129, LAWS OF 1972
(42nd Leg., 2nd Ex. Session)

Ballot Title as issued by the Attorney General:

Bonds for Public Recreation Facilities

AN ACT authorizing the issuance and sale of state general obligation bonds in the sum of $40,000,000 to provide funds for the planning, acquisition, preservation, development, and improvement of recreation areas and facilities; designating the interagency committee for outdoor recreation to be responsible for disbursement of the bond proceeds, subject to prior legislative appropriations; and providing for payment of the bonds from unpledged state retail sales tax revenues or other means authorized by the legislature.

LEGISLATIVE TITLE
(House Bill No. 189)

PUBLIC RECREATION IMPROVEMENT BONDS

AN ACT relating to state and local government and the support thereof; authorizing the issuance and sale of state general obligation bonds to provide for needed public recreation improvements throughout the state; providing ways and means to pay said bonds; providing for submission of this act to a vote of the people; adding new sections to Title 43 RCW; and creating a new section.

BE IT ENACTED, *By the Legislature of the State of Washington:*

NEW SECTION. *Section 1. The long-range development goals for the state of Washington must include the acquisition, preservation, and improvement of recreation areas and facilities for the use and enjoyment of present and future residents of the state and the further development of the state's tourism and recreation economic base.*

NEW SECTION. Sec. 2. For the purpose of providing funds for the planning, acquisition, preservation, development, and improvement of recreation areas and facilities in this state, the state finance committee is authorized to issue, at any time prior to January 1, 1980, general obligation bonds of the state of Washington in the sum of forty million dollars or so much thereof as may be required to finance the improvements defined in this act and all costs incidental thereto. These bonds shall be paid and discharged within twenty years of the date of issuance or within thirty years should Article VIII of the Constitution of the state of Washington be amended to permit such longer term. No bonds authorized by this act shall be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold.

NEW SECTION. Sec. 3. The proceeds from the sale of bonds authorized by this act, and any interest earned on the interim investment of such proceeds, shall be deposited in the state and local improvements revolving account hereby created in the general fund and shall be used exclusively for the purpose specified in this act and for payment of the expenses incurred in the issuance and sale of the bonds.

NEW SECTION. Sec. 4. The proceeds from the sale of the bonds deposited in the state and local improvements revolving account of the general fund under the terms of this act shall be divided into three shares as follows:

(1) Thirty-five percent of such proceeds shall be administered, subject to legislative appropriation, by the interagency committee for outdoor recreation through the outdoor recreation account and allocated to the state of Washington, or any agency or department thereof, for the acquisition, preservation, and development of recreation areas and facilities by the state. The committee may use or permit the use of any portion of such share as matching funds in any case where federal, local, or other funds are made available on a matching basis for improvements within the purposes of this act.

(2) Thirty-five percent of such proceeds shall be administered, subject to legislative appropriation, by the interagency committee for outdoor recreation through the outdoor recreation account and allocated to public bodies for the acquisition, preservation, development, and improvement of recreational areas and facilities within the jurisdiction of such bodies. The committee may use or permit the use of any portion of such share for loans or grants to public bodies including use as matching funds in any case where federal, local, or other funds are made available on a matching basis for improvements within the purposes of this act.

(3) Thirty percent of such proceeds shall be allocated to the state parks and recreation commission, subject to legislative appropriation, for improvement of existing state parks and the acquisition and preservation of historic sites and buildings. The commission may use or permit the use of any portion of such share as matching funds in any case where federal, local, or other funds are made available on a matching basis for improvements within the purposes of this act.

In the event that the bonds authorized by this act are sold in more than one series the above division into shares shall apply to the total proceeds of the bonds authorized by this act and not to the proceeds of each separate series.

NEW SECTION. Sec. 5. As used in this act, the phrase "acquisition, preservation, development, and improvement of recreation areas and facilities" shall include the acquisition, development, and improvement of real property, or any interest therein, for park and recreation purposes, including the acquisition and construction of all structures, utilities, equipment, and improvements necessary or incidental to such purposes, the acquisition and preservation of historic sites and buildings and of scenic and environmentally valuable areas of the state, and the improvement of existing park and recreation areas and facilities.

As used in this act, the term "public body" means any political subdivision, taxing district, or municipal corporation of the state of Washington, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington.

NEW SECTION. Sec. 6. This act shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1972, in accordance with the provisions of section 3, Article VIII of the Constitution of the state of Washington, and in accordance with the provisions of section 1, Article II of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof.

NEW SECTION. Sec. 7. The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance. None of the bonds herein authorized shall be sold for less than their par value.

NEW SECTION. Sec. 8. When the state finance committee has decided to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of such bonds, which notes shall be designated as "anticipation notes." Such portion of the proceeds of the sale of such bonds as may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The bonds and notes shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The state finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of the bonds and notes.

NEW SECTION. Sec. 9. The recreation improvements bond redemption fund is hereby created in the state treasury. This fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this act. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements, and on July 1st of each year the state treasurer shall deposit such amount in the recreation improvements bond redemption fund from moneys transmitted to the state treasurer by the state department of revenue and certified by the department to be sales tax collections. Such amount certified by the state finance committee to the state

treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest. The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein.

NEW SECTION. Sec. 10. The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized herein, and this act shall not be deemed to provide an exclusive method for such payment.

NEW SECTION. Sec. 11. The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and for all funds of any public body.

NEW SECTION. Sec. 12. Sections 1 through 11 of this act are added to Title 43 RCW.

Passed the House February 18, 1972.
Passed the Senate February 17, 1972.
Approved by the Governor February 25, 1972.

COMPLETE TEXT OF

Referendum Bill 29

CHAPTER 130, LAWS OF 1972
(42nd Leg., 2nd Ex. Session)

Ballot Title as issued by the Attorney General:

Health, Social Service Facility Bonds

AN ACT authorizing the issuance and sale of state general obligation bonds in the sum of $25,000,000 to provide funds for planning, acquisition, construction, and improvement of health and social service facilities; designating the department of social and health services to be responsible for disbursement of the proceeds, subject to prior legislative appropriations; and providing for payment of the bonds from unpledged state retail sales tax revenues or other means authorized by the legislature.

LEGISLATIVE TITLE
(House Bill No. 190)

SOCIAL AND HEALTH SERVICE FACILITIES BONDS

AN ACT relating to state and local government and the support thereof; authorizing the issuance and sale of state general obligation bonds to provide for needed social and health service facilities throughout the state; providing ways and means to pay said bonds; providing for submission of this act to a vote of the people; adding new sections to Title 43 RCW; and creating a new section.

BE IT ENACTED, *By the Legislature of the State of Washington:*

NEW SECTION. Section 1. The physical and mental health of the people of the state directly affects the achievement of economic progress and full employment. The establishment of a system of regional and community health and social service facilities will provide the improved and convenient health and social services needed for an efficient work force and a healthy and secure people.

NEW SECTION. Sec. 2. For the purpose of providing funds for the planning, acquisition, construction, and improvement of health and social service facilities in this state, the state finance committee is authorized to issue, at any time prior to January 1, 1980, general obligation bonds of the state of Washington in the sum of twenty-five million dollars or so much thereof as may be required to finance the improvements defined in this act and all costs incidental thereto. These bonds shall be paid and discharged within twenty years of the date of issuance or within thirty years should Article VIII of the Constitution of the state of Washington be amended to permit such longer term. No bonds authorized by this act shall be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold.

NEW SECTION. Sec. 3. The proceeds from the sale of bonds authorized by this act, and any interest earned on the interim investment of such proceeds, shall be deposited in the state and local improvements revolving account in the general fund and shall be used exclusively for the purpose specified in this act and for payment of the expenses incurred in the issuance and sale of the bonds.

NEW SECTION. Sec. 4. The proceeds from the sale of the bonds deposited in the state and local improvements revolving account of the general fund under the terms of this act shall be administered by the state department of social and health services, subject to legislative appropriation. The department shall prepare a comprehensive plan for a system of social and health service facilities for the state and may use or permit the use of any funds derived from the sale of bonds authorized under this act to accomplish such plan by direct expenditures and by grants or loans to public bodies, including grants to public bodies as matching funds in any case where federal, local, or other funds are made available on a matching basis for improvements within the purposes of this act.

NEW SECTION. Sec. 5. As used in this act, the term "social and health service facilities" shall mean real property, and interests therein, equipment, buildings, structures, mobile units, parking facilities, utilities, landscaping, and all incidental improvements and appurtenances, developed as a part of a comprehensive plan for a system of social and health service facilities for the state including, without limitation, facilities for social services, adult and juvenile correction or detention, child welfare, day care, drug abuse and alcoholism treatment, mental health, public health, developmental disabilities, and vocational rehabilitation.

As used in this act, the term "public body" means the state of Washington, or any agency, political subdivision, taxing district, or municipal corporation thereof, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington.

NEW SECTION. Sec. 6. This act shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1972, in accord-

ance with the provisions of section 3, Article VIII of the Constitution of the state of Washington, and in accordance with the provisions of section 1, Article II of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof.

NEW SECTION. Sec. 7. The state finance committee is authorized to prescribe the form, terms, conditions, and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance. None of the bonds herein authorized shall be sold for less than their par value.

NEW SECTION. Sec. 8. When the state finance committee has decided to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of such bonds, which notes shall be designated as "anticipation notes." Such portion of the proceeds of the sale of such bonds as may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The bonds and notes shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The state finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of the bonds and notes.

NEW SECTION. Sec. 9. The social and health service facilities bond redemption fund is created in the state treasury. This fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this act. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements, and on July 1 of each year the state treasurer shall deposit such amount in the social and health service facilities bond redemption fund from moneys transmitted to the state treasurer by the state department of revenue and certified by the department to be sales tax collections. Such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest. The owner and holder of each of the bonds or the trustee for any of the bonds may, by mandamus or other appropriate proceeding, require the transfer and payment of funds as directed herein.

NEW SECTION. Sec. 10. The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized herein, and this act shall not be deemed to provide an exclusive method for such payment.

NEW SECTION. Sec. 11. The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and for all funds of any other public body.

NEW SECTION. Sec. 12. Sections 1 through 11 of this act shall be added to Title 43 RCW.

Passed the House February 18, 1972.
Passed the Senate February 17, 1972.
Approved by the Governor February 25, 1972.

COMPLETE TEXT OF

Referendum Bill

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CHAPTER 132, LAWS OF 1972
(42nd Leg., 2nd Ex. Session)

Ballot Title as issued by the Attorney General:

Bonds for Public Transportation Improvements

AN ACT authorizing the issuance and sale of state general obligation bonds in the sum of $50,000,000 to provide funds for the planning, acquisition, construction, and improvement of public transportation systems; designating the state department of highways as the agency responsible for disbursement of the bond proceeds, subject to prior legislative appropriations; and providing for payment of the bonds from unpledged state retail sales tax revenues or other means authorized by the legislature.

LEGISLATIVE TITLE
(Sub. House Bill No. 324)

PUBLIC TRANSPORTATION IMPROVEMENT BONDS

AN ACT relating to state and local government and the support thereof; authorizing the issuance and sale of state general obligation bonds to provide for needed public transportation improvements throughout the state; providing ways and means to pay said bonds; providing for submission of this act to a vote of the people; adding new sections to Title 43 RCW; making an appropriation; and creating a new section.

BE IT ENACTED, *By the Legislature of the State of Washington:*

NEW SECTION. Section 1. The long-range development goals for the state of Washington must include the development and improvement of systems of public transportation to serve the citizens, businesses, and industries of the state. To assist in the attainment of these goals, it is essential that innovative technology be developed and utilized in order to provide the most convenient service at the least possible cost. Employment of the knowledge, techniques and skills within the existing industrial, scientific and technical community of the state of Washington is hereby encouraged to be directed toward this end.

NEW SECTION. Sec. 2. For the purpose of providing funds for the planning, acquisition, construction, and improvement of public transportation systems in this state, the state finance committee is authorized to issue, at any time prior to January 1, 1980, general obligation bonds of the state of Washington in the sum of fifty million dollars or so much thereof as may be required to finance the improvements defined in this act and all costs incidental thereto. These bonds shall be paid and discharged within twenty years of the date of issuance or within thirty years should Article VIII of the Constitution of the state of Washington be amended to permit such longer term. No bonds authorized by this act shall be offered for sale

without prior legislative appropriation of the proceeds of such bonds to be sold.

NEW SECTION. Sec. 3. The proceeds from the sale of bonds authorized by this act, and any interest earned on the interim investment of such proceeds, shall be deposited in the state and local improvements revolving account hereby created in the general fund and shall be used exclusively for the purpose specified in this act and for payment of the expenses incurred in the issuance and sale of the bonds.

NEW SECTION. Sec. 4. The proceeds from the sale of the bonds deposited in the state and local improvements revolving account of the general fund under the terms of this act shall be administered, subject to legislative appropriation, by the state department of highways. The department may use or permit the use of any funds derived from the sale of bonds authorized under this act to accomplish the purpose for which said bonds are issued by direct expenditures and by grants or loans to public bodies, including grants to public bodies as matching funds in any case where federal, local, or other funds are made available on a matching basis for improvements within the purposes of this act. The legislature may provide for special grant incentives for public bodies which develop and operate regional or metropolitan area-wide public transportation systems.

NEW SECTION. Sec. 5. As used in this act, the term "public transportation systems" shall mean all property, facilities, and equipment which may be used for urban mass transportation systems which, except for property, facilities and equipment used for water transportation, by law may not be funded by moneys in the motor vehicle fund of the state treasury. The term "public transportation systems" shall include but shall not be limited to, public transportation vehicles and equipment, supporting street improvements, exclusive or priority rights-of-way for public transportation vehicles, loading and unloading facilities and structures, off-street parking facilities, all equipment, utilities, structures, real property, and interests in and improvements on real property, necessary for or incidental to such purpose.

As used in this act, the term "public body" means the state of Washington, or any agency, political subdivision, taxing district, or municipal corporation thereof, and those Indian tribes now or hereafter recognized as such by the federal government for participation in the federal land and water conservation program and which may constitutionally receive grants or loans from the state of Washington.

NEW SECTION. Sec. 6. This act shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1972, in accordance with the provisions of section 3, Article VIII of the Constitution of the state of Washington, and in accordance with the provisions of section 1, Article II of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof.

NEW SECTION. Sec. 7. The state finance committee is authorized to prescribe the form, terms, conditions, and convenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance. None of the bonds herein authorized shall be sold for less than their par value.

NEW SECTION. Sec. 8. When the state finance committee has decided to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of such bonds, which notes shall be designated as "anticipation notes". Such portion of the proceeds of the sale of such bonds as may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The bonds and notes shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The state finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of the bonds and notes.

NEW SECTION. Sec. 9. The public transportation improvements bond redemption fund is created in the state treasury. This fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this act. The state finance committee shall, on or before June 30th of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet such bond retirement and interest requirements, and on July 1 of each year the state treasurer shall deposit such amount in the transportation improvements bond redemption fund from moneys transmitted to the state treasurer by the state department of revenue and certified by the department to be sales tax collections. Such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest. The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein.

NEW SECTION. Sec. 10. The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized herein, and this act shall not be deemed to provide an exclusive method for such payment.

NEW SECTION. Sec. 11. The bonds herein authorized shall be a legal investment for all state funds, or for funds under state control, and for all funds of any other public body.

NEW SECTION. Sec. 12. There is appropriated to the state department of highways, from the state and local improvements revolving account out of the proceeds of sale of the bonds or notes authorized herein, for the period from the effective date of this act through June 30, 1973, the sum of five million dollars for use by said department as state matching funds or direct expenditures for the planning, design, demonstration and development of public transportation systems and facilities.

NEW SECTION. Sec. 13. Sections 1 through 11 of this act are added to Title 43 RCW.

Passed the House February 19, 1972.
Passed the Senate February 19, 1972.
Approved by the Governor February 25, 1972.

COMPLETE TEXT OF

Referendum Bill

31

CHAPTER 133, LAWS OF 1972
(42nd Leg., 2nd Ex. Session)

Ballot Title as issued by the Attorney General:

Bonds for Community College Facilities

AN ACT authorizing the issuance and sale of state general obligation bonds in the sum of $50,000,000 to provide funds for the acquisition, construction and improvement of community college facilities; designating the state board for community college education as the agency responsible for disbursement of the bond proceeds, subject to prior legislative appropriations; and providing for payment of the bonds from unpledged state retail sales tax revenues or other means authorized by the legislature.

LEGISLATIVE TITLE
(House Bill No. 381)

COMMUNITY COLLEGE FACILITIES BONDS

AN ACT relating to state government; authorizing the issuance and sale of state general obligation bonds to provide needed community college facilities; providing ways and means for the payment of such bonds; providing for the submission of this act to a vote of the people; and adding a new chapter to Title 28B RCW.

BE IT ENACTED, *By the Legislature of the State of Washington:*

NEW SECTION. Section 1. The community colleges of the State of Washington have more than doubled their enrollment since 1966, including a three hundred percent increase in occupational education. The capital fund resources of the state community college system are not adequate to meet the facility needs of today's students. Major increments of community college facilities will be needed to serve the still growing numbers of commuting youth and adults attending the community college system. A determination of the facility needs of each college has been made through the uniform application of guidelines developed by the state board for community college education to evaluate facility needs.

NEW SECTION. Sec. 2. For the purpose of providing funds for the acquisition, construction and improvement of community college facilities in this state, the state finance committee is authorized to issue, at any time prior to January 1, 1980, general obligation bonds of the state of Washington in the sum of fifty million dollars or so much thereof as may be required to finance the improvements defined in this act and all costs incidental thereto. These bonds shall be paid and discharged within twenty years of the date of issuance, or within thirty years, should Article VIII of the Constitution of the state of Washington be amended to permit such longer term. No bonds authorized by this act shall be offered for sale without prior legislative appropriation of the proceeds of such bonds to be sold.

NEW SECTION. Sec. 3. The proceeds from the sale of bonds authorized by this act and any interest earned on the interim investment of such proceeds, shall be deposited in the community college capital improvements account hereby created in the general fund and shall be used exclusively for the purposes specified in this act and for payment of the expenses incurred in the issuance and sale of the bonds.

NEW SECTION. Sec. 4. The proceeds from the sale of bonds deposited in the community college capital improvements account shall be administered and expended by the state board for community college education subject to legislative appropriation.

NEW SECTION. Sec. 5. For the purposes of this act, the term "community college facilities" shall mean and include, but not be limited to, vocational facilities, including capital equipment acquisition, and such other specific projects as approved and funded for planning purposes by the legislature which shall include general education classrooms, science laboratories, faculty offices, student dining facilities, library and media facilities, offices for student personnel services and administrative personnel, and all real property and interests therein, equipment, parking facilities, utilities, appurtenances and landscaping incidental to such facilities.

NEW SECTION. Sec. 6. If the general obligation bond issue provided within this act is ratified at the 1972 general election, then the state board for community college education shall submit to the governor for the 1973 Legislature, a list of projects to be funded during the six-year capital program for 1973-79. Included within the project description may be the amount of necessary planning funds per project not to exceed one percent of the project cost which shall be appropriated from the general fund directly for planning purposes and shall not be derived from the proceeds of the bond issue as provided by this act.

NEW SECTION. Sec. 7. This act shall be submitted to the people for their adoption and ratification, or rejection, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1972, in accordance with the provisions of section 3, Article VIII of the Constitution of the state of Washington, and in accordance with the provisions of section 1, Article II of the Constitution of the state of Washington, as amended, and the laws adopted to facilitate the operation thereof.

NEW SECTION. Sec. 8. The state finance committee is authorized to prescribe the form, terms, conditions and covenants of the bonds, the time or times of sale of all or any portion of them, and the conditions and manner of their sale and issuance. None of the bonds herein authorized shall be sold for less than their par value.

NEW SECTION. Sec. 9. When the state finance committee has decided to issue such bonds or a portion thereof, it may, pending the issuing of such bonds, issue, in the name of the state, temporary notes in anticipation of the money to be derived from the sale of such bonds, which notes shall be designated as "anticipation notes". Such portion of the proceeds of the sale of such bonds as may be required for such purpose shall be applied to the payment of the principal of and interest on such anticipation notes which have been issued. The bonds and notes shall pledge the full faith and credit of the state of Washington and shall contain an unconditional promise to pay the principal and interest when due. The state

finance committee may authorize the use of a printed facsimile of the seal of the state of Washington in the issuance of bonds and notes.

NEW SECTION. Sec. 10. The community college capital improvements bond redemption fund of 1972 is created in the state treasury. This fund shall be exclusively devoted to the payment of interest on and retirement of the bonds authorized by this act. The state finance committee shall, on or before June 30 of each year, certify to the state treasurer the amount needed in the ensuing twelve months to meet bond retirement and interest requirements, and on July 1 of each year, the state treasurer shall deposit such amount in the community college capital improvements bond redemption fund of 1972 from moneys transmitted to the state treasurer by the department of revenue and certified by the department of revenue to be retail sales tax collections. Such amount certified by the state finance committee to the state treasurer shall be a prior charge against all retail sales tax revenues of the state of Washington, except that portion thereof heretofore pledged for the payment of bond principal and interest.

The owner and holder of each of the bonds or the trustee for any of the bonds may by mandamus or other appropriate proceeding require the transfer and payment of funds as directed herein.

NEW SECTION. Sec. 11. The legislature may provide additional means for raising moneys for the payment of the principal and interest of the bonds authorized herein, and this act shall not be deemed to provide an exclusive method for such payment.

NEW SECTION. Sec. 12. The bonds herein authorized shall be a legal investment for all state funds or for funds under state control and for all funds of municipal corporations.

NEW SECTION. Sec. 13. Upon adoption and ratification by the people as provided for in section 7 of this act, sections 1 through 12 herein shall constitute a new chapter in Title 28B RCW.

Passed the House February 18, 1972.
Passed the Senate February 17, 1972.
Approved by the Governor February 25, 1972.

COMPLETE TEXT OF

Initiative Measure 40

Initiative Measure To The Legislature

Ballot Title as issued by the Attorney General:

Litter Control Act

AN ACT regulating litter disposal; directing the Department of Ecology to administer its provisions and to promulgate necessary rules and regulations; establishing an ecology patrol with powers of enforcement; providing penalties and fines for littering; stating that littering from a moving vehicle is a moving violation; requiring litter receptacles marked with antilitter symbols or logos to be placed in designated public places; and providing that administration of the act shall be financed in substantial part by assessments levied against manufacturers, wholesalers and retailers of goods, containers or wrappers which are reasonably related to the litter problem.

BE IT ENACTED, *by the Legislature of the State of Washington:*

NEW SECTION. Section 1. Recognizing the rapid population growth of the state of Washington and the ever increasing mobility of its people, as well as the fundamental and unalienable right of the people of this state to enjoy a healthful, clean and beautiful environment; and further recognizing that the proliferation and accumulation of litter discarded throughout this state endangers the free exercise and enjoyment of this right and constitutes a public health hazard; and further recognizing that there has been a collective failure on the part of government, industry and the public to anticipate, plan for, and accomplish effective litter control, there is hereby enacted the "Litter Control Act".

NEW SECTION. Sec. 2. The purpose of this 1971 amendatory act is to accomplish litter control throughout this state by delegating to a single state agency with effective enforcement power the authority to conduct a permanent and continuous program to control and remove litter from this state to the maximum extent possible. To this end, the department of ecology of the state of Washington is hereby delegated the power, authority, and duty to carry out the provisions of this 1971 amendatory act. Every other department of state government and all local governmental units and agencies of this state shall cooperate with the department of ecology in the administration and enforcement of this 1971 amendatory act. The intent of this 1971 amendatory act is to add to and to coordinate existing litter control and removal efforts and not terminate or supplant such efforts.

NEW SECTION. Sec. 3. As used in this 1971 amendatory act, unless the context indicates otherwise:

(1) "Commission" means the ecological commission;

(2) "Department" means the department of ecology;

(3) "Director" means the director of the department of ecology;

(4) "Disposable package or container" means all packages or containers defined as such by rules and regulations adopted by the director of the department of ecology;

(5) "Litter" means all waste material including but not limited to disposable packages or containers thrown or deposited as herein prohibited but not including the wastes of the primary processes of mining, logging, sawmilling, farming, or manufacturing;

(6) "Litter bag" means a bag, sack, or other container made of any material which is large enough to serve as a receptacle for litter inside the motor vehicle or watercraft of any person. It is not necessarily limited to the state approved litter bag but must be similar in size and capacity;

(7) "Litter receptacle" means those containers adopted by the department of ecology and which are standardized as to size, shape, capacity, and color and which bear the state antilitter symbol or logo and a statement of the penalties available for littering in this state, as well as any other receptacles suitable for the depositing of litter;

(8) "Motor vehicle" means every vehicle which is self-propelled and which is designed for carrying ten persons or less and which is used for the transportation of persons;

(9) "Person" means any person, firm, partnership, association, corporation, or organization of any kind whatsoever;

(10) "Watercraft" means any boat, ship, vessel, barge, or other floating craft;

(11) "Public place" means any area that is used or held out for use by the public whether owned or operated by public or private interests.

NEW SECTION. Sec. 4. In addition to his other powers and duties, the director shall have the power to propose and to adopt pursuant to chapter 34.04 RCW rules and regulations necessary to carry out the provisions, purposes, and intent of this 1971 amendatory act, and the director shall propose and adopt such rules and regulations.

NEW SECTION. Sec. 5. The department shall establish and administer a "state ecology patrol" to patrol the parks, beaches, campgrounds, trailer parks, and other public places of this state. Members of the state ecology patrol shall have the title of "ecology patrolmen". It is the intention of this 1971 amendatory act to provide for a full time corps of ecology patrolmen averaging forty in number for duty throughout the year, as well as such additional part time ecology patrolmen as the director deems necessary to supplement the permanent corps for duty during the period between Memorial Day and Labor Day.

Ecology patrolmen shall be compensated at the rate of not less than one hundred dollars per week and, in addition, they shall be reimbursed for all mileage accrued on their own private automobiles used in the course of their patrol duties. Whenever possible, ecology patrolmen shall be provided with state owned or operated motor vehicles only for use in connection with their duties in enforcing the provisions of this 1971 amendatory act.

In enforcing the provisions of this 1971 amendatory act, the state ecology patrol shall be aided by the Washington state patrol when violations occur on freeways, highways and the roads of this state, and by state park rangers, state game protectors, fire wardens, forest rangers, sheriffs, marshals, police officers, and their respective deputies, when violations occur within their respective jurisdictions.

Ecology patrolmen and all of the foregoing individuals shall enforce all provisions of this act, as well as all rules and regulations adopted by the director relating to control of litter, and they are hereby empowered to issue citations to and, without warrant, arrest persons violating any such law or rules and regulations. For the purpose of enforcing the provisions of law and rules and regulations of the director pertaining to the control of litter, ecology patrolmen may call to their aid any park or forest ranger, game protector, fire warden, sheriff, constable, state patrolman, police officer, or their deputies, and any such person shall render aid. All of the foregoing individuals, including ecology patrolmen, may serve and execute all warrants, citations, and other process issued by the courts in enforcing the provisions of this 1971 amendatory act and rules and regulations adopted hereunder. In addition, mailing by registered mail of such warrant, citation, or other process shall be deemed as personal service upon the person charged.

NEW SECTION. Sec. 6. No person shall throw, drop, deposit, discard, or otherwise dispose of litter upon any public or private property in this state or in the waters of this state including but not limited to any state park, beach, campground, trailer park, highway, road, street, or alley except:

(1) When such property is designated by the state or by any of its agencies or political subdivisions for the disposal of garbage and refuse, and such person is authorized to use such property for such purpose;

(2) Into a litter receptacle in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of said private or public property or waters.

Any person violating the provisions of this section shall be guilty of a misdemeanor and the fine or bail forfeiture for such violation shall not be less than ten dollars for each offense, and, in addition thereto, in the sound discretion of any court in which conviction is obtained, such person may be directed by the judge to pick up and remove from any public place or any private property with prior permission of the legal owner upon which it is established by competent evidence that such person has deposited litter, any or all litter deposited thereon by anyone prior to the date of execution of sentence.

NEW SECTION. Sec. 7. No person shall throw, drop, deposit, discard, or otherwise dispose of litter from any moving vehicle, upon or along the right of way or any public highway, or in any public park, campground, or upon any public beach or into waters or in or upon any other public place, except into a litter receptacle in such a manner that the litter will be prevented from being carried or deposited by the elements. The driver of the vehicle as well as the person actually throwing, dropping, depositing, discarding, or otherwise disposing of the litter shall be in violation of this section.

Any person violating the provisions of this section shall be guilty of a misdemeanor which shall constitute a moving traffic violation and such violation shall become a part of that person's individual driving record. Record of convictions under this section shall be forwarded to the director of motor vehicles who shall add said violation to that department's point system and such violation shall be counted in determining an individual's total points under the point system of the department of motor vehicles.

The fine or bail forfeiture for violation of this section shall not be less than ten dollars for each offense, and, in addition thereto, in the sound discretion of any court in which conviction is obtained, such person may be directed by the judge to pick up and remove from any public place any or all litter deposited thereon by anyone prior to the date of execution of sentence.

NEW SECTION. Sec. 8. The director shall prescribe the procedures for the collection of fines and bail forfeitures including the imposition of additional fines for late payment of fines.

NEW SECTION. Sec. 9. Pertinent portions of this 1971 amendatory act shall be posted in all hotel and motel rooms, restaurants, cafes and drive-in restaurants, and in all campgrounds and trailer parks, at all entrances to state parks, at all public beaches, and at all other public places in this state where persons are likely to be informed of the existence and content of this 1971 amendatory act and the penalties for violating its provisions.

NEW SECTION. Sec. 10. The department shall publicize this act as widely as possible.

NEW SECTION. Sec. 11. The director by rule and regulation may require that disposable packages or containers to be marketed at retail within this state prominently display language discouraging littering and stating that such conduct is subject to penalty under the provisions of this 1971 amendatory act.

NEW SECTION. Sec. 12. The department shall design and the director shall adopt by rule and regulation one or more types of litter receptacles which are uniform as to size, shape, capacity and color, for wide and extensive distribution throughout the public places of this state. Each such litter receptacle shall bear an antilitter symbol or logo as designated and adopted by the department, as well as a statement of the penalties which may be levied for littering in this state. In addition, all such litter receptacles shall have heavy lids constructed of a suitable and durable material which shall be designed so as to attract attention and encourage the depositing of litter, while at the same time discouraging the deposit of household-type garbage.

Litter receptacles of the uniform design shall be placed at all parks, campgrounds, trailer parks, drive-in restaurants, gasoline service stations, tavern parking lots, shopping centers, grocery store parking lots, parking lots of major industrial

firms, marinas, boat launching areas, boat moorage and fueling stations, public and private piers, beaches and bathing areas, and such other public places within this state as specified by the director. The number of such receptacles required to be placed as specified herein shall be determined by a formula related to the need for such receptacles.

Any person or business organization operating a business of the types described in this section or specified by the director of the department who fails to place such litter receptacles on the premises in the numbers required by the department, shall be subject to fine or bail forfeiture of twenty-five dollars for each violation.

NEW SECTION. Sec. 13. The department shall design and produce a litter bag bearing the state-wide antilitter symbol or logo and a statement of the penalties prescribed herein for littering in this state. As soon as possible after the effective date of this act, the department of motor vehicles shall distribute these litter bags at no charge to the owner of every licensed motor vehicle in this state at the time and place of license renewal. The department of ecology shall make such litter bags available at no charge to the owners of watercraft in this state, and also provide such litter bags at no charge at points of entry into this state and at visitor centers to the operators of incoming motor vehicles and watercraft.

NEW SECTION. Sec. 14. The state-wide antilitter symbol or logo shall be prominently displayed on all state-owned motor vehicles. However, the director is authorized to make necessary exceptions to this requirement.

NEW SECTION. Sec. 15. Responsibility for the removal of litter from litter receptacles placed at parks, beaches, campgrounds, trailer parks, and other publicly owned public places shall remain upon those state and local agencies performing litter removal, and removal of litter from litter receptacles placed upon privately owned public places shall remain the responsibility of the owner of said premises.

NEW SECTION. Sec. 16. There is hereby levied and there shall be collected by the department of revenue for every person engaging within this state in business as a manufacturer and/or making sales at wholesale and/or as making sales at retail, an annual litter assessment equal to the value of products manufactured and sold within this state, including byproducts, multiplied by one and one-half of one-hundredth of one percent (.015%) in the case of manufacturers, and equal to the gross proceeds of the sales of the business within this state multiplied by one and one-half of one-hundredth of one percent (.015%) in the case of sales at wholesale and/or at retail.

NEW SECTION. Sec. 17. Because it is the express purpose of this 1971 amendatory act to accomplish effective litter control within the state of Washington, and because it is a further purpose of this 1971 amendatory act to allocate a portion of the cost of administering this 1971 amendatory act to those industries whose products, including the packages, wrappings or containers thereof, are reasonably related to the litter problem, in arriving at the amount upon which the assessment is to be calculated only the value of products or the gross proceeds of sales of products falling into the following categories shall be included:

(1) Food for human or pet consumption.
(2) Groceries.
(3) Cigarettes and tobacco products.
(4) Soft drinks and carbonated waters.
(5) Beer and other malt beverages.
(6) Wine.
(7) Newspapers and magazines.
(8) Household paper and paper products.
(9) Glass containers.
(10) Metal containers.
(11) Plastic or fiber containers made of synthetic material.
(12) Cleaning agents and toiletries.
(13) Non-drug drugstore sundry products.

NEW SECTION. Sec. 18. The department of revenue by rule and regulation made pursuant to chapter 34.04 RCW may, if such is necessary, define categories (1) through (13) of section 17 of this 1971 amendatory act. In making any such definitions, the department of revenue shall be guided by the following standards:

(1) It is the purpose of this 1971 amendatory act to accomplish effective control of litter within this state;

(2) It is the purpose of this 1971 amendatory act to allocate a portion of the cost of administration of this 1971 amendatory act only to those industries manufacturing and/or selling products and the packages, wrappings, or containers thereof which are reasonably related to the litter problem within this state.

NEW SECTION. Sec. 19. "Sold within this state" or "sales of the business within this state" as used in section 16 of this 1971 amendatory act shall mean all sales of retailers engaging in business within this state, and all sales of products for use or consumption within this state in the case of manufacturers and wholesalers.

NEW SECTION. Sec. 20. All of the provisions of chapters 82.04 and 82.32 RCW such as they apply are incorporated herein except RCW 82.04.220 through 82.04.290, and 82.04.330.

NEW SECTION. Sec. 21. The litter assessment herein provided for shall not be applied to the value of products or gross proceeds of the sales of food growers or persons raising any animal, bird, or insect or the milk, eggs, wool, fur, meat, honey, or other substance obtained therefrom, if the person performs only the growing or raising function. In all other instances, the assessment shall be applied.

NEW SECTION. Sec. 22. Assessments, fines, bail forfeitures, and any other funds collected or received shall be earmarked for the administration and implementation of this 1971 amendatory act.

NEW SECTION. Sec. 23. Each year the department shall allocate not more than one hundred thousand dollars for the study of available research and development in the field of litter control, removal, and disposal, as well as study methods for implementation in this state of said research and development. In addition, such fund may be used for the development of education programs concerning the litter problem. Grants shall be made available for these purposes to those persons deemed appropriate and qualified by the director.

NEW SECTION. Sec. 24. In addition to the foregoing, the department of ecology shall:

(1) Serve as the coordinating agency between the various industry organizations seeking to aid in the litter control effort;

(2) Recommend to the governing bodies of all local governments that they adopt ordinances similar to the provisions of this 1971 amendatory act;

(3) Cooperate with all local governments to accomplish coordination of local litter control efforts;

(4) Encourage, organize and coordinate voluntary local litter control campaigns seeking to focus the attention of the public on the programs of this state to control and remove litter;

(5) Investigate the availability of, and apply for funds avail-

able from any private or public source to be used in the program outlined in this 1971 amendatory act.

NEW SECTION. Sec. 25. To aid in the state-wide litter control campaign, the state legislature requests that the various industry organizations which are active in antilitter efforts provide active cooperation with the department of ecology so that additional effect may be given to the litter control campaign of the state of Washington.

Sec. 26. Section 46.56.135, chapter 12, Laws of 1961 as amended by section 1, chapter 52, Laws of 1965 ex. sess. and RCW 46.61.655 are each amended to read as follows:

No vehicle shall be driven or moved on any public highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in cleaning or maintaining of such roadway by public authority having jurisdiction. Any person operating a vehicle from which any glass or objects have fallen or escaped, which would constitute an obstruction or injure a vehicle or otherwise endanger travel upon such public highway shall immediately cause the public highway to be cleaned of all such glass or objects.

Any person violating the provisions of this section shall be guilty of a misdemeanor.

NEW SECTION. Sec. 27. The following acts are each hereby repealed:

(1) Section 1, chapter 36, Laws of 1909 as last amended by section 49, chapter 281, Laws of 1969 ex. sess. and RCW 9.61.120;

(2) Section 2, chapter 85, Laws of 1967 and RCW 9.66.060;

(3) Section 3, chapter 85, Laws of 1967 as amended by section 50, chapter 281, Laws of 1969 ex. sess. and RCW 9.66.070;

(4) Section 2, chapter 52, Laws of 1965 ex. sess. as amended by section 51, chapter 281, Laws of 1969 ex. sess. and RCW 46.61.650.

(4) NEW SECTION. Sec. 28. If any provision of this 1971 amendatory act or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provisions to other persons or circumstances, is not affected.

EXPLANATORY COMMENT

Initiative to the Legislature No. 40 (Litter Control Act)—Filed August 20, 1970 by the Washington Committee to Stop Litter—Irving E. Stimpson, Secretary. Signatures (141,228) filed December 30, 1970 and found sufficient and the measure was certified to the Legislature as of January 29, 1971. The Legislature took no action insofar as Initiative No. 40 but did pass an alternative measure (S.B. No. 428) now identified as Chapter 307, Laws 1971, 1st Ex. Session which contained an emergency clause and became effective law upon approval of the Governor on May 21, 1971. However, as required by the state constitution, both measures must be submitted to the voters for final decision at the November 7, 1972 state general election. If both are approved, the measure receiving the most favorable votes will become law.

COMPLETE TEXT OF

Alternative Measure
40B

Ballot Title as issued by the Attorney General:

Providing Litter Control

AN ACT regulating litter disposal; directing the Department of Ecology to administer its provisions and to promulgate necessary regulations; authorizing the Director to designate departmental employees to enforce the act in addition to other law enforcement officers; providing penalties and fines for littering; requiring litter receptacles marked with antilitter symbols to be placed in designated public places; establishing a litter control account in the general fund; and providing that administration of the act shall be financed in substantial part by assessments levied against manufacturers, wholesalers and retailers of goods, containers or wrappers which are reasonably related to the litter problem.

CHAPTER 307, LAWS 1971, 1ST EX. SESSION
(Senate Bill No. 428)

BE IT ENACTED, *by the Legislature of the State of Washington:*

NEW SECTION. Section 1. Recognizing the rapid population growth of the state of Washington and the ever increasing mobility of its people, as well as the fundamental need for a healthful, clean and beautiful environment; and further recognizing that the proliferation and accumulation of litter discarded throughout this state impairs this need and constitutes a public health hazard; and further recognizing that there is an imperative need to anticipate, plan for, and accomplish effective litter control, there is hereby enacted this "Model Litter Control Act".

NEW SECTION. Sec. 2. The purpose of this 1971 amendatory act is to accomplish litter control throughout this state by delegating to the department of ecology the authority to conduct a permanent and continuous program to control and remove litter from this state to the maximum practical extent possible. Every other department of state government and all local governmental units and agencies of this state shall cooperate with the department of ecology in the administration and enforcement of this 1971 amendatory act. The intent of this 1971 amendatory act is to add to and to coordinate existing litter control and removal efforts and not terminate or supplant such efforts.

NEW SECTION. Sec. 3. As used in this 1971 amendatory act, unless the context indicates otherwise:

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

(2) "Director" means the director of the department of ecology;

(3) "Disposable package or container" means all packages or containers defined as such by rules and regulations adopted by the department of ecology;

(4) "Litter" means all waste material including but not limited to disposable packages or containers thrown or deposited as herein prohibited but not including the wastes of the primary processes of mining, logging, sawmilling, farming, or manufacturing;

(5) "Litter bag" means a bag, sack, or other container made of any material which is large enough to serve as a receptacle for litter inside the vehicle or watercraft of any person. It is not necessarily limited to the state approved litter bag but must be similar in size and capacity;

(6) "Litter receptacle" means those containers adopted by the department of ecology and which may be standardized as to size, shape, capacity, and color and which shall bear the state anti-litter symbol, as well as any other receptacles suitable for the depositing of litter;

(7) "Person" means any political subdivision, government agency, municipality, industry, public or private corporation, copartnership, association, firm, individual, or other entity whatsoever;

(8) "Vehicle" includes every device capable of being moved upon a public highway and in, upon, or by which any persons or property is or may be transported or drawn upon a public highway, excepting devices moved by human or animal power or used exclusively upon stationary rails or tracks.

(9) "Watercraft" means any boat, ship, vessel, barge, or other floating craft;

(10) "Public place" means any area that is used or held out for use by the public whether owned or operated by public or private interests.

NEW SECTION. Sec. 4. In addition to his other powers and duties, the director shall have the power to propose and to adopt pursuant to chapter 34.04 RCW rules and regulations necessary to carry out the provisions, purposes, and intent of this 1971 amendatory act.

NEW SECTION. Sec. 5. The director may designate trained employees of the department to be vested with police powers to enforce and administer the provisions of this 1971 amendatory act and all rules and regulations adopted thereunder. The director shall also have authority to contract with other state and local governmental agencies having law enforcement capabilities for services and personnel reasonably necessary to carry out the enforcement provisions of this 1971 amendatory act. In addition, state patrol officers, game protectors and deputy game protectors, fire wardens, deputy fire wardens and forest rangers, sheriffs and marshals and their deputies, and police officers, and those employees of the department of ecology and the parks and recreation commission vested with police powers all shall enforce the provisions of this 1971 amendatory act and all rules and regulations adopted thereunder and are hereby empowered to issue citations to and/or arrest without warrant, persons violating any provision of this 1971 amendatory act or any of the rules and regulations adopted hereunder. All of the foregoing enforcement officers may serve and execute all warrants, citations, and other process issued by the courts in enforcing the provisions of this 1971 amendatory act and rules and regulations adopted hereunder. In addition, mailing by registered mail of such warrant, citation, or other process to his last known place of residence shall be deemed as personal service upon the person charged.

NEW SECTION. Sec. 6. No person shall throw, drop, deposit, discard, or otherwise dispose of litter upon any public property in the state or upon private property in this state not owned by him or in the waters of this state whether from a vehicle or otherwise including but not limited to any public highway, public park, beach, campground, forest land, recreational area, trailer park, highway, road, street, or alley except:

(1) When such property is designated by the state or by any of its agencies or political subdivisions for the disposal of garbage and refuse, and such person is authorized to use such property for such purpose;

(2) Into a litter receptacle in such a manner that the litter will be prevented from being carried away or deposited by the elements upon any part of said private or public property or waters.

Any person violating the provisions of this section shall be guilty of a misdemeanor and the fine or bail forfeiture for such violation shall not be less than ten dollars for each offense, and, in addition thereto, in the sound discretion of any court in which conviction is obtained, such person may be directed by the judge to pick up and remove from any public place or any private property with prior permission of the legal owner upon which it is established by competent evidence that such person has deposited litter, any or all litter deposited thereon by anyone prior to the date of execution of sentence.

NEW SECTION. Sec. 7. The director shall prescribe the procedures for the collection of fines and bail forfeitures including the imposition of additional penalty charges for late payment of fines.

NEW SECTION. Sec. 8. Pertinent portions of this 1971 amendatory act shall be posted along the public highways of this state and in all campgrounds and trailer parks, at all entrances to state parks, forest lands, and recreational areas, at all public beaches, and at other public places in this state where persons are likely to be informed of the existence and content of this 1971 amendatory act and the penalties for violating its provisions.

NEW SECTION. Sec. 9. The department shall design and the director shall adopt by rule or regulation one or more types of litter receptacles which are reasonably uniform as to size, shape, capacity and color, for wide and extensive distribution throughout the public places of this state. Each such litter receptacle shall bear an anti-litter symbol as designed and adopted by the department. In addition, all litter receptacles shall be designed to attract attention and to encourage the depositing of litter.

Litter receptacles of the uniform design shall be placed along the public highways of this state and at all parks, campgrounds, trailer parks, drive-in restaurants, gasoline service stations, tavern parking lots, shopping centers, grocery store parking lots, parking lots of major industrial firms, marinas, boat launching areas, boat moorage and fueling stations, public and private piers, beaches and bathing areas, and such other public places within this state as specified by rule or regulation of the director adopted pursuant to Chapter 34.04 RCW. The number of such receptacles required to be placed as specified herein shall be determined by a formula related to the need for such receptacles.

It shall be the responsibility of any person owning or operating any establishment or public place in which litter receptacles of the uniform design are required by this section to procure and place such receptacles at their own expense on the premises in accord with rules and regulations adopted by the department.

Any person who fails to place such litter receptacles on the premises in the numbers required by rule or regulation of the department, violating the provisions of this section or rules or regulations adopted thereunder shall be subject to a fine of ten dollars for each day of violation.

NEW SECTION. Sec. 10. The department may design and produce a litter bag bearing the state-wide anti-litter symbol and a statement of the penalties prescribed herein for littering in this state. As soon as possible after the effective date of this 1971 amendatory act, such litter bags may be distributed by the department of motor vehicles at no charge to the owner of every licensed vehicle in this state at the time and place of license renewal. The department of ecology may make such litter bags available to the owners of watercraft in this state and may also provide such litter bags at no charge at points of entry into this state and at visitor centers to the operators of incoming vehicles and watercraft. The owner of any vehicle or

watercraft who fails to keep and use a litter bag in his vehicle or watercraft shall be guilty of a violation of this section and shall be subject to a fine as provided in this 1971 amendatory act.

NEW SECTION. Sec. 11. Responsibility for the removal of litter from receptacles placed at parks, beaches, campgrounds, trailer parks, and other public places shall remain upon those state and local agencies performing litter removal. Removal of litter from litter receptacles placed on private property which is used by the public shall remain the responsibility of the owner of such private property.

NEW SECTION. Sec. 12. There is hereby levied and there shall be collected by the department of revenue from every person engaging within this state in business as a manufacturer and/or making sales at wholesale and/or making sales at retail, an annual litter assessment equal to the value of products manufactured and sold within this state, including by-products, multiplied by one and one-half hundredths of one percent in the case of manufacturers, and equal to the gross proceeds of the sales of the business within this state multiplied by one and one-half hundredths of one percent in the case of sales at wholesale and/or at retail.

NEW SECTION. Sec. 13. Because it is the express purpose of this 1971 amendatory act to accomplish effective litter control within the state of Washington and because it is a further purpose of this 1971 amendatory act to allocate a portion of the cost of administering it to those industries whose products including the packages, wrappings, and containers thereof, are reasonably related to the litter problem, in arriving at the amount upon which the assessment is to be calculated only the value of products or the gross proceeds of sales of products falling into the following categories shall be included:

(1) Food for human or pet consumption.
(2) Groceries.
(3) Cigarettes and tobacco products.
(4) Soft drinks and carbonated waters.
(5) Beer and other malt beverages.
(6) Wine.
(7) Newspapers and magazines.
(8) Household paper and paper products.
(9) Glass containers.
(10) Metal containers.
(11) Plastic or fiber containers made of synthetic material.
(12) Cleaning agents and toiletries.
(13) Nondrug drugstore sundry products.

NEW SECTION. Sec. 14. The department of revenue by rule and regulation made pursuant to chapter 34.04 RCW may, if such is required, define the categories (1) through (13) as set forth in section 13 of this 1971 amendatory act. In making any such definitions, the department of revenue shall be guided by the following standards:

(1) It is the purpose of this 1971 amendatory act to accomplish effective control of litter within this state;

(2) It is the purpose of this 1971 amendatory act to allocate a portion of the cost of administration of this 1971 amendatory act to those industries manufacturing and/or selling products and the packages, wrappings, or containers thereof which are reasonably related to the litter problem within this state.

NEW SECTION. Sec. 15. "Sold within this state" or "sales of the business within this state" as used in section 12 of this 1971 amendatory act shall mean all sales of retailers engaged in business within this state and all sales of products for use or consumption within this state in the case of manufacturers and wholesalers.

NEW SECTION. Sec. 16. All of the provisions of chapters 82.04 and 82.32 RCW such as they apply are incorporated herein except RCW 82.04.220 through 82.04.290, and 82.04.330.

NEW SECTION. Sec. 17. The litter assessment herein provided for shall not be applied to the value of products or gross proceeds of the sales of any animal, bird, or insect or the milk, eggs, wool, fur, meat, honey, or other substance obtained therefrom, if the person performs only the growing or raising function of such animal, bird, or insect. In all other instances, the assessment shall be applied.

NEW SECTION. Sec. 18. There is hereby created an account within the general fund to be known as the "Litter Control Account". All assessments, fines, bail forfeitures, and other funds collected or received pursuant to this 1971 amendatory act shall be deposited in the litter control account and used for the administration and implementation of this 1971 amendatory act.

NEW SECTION. Sec. 19. The department shall allocate funds annually for the study of available research and development in the field of litter control, removal, and disposal, as well as study methods for implementation in this state of said research and development. In addition, such funds may be used for the development of public educational programs concerning the litter problem. Grants shall be made available for these purposes to those persons deemed appropriate and qualified by the director.

NEW SECTION. Sec. 20. In addition to the foregoing, the department of ecology shall:

(1) Serve as the coordinating agency between the various industry organizations seeking to aid in the anti-litter effort;

(2) Recommend to the governing bodies of all local governments that they adopt ordinances similar to the provisions of this 1971 amendatory act;

(3) Cooperate with all local governments to accomplish coordination of local anti-litter efforts;

(4) Encourage, organize, and coordinate all voluntary local anti-litter campaigns seeking to focus the attention of the public on the programs of this state to control and remove litter;

(5) Investigate the availability of, and apply for funds available from any private or public source to be used in the program outlined in this 1971 amendatory act.

NEW SECTION. Sec. 21. To aid in the state-wide anti-litter campaign, the state legislature requests that the various industry organizations which are active in anti-litter efforts provide active cooperation with the department of ecology so that additional effect may be given to the anti-litter campaign of the state of Washington.

Sec. 22. Section 46.56.135, chapter 12, Laws of 1961 as amended by section 1, chapter 52, Laws of 1965 ex. sess. and RCW 46.61.655 are each amended to read as follows:

No vehicle shall be driven or moved on any public highway unless such vehicle is so constructed or loaded as to prevent any of its load from dropping, sifting, leaking or otherwise escaping therefrom, except that sand may be dropped for the purpose of securing traction, or water or other substance may be sprinkled on a roadway in the cleaning or maintaining of such roadway by public authority having jurisdiction. Any person operating a vehicle from which any glass or objects have fallen or escaped, which would constitute an obstruction or injure a vehicle or otherwise endanger travel upon such public highway shall immediately cause the public highway to be cleaned of all such glass or objects and shall pay any costs therefor.

NEW SECTION. Sec. 23. Every person convicted of a violation of this 1971 amendatory act for which no penalty is spe-

cially provided for shall be punished by a fine of not more than ten dollars for each such violation.

NEW SECTION. Sec. 24. The following acts are each hereby repealed:

(1) Section 1, chapter 36, Laws of 1909, section 1, chapter 73, Laws of 1931, section 49, chapter 281, Laws of 1969 ex. sess. and RCW 9.61.120;

(2) Section 2, chapter 85, Laws of 1967 and RCW 9.66.060;

(3) Section 3, chapter 85, Laws of 1967, section 50, chapter 281, Laws of 1969 ex. sess. and RCW 9.66.070;

(4) Section 2, chapter 52, Laws of 1965, section 51, chapter 281, Laws of 1969 ex. sess. and RCW 46.61.650.

NEW SECTION. Sec. 25. If any provision of this 1971 amendatory act or its application to any person or circumstance is held invalid, the remainder of the act, or the application of the provisions to other persons or circumstances is not affected.

NEW SECTION. Sec. 26. This 1971 amendatory act is necessary for the immediate preservation of the public peace, health and safety, the support of the state government and its existing public institutions, and shall take effect immediately.

NEW SECTION. Sec. 27. This 1971 amendatory act constitutes an alternative to Initiative 40. The secretary of state is directed to place this 1971 amendatory act on the ballot in conjunction with Initiative 40 at the next general election.

This 1971 amendatory act shall continue in force and effect until the secretary of state certifies the election results on this 1971 amendatory act. If affirmatively approved at the general election, this 1971 amendatory act shall continue in effect thereafter.

Passed the Senate May 10, 1971.
Passed the House May 10, 1971.
Approved by the Governor May 21, 1971 with the exception of one item which is vetoed.
Filed in Office of Secretary of State May 21, 1971.

NOTE: Governor's explanation of partial veto is as follows:

VETO MESSAGE

". . . This bill is a comprehensive litter control act. It established new litter control powers in the Department of Ecology, and imposes a tax upon those businesses which produce or sell items relating to the litter problem, in order to finance the administration of the act. However, by reason of the fact that the definition of "person" in section 3(7) includes state and local government, the act would by its terms impose the tax upon the State Liquor Control Board, and possibly upon certain local governmental agencies. I believe this result to be unwarranted, and accordingly have vetoed that item from section 3(7) of the act.

With the exception of the above item, Engrossed Senate Bill No. 428 is approved."

COMPLETE TEXT OF

Initiative Measure 43

Initiative Measure To The Legislature

Ballot Title as issued by the Attorney General:

Regulating Shoreline Use and Development

AN ACT relating to the use and development of salt and fresh water shoreline areas, including lands located within 500 feet of ordinary high tide or high water and certain wetlands; requiring the State Ecological Commission, with the advice of regional citizens councils, to adopt a state-wide regulatory plan for these areas; requiring cities and counties to adopt plans to regulate shoreline areas not covered by the state plan; requiring both local and state-wide plans to be based upon considerations of conservation, recreation, economic development and public access; and providing both civil and criminal remedies for violations of the act.

BE IT ENACTED, *by the people of the State of Washington:*

SECTION 1. Title. This act shall be known and cited as the "Shorelines Protection Act."

SECTION 2. Declaration of Policy. The people of the state of Washington hereby find and declare:

(1) That the saltwater and freshwater shoreline areas of this state are held in public trust for all the people of the state and their descendants; and that they are a valuable and endangered natural resource;

(2) That the present pattern of haphazard, inappropriate and uncoordinated development of the shorelines is:

(a) Threatening the public health, safety, welfare, comfort and convenience;

(b) Diminishing the values of the shorelines held in trust;

(c) Destroying the ecological balance of plant and animal communities;

(d) Reducing open space available for public recreation and esthetic enjoyment;

(e) Diminishing the capacity of lands and waters to produce food;

(f) Diminishing public access to publicly owned shoreline areas;

(g) Obstructing the view of the shorelines;

(h) Increasing air, water, solid waste, noise, visual and other pollution;

(i) Preventing the existence and development of properly situated and designed commercial and industrial developments requiring location in the shoreline areas;

(j) Reducing present and future job opportunities for the people of this state;

(k) Limiting public navigation;

(l) Reducing the value of private property;

(m) Reducing the attractiveness of the state to tourists, thereby jeopardizing an important state industry.

(3) That the adoption, implementation and enforcement of a comprehensive plan for the shorelines will have a significantly beneficial effect on the preservation and development of the shorelines for the public good.

(4) That for the public health, safety, welfare, comfort and convenience, it shall be the policy of the state to develop, establish and implement a comprehensive planning and permit system for the shorelines of the state of Washington to accomplish the following goals:

(a) Protection of the natural resources and natural beauty of the shoreline areas;

(b) Provision of appropriate locations for aquaculture and for commercial and industrial developments requiring location on the shoreline;

(c) Protection of the public's right to an unpolluted and tranquil environment;

(d) Provision for and protection of public access to publicly owned shoreline areas;

(e) Minimization of interference with view rights;

(f) Regulation of signs and illumination in the shoreline areas;

(g) Minimization of interference with the public's right to navigation and outdoor recreational opportunities;

(h) Protection and development of the capacity of the shoreline areas for the production of food resources;

(i) Conservation and enhancement of the natural growth of fish and wildlife;

(j) Preservation of areas of historic, cultural, scientific, and educational importance;

(k) Regulation of access to and traffic in the shoreline areas by motor vehicles and motor-craft;

(l) Fulfillment of the responsibilities of each generation as the trustee of the shoreline areas for succeeding generations;

(5) That in planning for and in guiding the changing environments of the shoreline area it shall be the policy of the state to give preference to:

(a) Long term benefits over short term benefits;

(b) Statewide or regional interests over local interests;

(c) Natural environments over man-made environments;

(d) The location of industrial and commercial facilities in existing developed industrial or commercial areas over their location in undeveloped, rural or residential areas of the shoreline, in order that as great a portion of the shorelines as possible may remain in a natural and nonintensively used condition, and that existing commercial and industrial areas may be grouped, renewed and restored.

SECTION 3. Definitions. As used in this act:

(1) "Saltwater shoreline" and "saltwater shoreline area" mean:

(a) All areas of land or water extending seaward to the outer limits of the state's seaward jurisdiction from the line of ordinary high tide, including but not limited to: beds, submerged lands, tidelands; harbors, bays, bogs, channels, canals, estuaries, sounds, straits, inlets, sloughs, salt marshes; those ponds, pools and wetlands that are contiguous to or have been divided off from tidal waters; and all rock and minerals beneath these lands and waters.

(b) Those lands extending landward for 500 feet in all directions as measured on a horizontal plane from the line of ordinary high tide as such line now or hereafter may from any cause be located.

(2) "Freshwater shoreline" and "freshwater shoreline area" mean:

(a) All areas of land or water up to the line of ordinary high water of a river, lake or reservoir, including, but not limited to: beds, submerged lands, banks; marshes, bays, bogs, harbors, channels, canals, straits, deltas, inlets, sloughs; and all rock and minerals beneath these lands and waters.

(b) Those lands adjoining any river, lake, or reservoir extending landward for 500 feet in all directions as measured on a horizontal plane from the line of ordinary high water as said line now or hereafter may from any cause be located.

(3) "Shoreline" and "shoreline area" mean both saltwater shorelines and freshwater shorelines.

(4) "River" means any flowing body of water or portion thereof including rivers, streams and creeks, but shall not include artificially constructed waterways used principally for carrying water for uses for which a legal appropriation of water exists.

(5) "Lake" means a natural or man-made inland body of standing water in a depression of land.

(6) "Line of ordinary high tide" and "line of ordinary high water" mean the line which the water impresses on the soil by covering it for sufficient periods to deprive the soil of vegetation. In any area where the line of ordinary high tide or the line of ordinary high water cannot be determined, the line of ordinary high tide shall be the line of mean higher high tide and the line of ordinary high water shall be the line of mean high water.

(7) "Navigable for public use" means having sufficient water at any time during the year to float a device or craft now or hereafter used by the public for transportation in pursuit of commercial or recreational activity.

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

(9) "Director" means the director of the department of ecology.

(10) "Commission" means the ecological commission.

(11) "Council" means regional citizens' council.

(12) "Owner" means holder of a legal or equitable interest in property.

(13) "Local government" means cities, counties, public utility districts, port districts, or other municipal corporations and regional planning authorities.

(14) "Person" means an individual, partnership and any organization, or officer thereof, which shall include a corporation, association, cooperative, municipal corporation, federal, state or local governmental agency, or any two or more of the foregoing.

(15) "Development" means the division of land after the effective date of this act into two or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer; and the following projects commenced or altered after the effective date of this act for which either the fair market value or cost, including the cost of surveying and engineering, is in excess of $100 in any one-year period: draining, dredging, excavating, removing of soil, mud, sand, stones or gravel, dumping, filling or depositing of any soil, mud, sand, stones, gravel, manufactured items or rubbish, driving of pilings or placing of obstructions, commercial boring, drilling, testing or exploring for any minerals, including oil and/or gas, the logging or cutting of timber for commercial purposes, the erecting or exterior alteration of a structure of any kind, or any combination of the foregoing.

(16) "Substantial development" means the division of ten or more acres of land after the effective date of this act into two or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer, and any development as defined in subsection (15) herein for which either the fair market value or cost, including the cost of surveying and engineering, is in excess of $50,000 in any one-year period.

(17) "Reasonable public notice" means notice in writing to any person who has requested such notice at least one month prior to the specified hearing and the publication of notice at least once in each of the four weeks preceding the specified hearing, in at least one newspaper of general circulation publishing at least six days of the week in all of the following cities: Seattle, Olympia, Tacoma, Everett, Vancouver, Pasco, Wenatchee, Yakima, Spokane, and Walla Walla, Washington and Portland, Oregon; and in at least one newspaper of general circulation in each of the counties affected by the subject matter of the hearing.

SECTION 4. Application and Exemptions. This act shall apply to the saltwater and freshwater shoreline areas of the state of Washington, provided that:

(1) The planning and permit authority given in this act to

the department shall not apply to freshwater shoreline areas along and including lakes that have a water surface area smaller than twenty surface acres at all times of the year nor to freshwater shoreline areas along rivers above the upstream limit of navigability for public use as determined by the department, except as provided in section 11.

(2) An applicant receiving certification pursuant to the Thermal Power Plants Act, Chapter 45, Laws of 1970, shall not be required to obtain a permit under this act to develop a thermal power plant, associated transmission lines or an off-stream body of water pursuant to said certification.

(3) An owner of property on the effective date of this act within the shoreline area shall not be required to obtain a permit under this act to construct upon said property above the line of ordinary high tide or ordinary high water a single family residence for his own use or the use of his family.

(4) This act shall not be construed to increase or decrease public access to freshwater shoreline areas used by local governments to supply water for human consumption; and

(5) This act shall not require the removal, destruction or alteration of any structure or development existing upon the effective date of this act.

SECTION 5. Preparation of the Comprehensive Plan and Inclusion Therein of City and County Plans. The department shall prepare for consideration by the commission a comprehensive plan for the shorelines of the state of Washington which shall be in accordance with the findings and declarations of section 2 of this act.

Before preparing the comprehensive plan, the department shall study the characteristics of the saltwater and freshwater shoreline areas and adjacent areas, including quality, quantity and movement of the waters, ecological relationships within the shoreline areas and the needs of the state's population for employment, recreation and esthetic satisfaction. The department shall examine present and proposed uses of the saltwater and freshwater shoreline areas and shall consider current plans and zoning regulations of the cities and counties.

In drafting a comprehensive plan, the department shall consider plans, studies, surveys, and other information concerning saltwater and freshwater shoreline areas which have been or are being developed by federal and state agencies, local governments, private individuals or organizations, or other appropriate sources. Particular emphasis shall be placed on obtaining and using scientific information regarding the hydrology, geology, topography, ecology, and other scientific data relating to the shoreline areas. The department shall consult with officials of local governments in areas affected by the plan and with the regional citizens' councils established in this act.

Cities and counties may submit plans for the shoreline areas to the department, and where the department finds that such plans are consistent with the findings and declarations of section 2 of this act, it shall consider and may include as a part of the department's proposed comprehensive plan for any given area, any part or all of the plan submitted by a city or county.

The department's comprehensive plan shall include the following elements:

(1) A conservation element for the preservation and restoration of natural resources, including but not limited to scenic vistas, water sheds, forests, soils, fisheries, wildlife and minerals, and lands and waters giving esthetic enjoyment;

(2) A recreation element for the preservation and enlargement of recreational opportunities, including but not limited to parks, beaches, and recreational easements;

(3) An economic development element for the location and design of industries, tourist facilities, commerce and other developments that require a location in the shoreline area;

(4) A public access element for the preservation and enlargement of opportunities for public access to publicly owned shoreline areas, including but not limited to trails, access roads, streets and highways, walkways, parking areas, and boat launching and moorage areas;

(5) An historic, cultural, scientific and educational element for the protection and restoration of buildings, sites and areas having historic, cultural, scientific or educational values;

(6) Any other element which in the opinion of the commission is necessary to the development of the comprehensive plan and to accomplish the findings and declarations of section 2 of this act.

The comprehensive plan shall contain maps and written text and shall designate on the maps and in the written text the acceptable uses and the conditions to be placed on such use or uses in each portion of the shoreline.

SECTION 6. Regional Citizens' Councils. The director shall divide the state into seven or more regions which shall contain whole counties and shall reflect the geography of the river basins and the similar nature of the shorelines among the counties within the regions. One citizens' council shall be established in each region.

The regional citizens' councils shall advise the department in the preparation of comprehensive plans for their particular regions. The councils shall cease to exist after the commission shall approve the comprehensive plan pursuant to section 7 of this act.

Each council shall be non-partisan and shall be composed of more than thirty members who shall include two members of the legislative body of each county in the region, the county executive of each county in the region having a county executive, the mayor of the largest city in each county in the region, the mayor of each city having a population in excess of 10,000 at the 1970 census in the region and a number of citizen members who are not employed by or are not officials of a city or county and who shall form a majority of the council. The citizen members shall be appointed by the governor from among the electors of the state. Members of each council shall be appointed within sixty days after the effective date of this act. One-tenth of the citizen members shall represent the statewide concern for shorelines within the region and shall not be residents of the region. Any city or county official member may appoint a representative to serve in his place on the council. Vacancies shall be filled within sixty days in the same manner as the original appointments. The chairman and vice-chairman of each council shall be appointed from among the citizen members by the governor.

The council shall meet at such times and places as shall be designated by the chairman. Members of the councils shall receive reimbursement for their travel expenses as provided in RCW 43.03.060, as now or hereafter amended.

The director may from time to time establish and dissolve additional committees and task forces composed of members of the several regional citizens' councils and/or the general public to examine and comment on specific problems, river basins, shoreline areas, or amendments to the comprehensive plan. Members of these committees and task forces shall receive reimbursement for their travel expenses as provided in RCW 43.03.060, as now or hereafter amended.

SECTION 7. Adoption of the Comprehensive Plan. The department shall submit to the commission a comprehensive plan for the saltwater and freshwater shoreline areas within the state of Washington as prescribed by this act within thirty-six months of the effective date of this act.

The commission shall, after giving reasonable public notice, hold at least one public hearing in each region designated pursuant to section 6 herein.

The comprehensive plan shall be adopted and take effect upon a majority vote of all the commission. The comprehensive plan may be adopted by divisions or segments possessing geographical, topographical, political or river or lake basin identity.

The comprehensive plan, and all amendments thereto, shall be filed with the county auditor of each county of the

state and shall become part of the land records of the respective counties.

SECTION 8. Modification of Plans. The commission may by majority vote amend or rescind parts of the comprehensive plan where necessary to implement the declarations and findings contained in section 2 after giving reasonable public notice and then holding a public hearing in each county affected by the amendment or rescission.

SECTION 9. Implementation of the Plan. No person shall cause a development to take place in the shoreline areas without a permit issued by the department, or by a city or county pursuant to section 10; provided, that permits shall not be required for:

(1) Normal maintenance or repair of existing structures or developments;

(2) Construction by the owner on property he occupies for his own residential use or the use of his family of the normal protective bulkhead, dock or outbuildings common to single family residences in the immediate area or for the landscaping of such property to improve the appearance of the land or buildings;

(3) Construction on a property used for agricultural purposes of a barn or similar building above the line of ordinary high tide or ordinary high water;

(4) Any emergency measures or repairs not falling under (1), (2), and (3) above that are necessitated by fire, flood, windstorm or similar act of nature or accident, or criminal act.

The commission shall adopt appropriate administrative regulations for the granting, denying, granting subject to conditions or rescinding of permits for any proposed development in the shoreline areas, and may specifically adopt administrative regulations for the routine issuance of permits for proposed developments in intensively developed areas above the line of ordinary high tide or ordinary high water.

The department shall issue permits pursuant to this section only if the proposed development is consistent with the findings and declarations set out in section 2 and the comprehensive plan. Applicants for permits shall have the burden of proving by a preponderance of the evidence that the proposed development is consistent with the findings and declarations set out in section 2 and the comprehensive plan. The department shall rescind any permit upon finding that an applicant has either not complied with conditions imposed by the department or not followed his own previously submitted development plan, and further finding that such noncompliance results in the development not conforming with the findings and declarations of section 2 or the comprehensive plan.

Until the comprehensive plan is adopted, the department shall base its decisions on permit applications and rescissions on consistency with the findings and declarations of section 2.

All findings on permit applications, together with the applications, supportive materials and the reasons for the finding, shall be reduced to writing.

The department shall notify other state and federal agencies and local governments as well as private groups and individuals who are interested in a particular permit decision so that said entities may, if they desire, submit data to the department.

Any person aggrieved by a decision of the department in granting or rescinding a permit shall have the right to a hearing before the pollution control hearings board pursuant to procedures established by the Environmental Quality Reorganization Act of 1970, Chapter 62, Laws of 1970. The pollution control hearings board shall review the department's decision in light of the findings and declarations set out in section 2 and shall affirm, modify or reverse said decision. The decision by the department in granting or rescinding a permit shall be made without a formal hearing.

SECTION 10. Delegation of Authority by Department to Counties and Cities. Following the adoption of the comprehensive plan the department may designate and delegate to requesting counties and cities the department's authority or portion thereof under section 9 herein over those developments that are not substantial. Such designation and delegation may be made and may be withdrawn only after the department considers the following factors:

(1) The severity of the impact of various classes of development on the ecology of the shoreline;

(2) The jurisdiction of particular state agencies, counties and cities and conflicts in jurisdiction with other state agencies or local governments;

(3) The experience and ability of particular counties and cities in regulating proposed developments.

The department shall retain jurisdiction and exercise all authority given to it by this act over substantial developments. Cities and counties exercising authority under this section shall act pursuant to and comply with all the provisions of section 9 herein; provided, that any person concerned with a decision of a city or county in granting or rescinding a permit shall have such hearing rights as may be provided by existing state laws or by existing county or city ordinances.

SECTION 11. Responsibilities of Counties and Cities. To preserve and protect freshwater shorelines along rivers that are not navigable for public use and along lakes that are smaller than twenty surface acres at all times of the year, cities and counties shall within thirty-six months of the effective date of this act enact legislation for the management and protection of such shoreline areas in conformance with the declarations and findings set out in section 2 of this act.

Within ten days of the enactment of such legislation, it shall be submitted to the commission for approval. If the commission finds that the legislation is not consistent with the declarations and findings of section 2 of this act, it shall notify the county or city of the deficiencies in its legislation. The county or city shall amend its legislation and return it to the department within ninety days.

If, within forty-eight months from the effective date of this act no legislation has been enacted and approved by the commission for a given city or county the department shall develop and propose and the commission shall adopt a comprehensive plan and regulations for the management and protection of those shoreline areas in the same manner as provided in sections 7, 8 and 9. Such plans and regulations shall have the full force of law within the county or city and shall be administered by the city or county affected.

SECTION 12. Power Reserved to Cities and Counties. The issuance of a permit by the department under section 9 or by its designee under section 10 shall not authorize a person to cause a development to take place in violation of any other state law or regulation, or any city or county ordinance or resolution.

No person shall apply for a permit pursuant to sections 9 or 10 of this act without first having complied with applicable county and city resolutions and ordinances.

SECTION 13. Shoreline Environment Erosion Control. No person shall be granted a permit pursuant to sections 9 or 10 for commercial harvesting or cutting of timber when the proposed harvesting or cutting would result in openings in the forest canopy within the shoreline areas larger in diameter than the average height of the immediately surrounding trees, except where the cutting or harvesting is in pursuit of a development other than logging or timber cutting granted a permit pursuant to this act or where the director finds that the proposed harvesting or cutting is needed to meet or avert a threat to the public health or safety.

SECTION 14. Consumer Protection. No person shall sell or otherwise transfer, except by gift or will, or offer for sale or transfer, except by gift or will, any interest in lands or waters within the shoreline area without including in any written or

printed advertisement or offer for sale or transfer and in any instruments of sale or transfer the following notice in ten-point bold-face type or larger, or if by typewriter, in capital letters:

"NOTICE: Part or all of the lands and waters concerned herein are within the shoreline area of the state of Washington and subject to the environmental protection restrictions of the Shorelines Protection Act. Developments and modifications of these lands or waters are subject to regulation. Contact the Department of Ecology, Olympia, Washington, for information regarding the regulations applying to these lands and waters, or see a copy of the regulations at the office of your County Auditor."

Failure to comply with this section shall not affect the title to any property except that such failure shall be grounds for rescission by the purchaser or transferee.

SECTION 15. Oil and Gas Exploration and Production. No permit shall be issued to any person pursuant to this act to bore, excavate, drill, test drill, conduct seismic explorations or remove any oil and/or gas from the shoreline areas of Puget Sound, including Hood Canal and the San Juan Islands; provided, that the department may conduct explorations necessary to carry out the study provisions of this section.

Within thirty-six months of the effective date of this act the director shall submit to the governor a study report and recommendations on the exploration and production of oil and gas from the shoreline areas of the state of Washington.

SECTION 16. High Rise Structures. No permit shall be issued pursuant to this act for any new or expanded building of more than thirty-five feet above average grade level on shorelines that obstructs the view of the shoreline from a substantial number of residences on areas adjoining the shoreline, except as the comprehensive plan shall designate specific areas where such buildings shall be permitted.

SECTION 17. Private Property Rights. Nothing in this act shall be construed to authorize the taking of private property without just compensation, nor impair or affect private riparian rights of owners of property in the shoreline areas as against another private individual, group, association, corporation, partnership or other private legal entity.

SECTION 18. Public Navigation Rights. Except as permitted by this act, there shall be no interference with or obstruction of the navigation rights of the public pursuant to common law as stated in such cases as the Washington State Supreme Court decision in *Wilbour v. Gallagher*, 77 Wash. Dec. 2d 307 (1969).

SECTION 19. Administration. To administer this act and pursuant to the Environmental Quality Reorganization Act of 1970, Chapter 62, Laws of 1970, there shall be established within the department a shoreline protection division responsible to the director and supervised by an assistant director.

The commission shall adopt regulations for the administration of this act, consistent with the policy of this act; provided, that prior to the adoption of any such administrative regulations, a public hearing after reasonable public notice shall be held in Thurston County.

The department is authorized and directed to assign staff to assist the commission, regional citizens' councils, and other committees or task forces established pursuant to this act, and to furnish such administrative and informational services as the director may find necessary.

SECTION 20. Right of Review. Any plans or regulations adopted pursuant to this act by the commission or any city or county, any permits granted, denied or rescinded by the pollution control hearings board or any permits granted, denied or rescinded by a city or county pursuant to sections 10 or 11 of this act shall be subject to judicial review pursuant to the provisions of Chapter 34.04 RCW. Any judicial proceedings brought by any party relating to this act shall be instituted in the superior court of the county where the property affected is located, or in the superior court of Thurston County if no definite property is related to the proceeding.

SECTION 21. Public Documents. Upon request and at the expense of the requesting party the department, city or county acting pursuant to this act shall make available for public inspection and copying during regular office hours or shall copy and mail any of the following materials:

(1) Each permit application;

(2) All final orders, made in the granting or denying of permit applications;

(3) Proposed and adopted comprehensive plans, comprehensive plan amendments and related administrative regulations;

(4) Interdepartmental memoranda, permit findings and other recorded material related to permit functions;

(5) Administrative staff manuals and instructions to staff relating to the planning and permit functions herein that affect the public;

(6) Minutes of commission, board or council meetings relating to the planning and permit functions herein that affect the public;

(7) All evidence provided by applicants for permits.

SECTION 22. Enforcement. The attorney general shall enforce this act, including the provisions of any permit issued pursuant thereto and shall, at the request of the director or upon his own initiative, or upon the request of a private person, bring injunctive, declaratory, or other legal actions necessary to such enforcement.

If a private person has requested the attorney general to enforce this act, and the attorney general has declined to do so, the private person may institute an appropriate civil suit to enforce this act, including the provisions of any permit issued pursuant thereto, in the name of the public, and if he prevails, shall be entitled to reasonable attorney's fees. One-half of such attorney's fees shall be assessed against defendant and one-half of such attorney's fees shall be assessed against the state. If the court finds that the suit was commenced without reasonable cause, the defendant shall be entitled to reasonable attorney's fees from the plaintiff.

SECTION 23. Damages. Any person who violates any provision of this act or permit issued pursuant thereto shall be liable for all damage to public or private property arising from such violation, and for the cost of restoring the affected area to its condition prior to violation. The attorney general shall bring suit for damages under this section on behalf of the state, any of its agencies, or local governments. Private persons shall have the right to bring suit for damages under this section on their own behalf and on the behalf of all persons similarly situated. The court, if liability has been established for the cost of restoring an area affected by a violation, shall either compel the violator to restore the affected area at his own expense, or make other provision for assuring that restoration will be done within a reasonable time. In addition to such appropriate relief, including money damages, which is provided by the court under this or other acts, a private person bringing a damage suit in his own behalf or on the behalf of others may, in the discretion of the court, recover his reasonable attorney's fees and court costs.

SECTION 24. Civil Penalties. Any person who violates any provision of this act except section 14 shall incur in addition to any other penalties provided by the law a penalty in an amount not less than fifty dollars ($50.00) nor more than one-thousand dollars ($1,000.00) a day for every such violation. Each and every such violation under this section shall be

a separate offense, and in case of a continuing violation, every day's continuance shall be a separate violation. Prosecution to enforce this section may be brought by either the attorney general or prosecutor of the county where the affected property is located; provided, that if both the attorney general and the prosecutor of the county where the affected property is located refuse to prosecute under this section, a private person shall be entitled to do so. Fines collected pursuant to this section through prosecution by the prosecutor shall go to the general fund of the county. Fines collected pursuant to this section through prosecution by the attorney general shall go to the state's general fund. Fines collected pursuant to this section through prosecution by a private person shall go to the person bringing the suit.

SECTION 25. Criminal Penalties. Any person who violates any provision of this act except section 14 shall be guilty of a misdemeanor. Prosecutions pursuant to this section shall be brought in the county where the affected property is located by either the prosecutor of said county or the attorney general. Any fines collected pursuant to this section from prosecution by the county prosecutor shall go to the general fund of the county. Any fines collected pursuant to this section from prosecution by the attorney general shall go to the state general fund.

SECTION 26. Financing. To carry out the purposes of this act, there shall be appropriated to the department from the state general fund in the fiscal biennium in which this act takes effect the sum of $500,000, and for the ensuing fiscal biennium the sum of $900,000; provided, that such moneys as are not expended shall be returned to the state general fund.

To help meet the costs of administering this act, the department, or a city or a county issuing permits pursuant to this act shall by regulation or ordinance adopt a fee schedule for permit applications based on the estimated costs of processing different classes of permit applications. A permit applicant shall be required to pay the appropriate fee based on the fee schedule adopted by the governmental body issuing the permit. All fees collected pursuant to this section by the department shall be deposited in the state general fund. All fees collected pursuant to this section by a city or county shall go to the respective city or county general fund.

SECTION 27. Cooperation With Local Governments and Private Persons. The department shall cooperate, consult with and assist appropriate government agencies and private persons developing plans, studies, surveys, recommendations, or information on shorelines.

State and local government agencies shall cooperate fully with the department in furthering the purposes of this act.

SECTION 28. Department's Authority to Contract. For the purposes of administering this act, the department may enter into contracts or agreements with or receive funds from the state of Washington, the federal government or any governmental department, agency or any person.

SECTION 29. Official Representative. The department is authorized to be the official representative of the state of Washington to the United States and its agencies, Canada, the states of Oregon and Idaho, the Province of British Columbia, and other interested state governments, organizations and individuals, in the fields of shoreline management and policy.

SECTION 30. Severability. If any provision of this act, or its application to any person or legal entity or circumstance is held invalid, the remainder of the act, or the application of the provision to other persons or legal entities or circumstances shall not be affected.

SECTION 31. Section Headings Not Part of Law. Section headings as used in this act shall not constitute any part of the law.

EXPLANATORY COMMENT

Initiative to the Legislature No. 43 (Regulating Shoreline Use and Development)—Filed September 25, 1970 by the Washington Environmental Council. Signatures (160,421) filed December 31, 1970 and found sufficient and the measure was certified to the Legislature as of January 29, 1971. The Legislature took no action insofar as Initiative No. 43 but did pass an alternative measure (Sub. H.B. No. 584) now identified as Chapter 286, Laws 1971, 1st Ex. Session which became effective law as of June 1, 1971. However, as provided by the state constitution, both measures must be submitted to the voters for final decision at the November 7, 1972 state general election. If both are approved, the measure receiving the most favorable votes will become law.

COMPLETE TEXT OF

Alternative Measure

43B

Ballot Title as issued by the Attorney General:

Legislative Alternative—Shoreline Management Act

AN ACT relating to the use and development of certain salt and fresh water shoreline areas including lands located within 200 feet of the ordinary high water mark and certain other adjacent designated wetlands; establishing an integrated program of shoreline management between state and local governments; requiring local governments, pursuant to guidelines established by the state department of ecology, to develop master programs for regulating shoreline uses and providing that if they do not the department will develop and adopt such programs; granting the state's consent to certain existing impairments of public navigational rights; and providing civil and criminal sanctions.

CHAPTER 286, LAWS 1971, 1ST EX. SESSION
(Sub. House Bill No. 584)

BE IT ENACTED, *by the Legislature of the State of Washington:*

NEW SECTION. Section 1. This chapter shall be known and may be cited as the "Shoreline Management Act of 1971".

NEW SECTION. Sec. 2. The legislature finds that the shorelines of the state are among the most valuable and fragile of its natural resources and that there is great concern throughout the state relating to their utilization, protection, restoration, and preservation. In addition it finds that ever increasing pressures of additional uses are being placed on the shorelines necessitating increased coordination in the management and development of the shorelines of the state. The legislature further finds that much of the shorelines of the state and the uplands adjacent thereto are in private ownership; that unrestricted construction on the privately owned or

publicly owned shorelines of the state is not in the best public interest; and therefore, coordinated planning is necessary in order to protect the public interest associated with the shorelines of the state while, at the same time, recognizing and protecting private property rights consistent with the public interest. There is, therefore, a clear and urgent demand for a planned, rational, and concerted effort, jointly performed by federal, state, and local governments, to prevent the inherent harm in an uncoordinated and piecemeal development of the state's shorelines.

It is the policy of the state to provide for the management of the shorelines of the state by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the state and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto.

The legislature declares that the interest of all of the people shall be paramount in the management of shorelines of state-wide significance. The department, in adopting guidelines for shorelines of state-wide significance, and local government, in developing master programs for shorelines of state-wide significance, shall give preference to uses in the following order of preference which:

(1) Recognize and protect the state-wide interest over local interest;

(2) Preserve the natural character of the shoreline;

(3) Result in long term over short term benefit;

(4) Protect the resources and ecology of the shoreline;

(5) Increase public access to publicly owned areas of the shorelines;

(6) Increase recreational opportunities for the public in the shoreline;

(7) Provide for any other element as defined in section 11 *[10] of this 1971 act deemed appropriate or necessary.

In the implementation of this policy the public's opportunity to enjoy the physical and esthetic qualities of natural shorelines of the state shall be preserved to the greatest extent feasible consistent with the overall best interest of the state and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment, or are unique to or dependent upon use of the state's shoreline. Alterations of the natural condition of the shorelines of the state, in those limited instances when authorized, shall be given priority for single family residences, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the state, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the state and other development that will provide an opportunity for substantial numbers of the people to enjoy the shorelines of the state.

Permitted uses in the shorelines of the state shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

NEW SECTION. Sec. 3. As used in this chapter, unless the context otherwise requires, the following definitions and concepts apply:

(1) Administration:

(a) "Department" means the department of ecology;

(b) "Director" means the director of the department of ecology;

(c) "Local government" means any county, incorporated city, or town which contains within its boundaries any lands or waters subject to this chapter: PROVIDED, That lands under the jurisdiction of the department of natural resources shall be subject to the provisions of this chapter and as to such lands the department of natural resources shall have the same powers, duties, and obligations as local government has as to other lands covered by the provisions of this chapter;

(d) "Person" means an individual, partnership, corporation, association, organization, cooperative, public or municipal corporation, or agency of the state or local governmental unit however designated;

(e) "Hearing board" means the shoreline hearings board established by this chapter.

(2) Geographical:

(a) "Extreme low tide" means the lowest line on the land reached by a receding tide;

(b) "Ordinary high water mark" on all lakes, streams, and tidal water is that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on the effective date of this chapter or as it may naturally change thereafter: PROVIDED, That in any area where the ordinary high water mark cannot be found, the ordinary high water mark adjoining saltwater shall be the line of mean higher high tide and the ordinary high water mark adjoining fresh water shall be the line of mean high water;

(c) "Shorelines of the state" are the total of all "shorelines" and "shorelines of state-wide significance" within the state;

(d) "Shorelines" means all of the water areas of the state, including reservoirs, and their associated wetlands, together with the lands underlying them; except (i) shorelines of state-wide significance; (ii) shorelines on segments of streams upstream of a point where the mean annual flow is twenty cubic feet per second or less and the wetlands associated with such upstream segments; and (iii) shorelines on lakes less than twenty acres in size and wetlands associated with such small lakes;

(e) "Shorelines of state-wide significance" means the following shorelines of the state:

(i) The area between the ordinary high water mark and the western boundary of the state from Cape Disappointment on the south to Cape Flattery on the north, including harbors, bays, estuaries, and inlets;

(ii) Those areas of Puget Sound and adjacent salt waters and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide as follows:

(A) Nisqually Delta—from DeWolf Bight to Tatsolo Point,

(B) Birch Bay—from Point Whitehorn to Birch Point,

(C) Hood Canal—from Tala Point to Foulweather Bluff,

(D) Skagit Bay and adjacent area—from Brown Point to Yokeko Point, and

(E) Padilla Bay—from March Point to William Point;

(iii) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide;

(iv) Those lakes, whether natural, artificial or a combination thereof, with a surface acreage of one thousand acres or more measured at the ordinary high water mark;

(v) Those natural rivers or segments thereof as follows:

(A) Any west of the crest of the Cascade range downstream of a point where the mean annual flow is measured at one thousand cubic feet per second or more,

(B) Any east of the crest of the Cascade range downstream of a point where the annual flow is measured at two hundred cubic feet per second or more, or those portions of rivers east of the crest of the Cascade range downstream from the first three hundred square miles of drainage area, whichever is longer;

(vi) Those wetlands associated with (i), (ii), (iv), and (v) of this subsection (2) (e);

(f) "Wetlands" or "wetland areas" means those lands extending landward for two hundred feet in all directions as measured on a horizontal plane from the ordinary high water mark; and all marshes, bogs, swamps, floodways, river deltas, and flood plains associated with the streams, lakes and tidal waters which are subject to the provisions of this act; the same to be designated as to location by the department of **ecology.**

(3) Procedural terms:

(a) "Guidelines" means those standards adopted to implement the policy of this chapter for regulation of use of the shorelines of the state prior to adoption of master programs. Such standards shall also provide criteria to local governments and the department in developing master programs;

(b) "Master program" shall mean the comprehensive use plan for a described area, and the use regulations together with maps, diagrams, charts or other descriptive material and text, a statement of desired goals and standards developed in accordance with the policies enunciated in section 2 of this 1971 act;

(c) "State master program" is the cumulative total of all master programs approved or adopted by the department of ecology;

(d) "Development" means a use consisting of the construction or exterior alteration of structures; dredging; drilling; dumping; filling; removal of any sand, gravel or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this chapter at any state of water level;

(e) "Substantial development" shall mean any development of which the total cost or fair market value exceeds one thousand dollars, or any development which materially interferes with the normal public use of the water or shorelines of the state; except that the following shall not be considered substantial developments for the purpose of this chapter:

(i) Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements;

(ii) Construction of the normal protective bulkhead common to single family residences;

(iii) Emergency construction necessary to protect property from damage by the elements;

(iv) Construction of a barn or similar agricultural structure on wetlands;

(v) Construction or modification of navigational aids such as channel markers and anchor buoys;

(vi) Construction on wetlands by an owner, lessee or contract purchaser of a single family residence for his own use or for the use of his family, which residence does not exceed a height of thirty-five feet above average grade level and which meets all requirements of the state agency or local government having jurisdiction thereof, other than requirements imposed pursuant to this chapter.

NEW SECTION. Sec. 4. The shoreline management program of this chapter shall apply to the shorelines of the state as defined in this act.

NEW SECTION. Sec. 5. This chapter establishes a cooperative program of shoreline management between local government and the state. Local government shall have the primary responsibility for initiating and administering the regulatory program of this chapter. The department shall act primarily in a supportive and review capacity with primary emphasis on insuring compliance with the policy and provisions of this chapter.

NEW SECTION. Sec. 6. (1) Within one hundred twenty days from the effective date of this chapter, the department shall submit to all local governments proposed guidelines consistent with section 2 of this 1971 act for:

(a) Development of master programs for regulation of the uses of shorelines; and

(b) Development of master programs for regulation of the uses of shorelines of state-wide significance.

(2) Within sixty days from receipt of such proposed guidelines, local governments shall submit to the department in writing proposed changes, if any, and comments upon the proposed guidelines.

(3) Thereafter and within one hundred twenty days from the submission of such proposed guidelines to local governments, the department, after review and consideration of the comments and suggestions submitted to it, shall resubmit final proposed guidelines.

(4) Within sixty days thereafter public hearings shall be held by the department in Olympia and Spokane, at which interested public and private parties shall have the opportunity to present statements and views on the proposed guidelines. Notice of such hearings shall be published at least once in each of the three weeks immediately preceding the hearing in one or more newspapers of general circulation in each county of the state.

(5) Within ninety days following such public hearings, the department at a public hearing to be held in Olympia shall adopt guidelines.

NEW SECTION. Sec. 7. (1) Local governments are directed with regard to shorelines of the state in their various jurisdictions to submit to the director of the department, within six months from the effective date of this chapter, letters stating that they propose to complete an inventory and develop master programs for these shorelines as provided for in section 8 of this 1971 act.

(2) If any local government fails to submit a letter as provided in subsection (1) of this section, or fails to adopt a master program for the shorelines of the state within its jurisdiction in accordance with the time schedule provided in this chapter, the department shall carry out the requirements of section 8 of this 1971 act and adopt a master program for the shorelines of the state within the jurisdiction of the local government.

NEW SECTION. Sec. 8. Local governments are directed with regard to shorelines of the state within their various jurisdictions as follows:

(1) To complete within eighteen months after the effective date of this chapter, a comprehensive inventory of such shorelines. Such inventory shall include but not be limited to the general ownership patterns of the lands located therein in terms of public and private ownership, a survey of the general natural characteristics thereof, present uses conducted therein and initial projected uses thereof;

(2) To develop, within eighteen months after the adoption of guidelines as provided in section 6 of this 1971 act, a master program for regulation of uses of the shorelines of the state consistent with the guidelines adopted.

NEW SECTION. Sec. 9. Master programs or segments thereof shall become effective when adopted or approved by the department as appropriate. Within the time period provided in section 8 of this 1971 act, each local government shall have submitted a master program, either totally or by segments, for all shorelines of the state within its jurisdiction to the department for review and approval.

(1) As to those segments of the master program relating to shorelines, they shall be approved by the department unless it determines that the submitted segments are not consistent with the policy of section 2 of this 1971 act and the applicable

guidelines. If approval is denied, the department shall state within ninety days from the date of submission in detail the precise facts upon which that decision is based, and shall submit to the local government suggested modifications to the program to make it consistent with said policy and guidelines. The local government shall have ninety days after it receives recommendations from the department to make modifications designed to eliminate the inconsistencies and to resubmit the program to the department for approval. Any resubmitted program shall take effect when and in such form and content as is approved by the department.

(2) As to those segments of the master program relating to shorelines of state-wide significance the department shall have full authority following review and evaluation of the submission by local government to develop and adopt an alternative to the local government's proposal if in the department's opinion the program submitted does not provide the optimum implementation of the policy of this chapter to satisfy the state-wide interest. If the submission by local government is not approved, the department shall suggest modifications to the local government within ninety days from receipt of the submission. The local government shall have ninety days after it receives said modifications to consider the same and resubmit a master program to the department. Thereafter, the department shall adopt the resubmitted program or, if the department determines that said program does not provide for optimum implementation, it may develop and adopt an alternative as hereinbefore provided.

(3) In the event a local government has not complied with the requirements of section 7 of this 1971 act it may thereafter upon written notice to the department elect to adopt a master program for the shorelines within its jurisdiction, in which event it shall comply with the provisions established by this chapter for the adoption of a master program for such shorelines.

Upon approval of such master program by the department it shall supersede such master program as may have been adopted by the department for such shorelines.

NEW SECTION. Sec. 10. (1) The master programs provided for in this chapter, when adopted and approved by the department, as appropriate, shall constitute use regulations for the various shorelines of the state. In preparing the master programs, and any amendments thereto, the department and local governments shall to the extent feasible:

(a) Utilize a systematic interdisciplinary approach which will insure the integrated use of the natural and social sciences and the environmental design arts;

(b) Consult with and obtain the comments of any federal, state, regional, or local agency having any special expertise with respect to any environmental impact;

(c) Consider all plans, studies, surveys, inventories, and systems of classification made or being made by federal, state, regional, or local agencies, by private individuals, or by organizations dealing with pertinent shorelines of the state;

(d) Conduct or support such further research, studies, surveys, and interviews as are deemed necessary;

(e) Utilize all available information regarding hydrology, geography, topography, ecology, economics, and other pertinent data;

(f) Employ, when feasible, all appropriate, modern scientific data processing and computer techniques to store, index, analyze, and manage the information gathered.

(2) The master programs shall include, when appropriate, the following:

(a) An economic development element for the location and design of industries, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines of the state;

(b) A public access element making provision for public access to publicly owned areas;

(c) A recreational element for the preservation and enlargement of recreational opportunities, including but not limited to parks, tidelands, beaches, and recreational areas;

(d) A circulation element consisting of the general location and extent of existing and proposed major thoroughfares, transportation routes, terminals, and other public utilities and facilities, all correlated with the shoreline use element;

(e) A use element which considers the proposed general distribution and general location and extent of the use on shorelines and adjacent land areas for housing, business, industry, transportation, agriculture, natural resources, recreation, education, public buildings and grounds, and other categories of public and private uses of the land;

(f) A conservation element for the preservation of natural resources, including but not limited to scenic vistas, aesthetics, and vital estuarine areas for fisheries and wildlife protection;

(g) An historic, cultural, scientific, and educational element for the protection and restoration of buildings, sites, and areas having historic, cultural, scientific, or educational values; and

(h) Any other element deemed appropriate or necessary to effectuate the policy of this act.

(3) The master programs shall include such map or maps, descriptive text, diagrams and charts, or other descriptive material as are necessary to provide for ease of understanding.

(4) Master programs will reflect that state-owned shorelines of the state are particularly adapted to providing wilderness beaches, ecological study areas, and other recreational activities for the public and will give appropriate special consideration to same.

(5) Each master program shall contain provisions to allow for the varying of the application of use regulations of the program, including provisions for permits for conditional uses and variances, to insure that strict implementation of a program will not create unnecessary hardships or thwart the policy enumerated in section 2 of this chapter. Any such varying shall be allowed only if extraordinary circumstances are shown and the public interest suffers no substantial detrimental effect. The concept of this subsection shall be incorporated in the rules adopted by the department relating to the establishment of a permit system as provided in section 14(3) of this chapter.

NEW SECTION. Sec. 11. (1) Whenever it shall appear to the director that a master program should be developed for a region of the shorelines of the state which includes lands and waters located in two or more adjacent local government jurisdictions, the director shall designate such region and notify the appropriate units of local government thereof. It shall be the duty of the notified units to develop cooperatively an inventory and master program in accordance with and within the time provided in section 8 of this 1971 act.

(2) At the discretion of the department, a local government master program may be adopted in segments applicable to particular areas so that immediate attention may be given to those areas of the shorelines of the state in most need of a use regulation.

NEW SECTION. Sec. 12. All rules and regulations, master programs, designations and guidelines, shall be adopted or approved in accordance with the provisions of RCW 34.04.025 insofar as such provisions are not inconsistent with the provisions of this chapter. In addition:

(1) Prior to the approval or adoption by the department of a master program, or portion thereof, at least one public hearing shall be held in each county affected by a program or portion thereof for the purpose of obtaining the views and comments of the public. Notice of each such hearing shall be published at least once in each of the three weeks immediately preceding the hearing in one or more newspapers of general circulation in the county in which the hearing is to be held.

(2) All guidelines, regulations, designations or master programs adopted or approved under this chapter shall be available for public inspection at the office of the department or the appropriate county auditor and city clerk. The terms "adopt" and "approve" for purposes of this section, shall include modifications and rescission of guidelines.

NEW SECTION. Sec. 13. To insure that all persons and entities having an interest in the guidelines and master programs developed under this chapter are provided with a full opportunity for involvement in both their development and implementation, the department and local governments shall:

(1) Make reasonable efforts to inform the people of the state about the shoreline management program of this chapter and in the performance of the responsibilities provided in this chapter, shall not only invite but actively encourage participation by all persons and private groups and entities showing an interest in shoreline management programs of this chapter; and

(2) Invite and encourage participation by all agencies of federal, state, and local government, including municipal and public corporations, having interests or responsibilities relating to the shorelines of the state. State and local agencies are directed to participate fully to insure that their interests are fully considered by the department and local governments.

NEW SECTION. Sec. 14. (1) No development shall be undertaken on the shorelines of the state except those which are consistent with the policy of this chapter and, after adoption or approval, as appropriate, the applicable guidelines, regulations or master program.

(2) No substantial development shall be undertaken on shorelines of the state without first obtaining a permit from the government entity having administrative jurisdiction under this chapter.

A permit shall be granted:

(a) From the effective date of this chapter until such time as an applicable master program has become effective, only when the development proposed is consistent with: (i) The policy of section 2 of this 1971 act; and (ii) after their adoption, the guidelines and regulations of the department; and (iii) so far as can be ascertained, the master program being developed for the area. In the event the department is of the opinion that any permit granted under this subsection is inconsistent with the policy declared in section 2 of this 1971 act or is otherwise not authorized by this section, the department may appeal the issuance of such permit within thirty days to the hearings board upon written notice to the local government and the permittee;

(b) After adoption or approval, as appropriate, by the department of an applicable master program, only when the development proposed is consistent with the applicable master program and the policy of section 2 of this 1971 act.

(3) Local government shall establish a program, consistent with rules adopted by the department, for the administration and enforcement of the permit system provided in this section. Any such system shall include a requirement that all applications and permits shall be subject to the same public notice procedures as provided for applications for waste disposal permits for new operations under RCW 90.48.170. The administration of the system so established shall be performed exclusively by local government.

(4) Such system shall include provisions to assure that construction pursuant to a permit will not begin or be authorized until forty-five days from the date of final approval by the local government or until all review proceedings are terminated if such proceedings were initiated within forty-five days from the date of final approval by the local government.

(5) Any ruling on an application for a permit under authority of this section, whether it be an approval or a denial, shall, concurrently with the transmittal of the ruling to the applicant, be filed with the department and the attorney general.

(6) Applicants for permits under this section shall have the burden of proving that a proposed substantial development is consistent with the criteria which must be met before a permit is granted. In any review of the granting or denial of an application for a permit as provided in section 16(1) of this chapter, the person requesting the review shall have the burden of proof.

(7) Any permit may be rescinded by the issuing authority upon the finding that a permittee has not complied with conditions of a permit. In the event the department is of the opinion that such noncompliance exists, the department may appeal within thirty days to the hearings board for a rescission of such permit upon written notice to the local government and the permittee.

(8) The holder of a certification from the governor pursuant to chapter 80.50 RCW shall not be required to obtain a permit under this section.

(9) No permit shall be required for any development on shorelines of the state included within a preliminary or final plat approved by the applicable state agency or local government prior to April 1, 1971, if:

(a) The final plat was approved after April 13, 1961, or the preliminary plat was approved after April 30, 1969, or

(b) Sales of lots to purchasers with reference to the plat, or substantial development incident to platting or required by the plat, occurred prior to April 1, 1971, and

(c) The development to be made without a permit meets all requirements of the applicable state agency or local government, other than requirements imposed pursuant to this chapter, and

(d) The development does not involve construction of buildings, or involves construction on wetlands of buildings to serve only as community social or recreational facilities for the use of owners of platted lots and the buildings do not exceed a height of thirty-five feet above average grade level, and

(e) The development is completed within two years after the effective date of this chapter.

(10) The applicable state agency or local government is authorized to approve a final plat with respect to shorelines of the state included within a preliminary plat approved after April 30, 1969, and prior to April 1, 1971: PROVIDED, That any substantial development within the platted shorelines of the state is authorized by a permit granted pursuant to this section, or does not require a permit as provided in subsection (9) of this section, or does not require a permit because of substantial development occurred prior to the effective date of this chapter.

(11) Any permit for a variance or a conditional use by local government under approved master programs must be submitted to the department for its approval or disapproval.

NEW SECTION. Sec. 15. With respect to timber situated within two hundred feet abutting landward of the ordinary high water mark within shorelines of state-wide significance, the department or local government shall allow only selective commercial timber cutting, so that no more than thirty percent of the merchantable trees may be harvested in any ten year period of time: PROVIDED, That other timber harvesting methods may be permitted in those limited instances where the topography, soil conditions or silviculture practices necessary for regeneration render selective logging ecologically detrimental: PROVIDED FURTHER, That clear cutting of timber which is solely incidental to the preparation of land for other uses authorized by this chapter may be permitted.

NEW SECTION. Sec. 16. Surface drilling for oil or gas is prohibited in the waters of Puget Sound north to the Canadian boundary and the Strait of Juan de Fuca seaward from the ordinary high water mark and on all lands within one thousand feet landward from said mark.

NEW SECTION. Sec. 17. A shorelines hearings board sitting as a quasi judicial body is hereby established which shall be made up of six members: Three members shall be members of the pollution control hearings board; two members, one appointed by the association of Washington cities and one appointed by the association of county commissioners, both to serve at the pleasure of the associations; and the state land commissioner or his designee. The chairman of the pollution control hearings board shall be the chairman of the shorelines hearings board. A decision must be agreed to by at least four members of the board to be final. The pollution control hearings board shall provide the shorelines appeals board such administrative and clerical assistance as the latter may require. The members of the shoreline appeals board shall receive the compensation, travel, and subsistence expenses as provided in RCW 43.03.050 and RCW 43.03.060.

NEW SECTION. Sec. 18. (1) Any person aggrieved by the granting or denying of a permit on shorelines of the state, or rescinding a permit pursuant to section 15 of this chapter may seek review from the shorelines hearings board by filing a request for the same within thirty days of receipt of the final order. Concurrently with the filing of any request for review with the board as provided in this section pertaining to a final order of a local government, the requestor shall file a copy of his request with the department and the attorney general. If it appears to the Department or the attorney general that the requestor has valid reasons to seek review, either the department or the attorney general may certify the request within thirty days after its receipt to the shorelines hearings board following which the board shall then, but not otherwise, review the matter covered by the requestor: PROVIDED, That the failure to obtain such certification shall not preclude the requestor from obtaining a review in the superior court under any right to review otherwise available to the requestor. The department and the attorney general may intervene to protect the public interest and insure that the provisions of this chapter are complied with at any time within forty-five days from the date of the filing of said copies by the requestor.

(2) The department or the attorney general may obtain review of any final order granting a permit, or granting or denying an application for a permit issued by a local government by filing a written request with the shorelines appeals board and the appropriate local government within forty-five days from the date the final order was filed as provided in subsection (5) of section 14 of this 1971 act.

(3) The review proceedings authorized in section 18(1) and (2) of this 1971 act are subject to the provisions of chapter 34.04 RCW pertaining to procedures in contested cases. The provisions of chapter 43.21B RCW and the regulations adopted pursuant thereto by the pollution control hearings board, insofar as they are not inconsistent with chapter 34.04 RCW, relating to the procedures for the conduct of hearings and judicial review thereof, shall be applicable to all requests for review as provided for in section 18(1) and (2) of this 1971 act.

(4) Local government may appeal to the shorelines hearing board any rules, regulations, guidelines, designations or master programs for shorelines of the state adopted or approved by the department within thirty days of the date of the adoption or approval. The board shall make a final decision within sixty days following the hearing held thereon.

(a) In an appeal relating to a master program for shorelines, the board, after full consideration of the positions of the local government and the department, shall determine the validity of the master program. If the board determines that said program:

(i) is clearly erroneous in light of the policy of this chapter; or

(ii) constitutes an implementation of this chapter in violation of constitutional or statutory provisions; or

(iii) is arbitrary and capricious; or

(iv) was developed without fully considering and evaluating all proposed master programs submitted to the department by the local government; or

(v) was not adopted in accordance with required procedures; the board shall enter a final decision declaring the program invalid, remanding the master program to the department with a statement of the reasons in support of the determination, and directing the department to adopt, after a thorough consultation with the affected local government, a new master program. Unless the board makes one or more of the determinations as hereinbefore provided, the board shall find the master program to be valid and enter a final decision to that effect.

(b) In an appeal relating to a master program for shorelines of state-wide significance the board shall approve the master program adopted by the department unless a local government shall, by clear and convincing evidence and argument, persuade the board that the master program approved by the department is inconsistent with the policy of section 2 of this chapter and the applicable guidelines.

(c) In an appeal relating to rules, regulations, guidelines, master programs of state-wide significance and designations, the standard of review provided in RCW 34.04.070 shall apply.

(5) Rules, regulations, designations, master programs and guidelines shall be subject to review in superior court, if authorized pursuant to RCW 34.04.070: PROVIDED, That no review shall be granted by a superior court on petition from a local government unless the local government shall first have obtained review under subsection (4) of this section and the petition for court review is filed within three months after the date of final decision by the shorelines hearing board.

NEW SECTION. Sec. 19. The department and each local government shall periodically review any master programs under its jurisdiction and make such adjustments thereto as are necessary. Each local government shall submit any proposed adjustments, to the department as soon as they are completed. No such adjustment shall become effective until it has been approved by the department.

NEW SECTION. Sec. 20. The department and local governments are authorized to adopt such rules as are necessary and appropriate to carry out the provisions of this chapter.

NEW SECTION. Sec. 21. The attorney general or the attorney for the local government shall bring such injunctive, declaratory, or other actions as are necessary to insure that no uses are made of the shorelines of the state in conflict with the provisions and programs of this chapter, and to otherwise enforce the provisions of this chapter.

NEW SECTION. Sec. 22. In addition to incurring civil liability under section 21 of this 1971 act, any person found to have wilfully engaged in activities on the shorelines of the state in violation of the provisions of this chapter or any of the master programs, rules, or regulations adopted pursuant thereto shall be guilty of a gross misdemeanor, and shall be punished by a fine of not less than twenty-five nor more than one thousand dollars or by imprisonment in the county jail for not more than ninety days, or by both such fine and imprisonment: PROVIDED, That the fine for the third and all subsequent violations in any five-year period shall be not less than five hundred nor more than ten thousand dollars.

NEW SECTION. Sec. 23. Any person subject to the regulatory program of this chapter who violates any provision of this chapter or permit issued pursuant thereto shall be liable for all damage to public or private property arising from such violation, including the cost of restoring the affected area to its condition prior to violation. The attorney general or local government attorney shall bring suit for damages under this sec-

tion on behalf of the state or local governments. Private persons shall have the right to bring suit for damages under this section on their own behalf and on the behalf of all persons similarly situated. If liability has been established for the cost of restoring an area affected by a violation the court shall make provision to assure that restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including money damages, the court in its discretion may award attorney's fees and costs of the suit to the prevailing party.

NEW SECTION. Sec. 24. In addition to any other powers granted hereunder, the department and local governments may:

(1) Acquire lands and easements within shorelines of the state by purchase, lease, gift, or eminent domain, either alone or in concert with other governmental entities, when necessary to achieve implementation of master programs adopted hereunder;

(2) Accept grants, contributions, and appropriations from any agency, public or private, or individual for the purposes of this chapter;

(3) Appoint advisory committees to assist in carrying out the purposes of this chapter;

(4) Contract for professional or technical services required by it which cannot be performed by its employees.

NEW SECTION. Sec. 25. The department is directed to cooperate fully with local governments in discharging their responsibilities under this chapter. Funds shall be available for distribution to local governments on the basis of applications for preparation of master programs. Such applications shall be submitted in accordance with regulations developed by the department. The department is authorized to make and administer grants within appropriations authorized by the legislature to any local government within the state for the purpose of developing a master shorelines program.

No grant shall be made in an amount in excess of the recipient's contribution to the estimated cost of such program.

NEW SECTION. Sec. 26. The state, through the department of ecology and the attorney general, shall represent its interest before water resource regulation management, development, and use agencies of the United States, including among others, the federal power commission, environmental protection agency, corps of engineers, department of the interior, department of agriculture and the atomic energy commission, before interstate agencies and the courts with regard to activities or uses of shorelines of the state and the program of this chapter. Where federal or interstate agency plans, activities, or procedures conflict with state policies, all reasonable steps available shall be taken by the state to preserve the integrity of its policies.

NEW SECTION. Sec. 27. (1) Nothing in this statute shall constitute authority for requiring or ordering the removal of any structures, improvements, docks, fills, or developments placed in navigable waters prior to December 4, 1969, and the consent and authorization of the state of Washington to the impairment of public rights of navigation, and corollary rights incidental thereto, caused by the retention and maintenance of said structures, improvements, docks, fills or developments are hereby granted: PROVIDED, That the consent herein given shall not relate to any structures, improvements, docks, fills, or developments placed on tidelands, shorelands, or beds underlying said waters which are in trespass or in violation of state statutes.

(2) Nothing in this section shall be construed as altering or abridging any private right of action, other than a private right which is based upon the impairment of public rights consented to in subsection (1) hereof.

(3) Nothing in this section shall be construed as altering or abridging the authority of the state or local governments to suppress or abate nuisances or to abate pollution.

(4) Subsection (1) of this section shall apply to any case pending in the courts of this state on the effective date of this chapter relating to the removal of structures, improvements, docks, fills, or developments based on the impairment of public navigational rights.

NEW SECTION. Sec. 28. The provisions of this chapter shall be applicable to all agencies of state government, counties, and public and municipal corporations and to all shorelines of the state owned or administered by them.

NEW SECTION. Sec. 29. The restrictions imposed by this act shall be considered by the county assessor in establishing the fair market value of the property.

NEW SECTION. Sec. 30. The department of ecology is designated the state agency responsible for the program of regulation of the shorelines of the state, including coastal shorelines and the shorelines of the inner tidal waters of the state, and is authorized to cooperate with the federal government and sister states and to receive benefits of any statutes of the United States whenever enacted which relate to the programs of this chapter.

NEW SECTION. Sec. 31. Additional shorelines of the state shall be designated shorelines of state-wide significance only by affirmative action of the legislature.

The director of the department may, however, from time to time, recommend to the legislature areas of the shorelines of the state which have state-wide significance relating to special economic, ecological, educational, developmental, recreational, or aesthetic values to be designated as shorelines of state-wide significance.

Prior to making any such recommendation the director shall hold a public hearing in the county or counties where the shoreline under consideration is located. It shall be the duty of the county commissioners of each county where such a hearing is conducted to submit their views with regard to a proposed designation to the director at such date as the director determines but in no event shall the date be later than sixty days after the public hearing in the county.

NEW SECTION. Sec. 32. No permit shall be issued pursuant to this chapter for any new or expanded building or structure of more than thirty-five feet above average grade level on shorelines of the state that will obstruct the view of a substantial number of residences on areas adjoining such shorelines except where a master program does not prohibit the same and then only when overriding considerations of the public interest will be served.

NEW SECTION. Sec. 33. The department of ecology, the attorney general, and the harbor line commission are directed as a matter of high priority to undertake jointly a study of the locations, uses and activities, both proposed and existing, relating to the shorelines of the cities, and towns of the state and submit a report which shall include but not be limited to the following:

(1) Events leading to the establishment of the various harbor lines pertaining to cities of the state;

(2) The location of all such harbor lines;

(3) The authority for establishment and criteria used in location of the same;

(4) Present activities and uses made within harbors and their relationship to harbor lines;

(5) Legal aspects pertaining to any uncertainty and inconsistency; and

(6) The relationship of federal, state and local govern-

ments to regulation of uses and activities pertaining to the area of study.

The report shall be submitted to the legislature not later than December 1, 1972.

NEW SECTION. Sec. 34. All state agencies, counties, and public and municipal corporations shall review administrative and management policies, regulations, plans, and ordinances relative to lands under their respective jurisdictions adjacent to the shorelines of the state so as to achieve a use policy on said land consistent with the policy of this chapter, the guidelines, and the master programs for the shorelines of the state. The department may develop recommendations for land use control for such lands. Local governments shall, in developing use regulations for such areas, take into consideration any recommendations developed by the department as well as any other state agencies or units of local government.

NEW SECTION. Sec. 35. Nothing in this chapter shall affect any rights established by treaty to which the United States is a party.

NEW SECTION. Sec. 36. Nothing in this chapter shall obviate any requirement to obtain any permit, certificate, license, or approval from any state agency or local government.

NEW SECTION. Sec. 37. 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. 38. Sections 1 through 37 of this act shall constitute a new chapter in Title 90 RCW.

NEW SECTION. Sec. 39. To carry out the provisions of this 1971 act there is appropriated to the department from the general fund the sum of five hundred thousand dollars, or so much thereof as necessary.

NEW SECTION. Sec. 40. If any provision of this chapter, or its application to any person or legal entity or circumstances, is held invalid, the remainder of the act, or the application of the provision to other persons or legal entities or circumstances, shall not be affected.

NEW SECTION. Sec. 41. This chapter is necessary for the immediate preservation of the public peace, health and safety, the support of the state government, and its existing institutions. This 1971 act shall take effect on June 1, 1971. The director of ecology is authorized to immediately take such steps as are necessary to insure that this 1971 act is implemented on its effective date.

NEW SECTION. Sec. 42. This 1971 act constitutes an alternative to Initiative 43. The secretary of state is directed to place this 1971 act on the ballot in conjunction with Initiative 43 at the next ensuing regular election.

This 1971 act shall continue in force and effect until the secretary of state certifies the election results on this 1971 act. If affirmatively approved at the ensuing regular general election, the act shall continue in effect thereafter.

Passed the House May 6, 1971.
Passed the Senate May 4, 1971.
Approved by the Governor May 21, 1971 with the exception of an item in section 3 which is vetoed.
Filed in Office of Secretary of State May 21, 1971.

NOTE: Governor's explanation of partial veto is as follows:

VETO MESSAGE

". . . Substitute House Bill 584 is one of the most significant pieces of legislation ever passed by the state legislature. It is a clear indication of the commitment of the people of the state, acting through the legislative process to assure the future environmental quality of this state. With the passage of Substitute House Bill 584 and with what I hope will be the approval of the people at the next general election this state will lead the nation in its care and concern for its waterfront areas.

This bill is the product of extensive legislative hearings, both during the 1970 and 1971 sessions and the interim. It successfully provides for a maximum of input at the local level with appropriate safeguards at the state level to protect the general public interest.

With regard to the general public interest, while the bill should provide for a diversity of participation on the part of local governments in the planning process, the authority at the state level should be confined to a single agency so that a uniform state policy can be developed. Furthermore, as a general principle an agency should not be in the position of both preparing and approving plans for land which it owns or controls.

The proviso in section 3(c) which declares that the Department of Natural Resources "shall have the powers, duties, and obligations as local government has as to other lands covered by the provisions of this chapter" places more than one agency of state government in a policy making position and in effect allows a large land owner both to make and approve its own plans. While I have the highest respect for the Department of Natural Resources and the Commissioner of Public Lands I believe the proviso in section 3(c) is contrary to sound public policy and should be vetoed.

The remainder of Substitute House Bill No. 584 is approved."

COMPLETE TEXT OF

Initiative Measure 44

Initiative Measure To The Legislature

Ballot Title as issued by the Attorney General:

Statutory Tax Limitation—20 Mills

AN ACT to limit tax levies on real and personal property by the state, and other taxing districts, except port and power districts, to an aggregate of twenty (20) mills on assessed valuation (50% of true and fair value), without a vote of the people; allowing the legislature to allocate or reallocate up to twenty (20) mills among the various taxing districts.

BE IT ENACTED, *by the Legislature of the State of Washington:*

SECTION 1. Section 84.52.050, chapter 15, Laws of 1961 as

last amended by section 5, chapter 92, Laws of 1970, 2nd Ex. Sess. and RCW 84.52.050 which read as follows:

Except as hereinafter provided, the aggregate of all tax levies upon real and personal property by the state, municipal corporations, taxing districts and governmental agencies, now existing or hereafter created, shall not exceed twenty-two mills on the dollar of assessed valuation with respect to levies made in 1970 and twenty-one mills on the dollar of assessed valuation with respect to levies made in subsequent years, which assessed valuation shall be fifty percent of the true and fair value of such property in money: PROVIDED, That if an amendment to Article VII, section 2 of the state Constitution, as amended by Amendment 17, imposing a limit on property taxes of, in effect, one percent of the true and fair value of property is approved by the voters, such aggregate of all tax levies shall not exceed twenty mills on the dollar of assessed valuation with respect to levies made in years subsequent to such voter approval; and within and subject to the aforesaid limitation the levy by the state shall not exceed two mills to be used exclusively for the public assistance program of the state and the levy by any county shall not exceed four mills: PROVIDED, That if such constitutional amendment is so approved, the authority of the state to levy not to exceed two mills to be used exclusively for the public assistance program of the state shall be reduced to not to exceed one mill; and upon and after the effective date of the provisions of chapter 262, Laws of 1969 ex. sess., which impose a tax upon net income, such authority of the state shall expire and the levy by any county may exceed four mills but shall not exceed five mills; the levy by or for any school district shall not exceed seven mills: PROVIDED, That in each of the years 1967 and 1968 and 1969 and 1970 the state shall levy a property tax of four mills of which two mills shall be used exclusively for the public assistance program of the state and of which two mills shall be used exclusively for the support of the common schools; and in such years in which the state shall validly levy a property tax of two mills for the support of the common schools, the levy by or for any school district shall not exceed six mills: PROVIDED FURTHER, That the levy by or for any union high school district shall not exceed two-fifths of the maximum levy permissible for any school district without a vote of the electors thereof and the levy by or for any component district within a union high school district shall not exceed three-fifths of the maximum levy permissible for any school district without a vote of the electors thereof: PROVIDED FURTHER, That the levy against any nonhigh school district for the high school district fund shall not exceed two-fifths of the maximum levy permissible for any school district without a vote of the electors thereof and the levy by or for any such nonhigh school district shall not exceed the balance of such maximum permissible levy; the levy for any road district shall not exceed five mills; and the levy by or for any city or town shall not exceed seven and one-half mills: PROVIDED FURTHER, That counties of the fifth class and under are hereby authorized to levy from four to five and one-half mills for general county purposes and from three and one-half to five mills for county road purposes if the total levy for both purposes does not exceed nine mills: PROVIDED FURTHER, That counties of the fourth and the ninth class are hereby authorized to levy four and one-half mills until such time as the junior taxing agencies are utilizing all the millage available to them.

Nothing herein shall prevent levies at the rates provided by existing law by or for any port or power district are each amended to read as follows:

"Except as hereinafter provided, the aggregate of all tax levies upon real and personal property by the state, municipal corporations, taxing districts and governmental agencies, now existing or hereafter created, shall not exceed twenty mills on the dollar of assessed valuation, which assessed valuation shall be fifty percent of the true and fair value of such property in money.

Nothing herein contained shall prohibit the legislature from allocating or reallocating up to twenty mills between the taxing districts of the state and its political subdivisions and nothing herein contained shall prevent levies at the rates provided by existing law by or for any port or power district."

EXPLANATORY COMMENT

Initiative to the Legislature No. 44 (Statutory Tax Limitation —20 Mills)—Filed October 15, 1970 by the 40-Mill Tax Limit Committee—Lester P. Jenkins, Secretary. Signatures (229,785) filed December 30, 1970 and found sufficient and the measure was certified to the Legislature as of January 29, 1971. The Legislature took no action and, as provided by the state constitution, the initiative will be submitted to the voters for final decision at the November 7, 1972 state general election.

COMPLETE TEXT OF

Senate Joint Resolution 1

Proposed Constitutional Amendment

Ballot Title as issued by the Attorney General:

Property Taxation—One Percent Limitation

Shall the state constitution be amended to replace the present forty mill limit upon those property taxes which are imposed without voter approval (in effect a limitation of two percent of the true and fair value of the taxable property) with a new provision under which the maximum allowable rate for such property taxes would be one percent of the true and fair value of the property?

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 electors of the state for their approval and ratification, or rejection, an amendment to Article VII of the Constitution of the State of Washington by amending section 2, (Amendment 17) to read as follows:

Article VII, section 2. Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed ~~((forty mills on the dollar of assessed valuation, which assessed valuation shall be fifty))~~ one per centum of the true and fair value of such property in money: PROVIDED, HOWEVER, That nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only

(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the electors thereof

voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of persons voting on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election;

(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by a majority of at least three-fifths of the electors thereof voting on the proposition to issue such bonds and to pay the principal and interest thereon by an annual tax levy in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of persons voting on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election: PROVIDED, That any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein, AND PROVIDED FURTHER, That the provisions of this section shall also be subject to the limitations contained in Article VIII, section 6, of this Constitution;

(c) By the state or any taxing district for the purpose of paying the principal or interest on general obligation bonds outstanding on December 6, 1934; or for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort.

AND 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.

Passed the Senate January 14, 1971.
JOHN A. CHERBERG,
President of the Senate.

Passed the House February 26, 1971.
THOMAS A. SWAYZE, JR.,
Speaker of the House.

EXPLANATORY COMMENT

All words in double parentheses and lined through are in our State Constitution at the present and are being taken out by this amendment.

COMPLETE TEXT OF

Senate Joint Resolution 5

Proposed Constitutional Amendment

Ballot Title as issued by the Attorney General:

Permitting the Authorization of Lotteries

Shall Article II,§ 24 of the state constitution be amended to repeal the present total prohibition against any lottery and to substitute a qualified prohibition which would allow lotteries of any sort to be conducted after there has been specific authorization by (1) an act of the legislature approved by sixty percent of the members of both houses or (2) an initiative or referendum approved by sixty percent of the electors voting thereon?

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 II of the Constitution of the state of Washington by amending section 24 thereof to read as follows:

Article II, section 24. The legislature shall never ~~((authorize any lottery or))~~ grant any divorce. Lotteries shall be prohibited except as specifically authorized upon the affirmative vote of sixty percent of the members of each house of the legislature or, notwithstanding any other provision of this Constitution, by referendum or initiative approved by a sixty percent affirmative vote of the electors voting thereon.

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 very legal newspaper in the state.

Passed the Senate March 3, 1971.
JOHN A. CHERBERG,
President of the Senate.

Passed the House February 27, 1971.
THOMAS A. SWAYZE, JR.,
Speaker of the House.

EXPLANATORY COMMENT

All words in double parentheses and lined through are in our State Constitution at the present and are being taken out by this amendment. All words underscored do not appear in the State Constitution as it is now written but will be put in if this amendment is adopted.

COMPLETE TEXT OF

Senate Joint Resolution 38

Proposed Constitutional Amendment

Ballot Title as issued by the Attorney General:

Setting of County Officers' Salaries

Shall the state constitution be amended to allow the legislature to authorize boards of county commissioners and other county legislative authorities to set their own salaries and those of all other county officers, subject to the existing prohibition against mid-term pay increases for those officers who fix their own compensation?

BE IT RESOLVED, *By the Senate and the 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 XI of the state Constitution by amending section 5 (Amendment 12) and section 8 thereof to read as follows:

Article XI, section 5. The legislature, by general and uniform laws, shall provide for the election in the several counties of boards of county commissioners, sheriffs, county clerks, treasurers, prosecuting attorneys and other county, township or precinct and district officers, as public convenience may require, and shall prescribe their duties, and fix their terms of office: PROVIDED, That the legislature may, by general laws, classify the counties by population and provide for the election in certain classes of counties certain officers who shall exercise the powers and perform the duties of two or more officers. It shall regulate the compensation of all such officers, in proportion to their duties, and for that purpose may classify

the counties by population; PROVIDED, That it may delegate to the legislative authority of the counties the right to prescribe the salaries of its own members and the salaries of other county officers. And it shall provide for the strict accountability of such officers for all fees which may be collected by them and for all public moneys which may be paid to them, or officially come into their possession.

Article XI, section 8. ~~((The legislature shall fix the compensation by salaries of all county officers, and of constables in cities having a population of five thousand and upwards; except that public administrators, surveyors and coroners may or may not be salaried officers.))~~ The salary of any county, city, town, or municipal officers shall not be increased except as provided in section 1 of Article XXX or diminished after his election, or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed.

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.

Passed the Senate May 10, 1971.
JOHN A. CHERBERG,
President of the Senate.

Passed the House May 10, 1971.
THOMAS A. SWAYZE, JR.,
Speaker of the House.

EXPLANATORY COMMENT

All words in double parantheses and lined through are in our State Constitution of the present and are being taken out by this amendment. All words underscored do not appear in the State Constitution as it is now written but will be put in if this amendment is adopted.

COMPLETE TEXT OF

House Joint Resolution 1

Proposed Constitutional Amendment

Ballot Title as issued by the Attorney General:

Tax Exemptions—Periodic Review—Repeal

Shall the state constitution be amended to require periodic legislative review of all exemptions, deductions, exclusions from, or credits against any state or local taxes (except those concerning property held by religious organizations solely for religious or educational purposes) and to repeal automatically the statutory or constitutional provisions granting them unless such provisions are amended or reenacted by the legislature or (where necessary) reapproved by the people before March 1, 1977, and every tenth year thereafter?

BE IT RESOLVED, *By the Senate and House of Representatives of the State of Washington in Legislative Session Assembled:*

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

NEW SECTION. Article VII, section 12. All statutes and every part or provision of this Constitution which grant to any person, individual, firm, corporation or other business organization, or any public or private body, agency or institution, any exemption, deduction, or exclusion from state or locally imposed taxes or credit for payment of any such taxes against other state tax liability (other than a statute or part thereof granting an exemption from taxes imposed upon property owned or used by a religious organization, corporation, or corporation sole, solely for religious or educational purposes) shall be reviewed by the legislature commencing before March 1, 1977, and before March 1st of every ten years thereafter. Any such statute or such part thereof which is not amended or reenacted without amendment, and any such constitutional provision which is not reapproved by the people, before March 1, 1977 and before the first day of March ending each ten year period thereafter shall be null and void effective upon such March 1st date. This section shall not apply to the removal or repeal of any tax exemption, deduction, exclusion or credit, if such removal or repeal would be in violation of the laws or Constitution of the United States.

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.

Passed the House April 21, 1971.
THOMAS A. SWAYZE, JR.,
Speaker of the House.

Passed the Senate May 10, 1971.
JOHN A. CHERBERG,
President of the Senate.

COMPLETE TEXT OF

House Joint Resolution 21

Proposed Constitutional Amendment

Ballot Title as issued by the Attorney General:

Allowing Combined County-City Governments

Shall the state constitution be amended to permit the people in any county by majority vote to create a combined "city-county" government through the adoption of a home rule charter under which other municipal corporations having such powers and duties as are prescribed in the charter could also be retained or established, if desired, and to set separate constitutional debt limitations for the "city-county" as thus created and for any new or retained municipal corporations?

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 XI of the Constitution of the State of Washington by amending section 16 (Amendment 23) thereof as follows:

Article XI, section 16. (~~((The legislature shall, by general law, provide for the formation of combined city and county municipal corporations, and for the manner of determining the territorial limits thereof, each of which shall be known as a "city and county," and, when organized, shall contain a population of at least three hundred thousand (300,000) inhabitants.))~~ Any county may frame a "Home Rule" charter subject to the Constitution and laws of this state to provide for the formation and government of combined city and county municipal corporations, each of which shall be known as "city-county." Registered voters equal in number to ten (10) percent of the voters of any such county voting at the last preceding general election may at any time propose by a petition the calling of an election of freeholders. The provisions of section 4 of this Article with respect to a petition calling for an election of freeholders to frame a county home rule charter, the election of freeholders, and the framing and adoption of a county home rule charter pursuant to such petition shall apply

to a petition proposed under this section for the election of freeholders to frame a city-county charter, the election of freeholders, and to the framing and adoption of such city-county charter pursuant to such petition. Except as otherwise provided in this section, the provisions of section 4 applicable to a county home rule charter shall apply to a city-county charter. If there are not sufficient legal newspapers published in the county to meet the requirements of publication of a proposed charter under section 4 of this Article, publication in a legal newspaper circulated in the county may be substituted for publication in a legal newspaper published in the county. No such ~~((city and county))~~ "city-county" shall be formed except by a majority vote of the qualified electors ~~((of))~~ voting thereon in the ~~((area proposed to be included therein and also by a majority vote of the qualified electors of the remainder of that county from which such area is to be taken. Any such city and county shall be permitted to frame a charter for its own government, and amend the same, in the manner provided for cities by section 10 of this article: PROVIDED, HOWEVER, That the first charter of such city and county shall be framed and adopted in a manner to be specified in the general law authorizing the formation of such corporations:))~~ county ~~((PROVIDED FURTHER, That every such))~~. The charter shall designate the respective officers of such ~~((city and county))~~ city-county who shall perform the duties imposed by law upon county officers. Every such ~~((city and county))~~ city-county shall have and enjoy all rights, powers and privileges asserted in its charter, ~~((not inconsistent with general laws,))~~ and in addition thereto, such rights, powers and privileges as may be granted to it, or to any city or county or class or classes of cities and counties ~~((possessed and enjoyed by cities and counties of all population separately organized))~~. In the event of a conflict in the constitutional provisions applying to cities and those applying to counties or of a conflict in the general laws applying to cities and those applying to counties, a city-county shall be authorized to exercise any powers that are granted to either the cities or the counties.

No legislative enactment which is a prohibition or restriction, appointment or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed)) city-county. ((In case an

~~((No county or county government existing outside the territorial limits of such county and city shall exercise any police, taxation or other powers within the territorial limits of such county and city, but all such powers shall be exercised by the city and county and the officers thereof, subject to such constitutional provisions and general laws as apply to either cities or counties: PROVIDED, That))~~ The provisions of sections 2, 3, ~~((4,))~~ 5, 6, ~~((7,))~~ and 8 and of the first paragraph of section 4 of this article shall not apply to any such ~~((city and county: PROVIDED FURTHER, That the salary of any elective or appointive officer of a city and county shall not be changed after his election, appointment or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed))~~ city-county. ~~((In case an existing county is divided in the formation of a city and county, such city and county shall be liable for a just proportion of the existing debts or liabilities of the former county, and shall account for and pay the county remaining a just proportion of the value of any real estate or other property owned by the former county and taken over by the county and city, the method of determining such just proportion to be prescribed by general law, but such division shall not affect the rights of creditors. The officers of a city and county, their compensation, qualifications, terms of office and manner of election or appointment shall be as provided for in its charter, subject to general laws, and applicable constitutional provision.))~~

Municipal corporations may be retained or otherwise provided for within the city-county. The formation, powers and duties of such municipal corporations shall be prescribed by the charter.

No city-county shall for any purpose become indebted in any manner to an amount exceeding three percentum of the taxable property in such city-county without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness at any time exceed ten percentum of the value of the taxable property therein, to be ascertained by the last assessment for city-county purposes previous to the incurring of such indebtedness: PROVIDED, That no part of the indebtedness allowed in this section shall be incurred for any purpose other than strictly city-county, or other municipal purposes: PROVIDED FURTHER, That any city-county, with such assent may be allowed to become indebted to a larger amount, but not exceeding five percentum additional for supplying such city-county with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the city-county.

No municipal corporation which is retained or otherwise provided for within the city-county shall for any purpose become indebted in any manner to an amount exceeding one and one-half percentum of the taxable property in such municipal corporation without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor shall the total indebtedness at any time exceed five percentum of the value of the taxable property therein, to be ascertained by the last assessment for city-county purposes previous to the incurring of such indebtedness: PROVIDED, That no part of the indebtedness allowed in this section shall be incurred for any purpose other than strictly municipal purposes: PROVIDED FURTHER, That any such municipal corporation, with such assent, may be allowed to become indebted to a larger amount, but not exceeding five percentum additional for supplying such municipal corporation with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the municipal corporation. All taxes which are levied and collected within a municipal corporation for a specific purpose shall be expended within that municipal corporation.

The authority conferred on the city-county government shall not be restricted by the second sentence of Article 7, section 1, or by Article 8, section 6 of this Constitution.

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.

Passed the Senate May 10, 1971.
JOHN A. CHERBERG,
President of the Senate.

Passed the House May 10, 1971.
THOMAS A. SWAYZE, JR.,
Speaker of the House.

EXPLANATORY COMMENT

All words in double parentheses and lined through are in our State Constitution at the present and are being taken out by this amendment. All words underscored do not appear in the State Constitution as it is now written but will be put in if this amendment is adopted.

COMPLETE TEXT OF

House Joint Resolution 47

Proposed Constitutional Amendment

Ballot Title as issued by the Attorney General:

Changing Excess Levy Election Formula

Shall the formula governing certain excess property tax levies

approved by sixty percent of the voters be changed so the election authorizing the levy will be valid either —

(1) if (as now) the total of all votes cast on the proposition is at least forty percent of the number cast at the taxing district's last general election; or

(2) if the total of "yes" votes is at least three-fifths of forty percent of that number of votes?

BE IT RESOLVED, *By the Senate and the House of Representatives of the State of Washington, in Legislative Session Assembled:*

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article VII of the Constitution of the state of Washington by amending section 2 (Amendment 17) thereof to read as follows:

Article VII, section 2. Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed forty mills on the dollar of assessed valuation, which assessed valuation shall be fifty per centum of the true and fair value of such property in money: PROVIDED, HOWEVER, That nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only

(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the electors thereof voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of persons voting ~~((on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election))~~ "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in such taxing district at the last preceding general election when the number of electors voting on the proposition does not exceed forty per centum of the total votes cast in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the electors thereof voting on the proposition to levy when the number of electors voting on the proposition exceeds forty per centum of the total votes cast in such taxing district in the last preceding general election;

(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by a majority of at least three-fifths of the electors thereof voting on the proposition to issue such bonds and to pay the principal and interest thereon by an annual tax levy in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of persons voting on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election: PROVIDED, That any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein, AND PROVIDED FURTHER, That the provisions of this section shall also be subject to the limitations contained in Article VIII, Section 6, of this Constitution;

(c) By the state or any taxing district for the purpose of paying the principal or interest on general obligation bonds outstanding on December 6, 1934; or for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort.

BE IT FURTHER RESOLVED, That the foregoing amendment shall be submitted to the qualified electors of the state in such a manner that they may vote for or against it separately from the proposed amendment to Article VII, section 2, (Amendment 17) of the Constitution of the State of Washington contained in Senate Joint Resolution No. 1: PROVIDED, That if both proposed amendments are approved and ratified, both shall become part of the Constitution.

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.

Passed the House May 1, 1971.
THOMAS A. SWAYZE, JR.,
Speaker of the House.

Passed the Senate May 10, 1971.
JOHN A. CHERBERG,
President of the Senate.

EXPLANATORY COMMENT

All words in double parentheses and lined through are in our State Constitution at the present and are being taken out by this amendment. All words underscored do not appear in the State Constitution as it is now written but will be put in if this amendment is adopted.

COMPLETE TEXT OF

House Joint Resolution 52

Proposed Constitutional Amendment

Ballot Title as issued by the Attorney General:

Changing Constitutional Debt Limitation Formula

Shall the present $400,000 limitation upon certain state debts incurred without voter approval be replaced with a limitation allowing those debts covered by the amendment only if —

(1) their aggregate amount will not require annual principal and interest payments to exceed 9% of the average amount of general state revenues for the three immediately preceding fiscal years; and

(2) the laws authorizing such debts are approved by a three-fifths majority of both houses of the legislature?

BE IT RESOLVED, *By the Senate and House of Representatives of the State of Washington in Legislative Session Assembled:*

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article VIII, section 1, and Article VIII, section 3 (Amendment 48), of the Constitution of the State of Washington, by amending said sections to read as follows:

Article VIII, section 1. (a) The state may ~~((to meet casual deficits or failure in revenues, or for expenses not provided for, contract debts, but such debts, direct and contingent, singly or in the aggregate, shall not at any time exceed four~~

~~hundred thousand dollars ($400,000), and the moneys arising from the loans creating such debts shall be applied to the purpose for which they were obtained or to repay the debts so contracted, and to no other purpose whatever~~) contract debt, the principal of which shall be paid and discharged within thirty years from the time of contracting thereof, in the manner set forth herein.

(b) The aggregate debt contracted by the state shall not exceed that amount for which payments of principal and interest in any fiscal year would require the state to expend more than nine percent of the arithmetic mean of its general state revenues for the three immediately preceding fiscal years as certified by the treasurer. The term "fiscal year" means that period of time commencing July 1 of any year and ending on June 30 of the following year.

(c) The term "general state revenues" when used in this section, shall include all state money received in the treasury from each and every source whatsoever except: (1) Fees and revenues derived from the ownership or operation of any undertaking, facility, or project; (2) Moneys received as gifts, grants, donations, aid, or assistance or otherwise from the United States or any department, bureau, or corporation thereof, or any person, firm, or corporation, public or private, when the terms and conditions of such gift, grant, donation, aid, or assistance require the application and disbursement of such moneys otherwise than for the general purposes of the state of Washington; (3) Moneys to be paid into and received from retirement system funds, and performance bonds and deposits; (4) Moneys to be paid into and received from trust funds including but not limited to moneys received from taxes levied for specific purposes and the several permanent and irreducible funds of the state and the moneys derived therefrom but excluding bond redemption funds; (5) Proceeds received from the sale of bonds or other evidences of indebtedness.

(d) In computing the amount required for payment of principal and interest on outstanding debt under this section, debt shall be construed to mean borrowed money represented by bonds, notes, or other evidences of indebtedness which are secured by the full faith and credit of the state or are required to be repaid, directly or indirectly, from general state revenues and which are incurred by the state, any department, authority, public corporation, or quasi public corporation of the state, any state university or college, or any other public agency created by the state but not by counties, cities, towns, school districts, or other municipal corporations, but shall not include obligations for the payment of current expenses of state government, nor shall it include debt hereafter incurred pursuant to section 3 of this article, obligations guaranteed as provided for in subsection (f) of this section, principal of bond anticipation notes or obligations issued to fund or refund the indebtedness of the Washington state building authority.

(e) The state may, without limitation, fund or refund, at or prior to maturity, the whole or any part of any existing debt or of any debt hereafter contracted pursuant to section 1, section 2, or section 3 of this article, including any premium payable with respect thereto and interest thereon, or fund or refund, at or prior to maturity, the whole or any part of any indebtedness incurred or authorized prior to the effective date of this amendment by any entity of the type described in subsection (g) of this section, including any premium payable with respect thereto and any interest thereon. Such funding or refunding shall not be deemed to be contracting debt by the state.

(f) Notwithstanding the limitation contained in subsection (b) of this section, the state may pledge its full faith, credit, and taxing power to guarantee the payment of any obligation payable from revenues received from any of the following sources: (1) Fees collected by the state as license fees for motor vehicles; (2) Excise taxes collected by the state on the sale, distribution or use of motor vehicle fuel; and (3) Interest on the permanent common school fund: PROVIDED, That the legislature shall, at all times, provide sufficient revenues from such sources to pay the principal and interest due on all obligations for which said source of revenue is pledged.

(g) No money shall be paid from funds in custody of the treasurer with respect to any debt contracted after the effective date of this amendment by the Washington state building authority, the capitol committee, or any similar entity existing or operating for similar purposes pursuant to which such entity undertakes to finance or provide a facility for use or occupancy by the state or any agency, department, or instrumentality thereof.

(h) The legislature shall prescribe all matters relating to the contracting, funding or refunding of debt pursuant to this section, including: The purposes for which debt may be contracted; by a favorable vote of three-fifths of the members elected to each house, the amount of debt which may be contracted for any class of such purposes; the kinds of notes, bonds, or other evidences of debt which may be issued by the state; and the manner by which the treasurer shall determine and advise the legislature, any appropriate agency, officer, or instrumentality of the state as to the available debt capacity within the limitation set forth in this section. The legislature may delegate to any state officer, agency, or instrumentality any of its powers relating to the contracting, funding or refunding of debt pursuant to this section except its power to determine the amount and purposes for which debt may be contracted.

(i) The full faith, credit, and taxing power of the state of Washington are pledged to the payment of the debt created on behalf of the state pursuant to this section and the legislature shall provide by appropriation for the payment of the interest upon and installments of principal of all such debt as the same falls due, but in any event, any court of record may compel such payment.

(j) Notwithstanding the limitations contained in subsection (b) of this section, the state may issue certificates of indebtedness in such sum or sums as may be necessary to meet temporary deficiencies of the treasury, to preserve the best interests of the state in the conduct of the various state institutions, departments, bureaus, and agencies during each fiscal year; such certificates may be issued only to provide for appropriations already made by the legislature and such certificates must be retired and the debt discharged other than by refunding within twelve months after the date of incurrence.

(k) Bonds, notes, or other obligations issued and sold by the state of Washington pursuant to and in conformity with this article shall not be invalid for any irregularity or defect in the proceedings of the issuance or sale thereof and shall be incontestable in the hands of a bona fide purchaser or holder thereof.

Article VIII, section 3. Except the debt specified in sections one and two of this article, no debts shall hereafter be contracted by, or on behalf of this state, unless such debt shall be authorized by law for some single work or object to be distinctly specified therein (~~(, which law shall provide ways and means, exclusive of loans, for the payment of the interest on such debt as it falls due, and also to pay and discharge the principal of such debt within twenty years from the time of the contracting thereof)~~). No such law shall take effect until it shall, at a general election, or a special election called for that purpose, have been submitted to the people and have received a majority of all the votes cast for and against it at such election (~~(, and all moneys raised by authority of such law shall be applied only to the specific object therein stated, or to the payment of the debt thereby created, and notice that such law will be submitted to the people shall be published at least four times during the four weeks next preceding the election in every legal newspaper in the state: PROVIDED, That failure of any newspaper to publish this notice shall not be interpreted as affecting the outcome of the election)~~).

BE IT FURTHER RESOLVED, That the foregoing amendment

constitutes a single integrated plan for the balanced revision of the debt structure of the state government and shall be construed as a single amendment within the meaning of Article XXIII, section one (Amendment 37) of this Constitution.

AND 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.

Passed the House March 25, 1971.
THOMAS A. SWAYZE, JR.,
Speaker of the House.

Passed the Senate May 8, 1971.
JOHN A. CHERBERG,
President of the Senate.

EXPLANATORY COMMENT

All words in double parentheses and lined through are in our State Constitution at the present and are being taken out by this amendment. All words underscored do not appear in the State Constitution as it is now written but will be put in if this amendment is adopted.

COMPLETE TEXT OF

House Joint Resolution 61

Proposed Constitutional Amendment

Ballot Title as issued by the Attorney General:

Sex Equality—Rights and Responsibilities

Shall a new article be added to the state constitution to provide that equality of rights and responsibilities under the law shall not be denied or abridged on account of sex, and to authorize the legislature to enforce this provision by the enactment of appropriate legislation?

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 the Constitution of the state of Washington by adding a new Article, to read as follows:

Article . . . .

Section 1. Equality of rights and responsibility under the law shall not be denied or abridged on account of sex.

Section 2. The Legislature shall have the power to enforce, by appropriate legislation, the provisions of this article.

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.

Passed the House.
THOMAS A. SWAYZE, JR.,
Speaker of the House.

Passed the Senate
JOHN A. CHERBERG,
President of the Senate.

Initiative Measure No. 276

(Continued from Page 11)

The second part of this initiative would replace the existing law regulating lobbying activities. Like the present law, it would require lobbyists (with certain exceptions) to register before doing any lobbying. The term "lobbying," however, would be expanded to include activities in connection with all state regulatory agencies as well as the legislature, and also to include lobbying between legislative sessions. Unlike the present law, the initiative would require lobbyists to file itemized and detailed quarterly reports of their lobbying activities as well as weekly reports during legislative sessions. Employers of lobbyists would be required to file additional annual reports concerning their employment or compensating of state officials, and legislators would also file written reports concerning persons employed by them. The use of state funds for lobbying would be prohibited unless expressly authorized by law. All state agencies whose employees communicate with the legislators in accordance with the act would be required to file detailed quarterly reports concerning such employees and communications.

The third part of the initiative pertains to the financial affairs of candidates and elected officials at both the state and local levels. This part would require such candidates and officials to file periodic reports of a number of designated matters relating to their financial and business affairs, and would excuse any persons filing these reports from also filing the financial disclosure reports required by the existing statute pertaining to state officers.

The fourth major part of the initiative relates to "public records," a term which would be defined as including ". . . any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used or retained by any state or local agency regardless of physical form or characteristics." The initiative would require all such "public records" of both state and local agencies to be made available for public inspection and copying by any person asking to see or copy a particular record—subject only to certain exceptions relating to individual rights of privacy or other situations where the act deems the public interest would not be best served by open disclosure—regardless of whether or not the particular record is one which the official having custody is required by law to maintain. This part of the initiative would also impose upon all state and local governmental agencies a great number of detailed requirements with respect to the maintenance and indexing of all their records.

The initiative would also establish a "public disclosure commission" to administer and enforce its provisions and would prescribe several procedures and penalties for its enforcement. And finally, the last section of the initiative states that if approved the initiative would repeal the provisions of Referendum Bills 24 and 25 in the event that these measures are also approved at this election. Those measures are discussed on pages 12 and 14 of this pamphlet.

Referendum Bill No. 24

(Continued from Page 13)

voke lobbyist registration, enjoin lobbying activities, require filing of reports and recover treble damages for failure to file accurate reports. The boards could employ attorneys other than the attorney general. Individuals could also bring suit for damages.

The present law must be strictly construed because of its criminal penalties; however Referendum 24 expressly declares that its provisions shall be liberally interpreted in order to carry out its purposes.

Finally, this act should be compared with Initiative Measure No. 276, as described on page 10 of this voters' pamphlet, a portion of which also covers this same general subject.

Referendum Bill No. 25

(Continued from Page 15)

scribe to a code of fair campaign practices by which he would promise to uphold the principles of decency, honesty and fair play.

Persons violating the act would be guilty of misdemeanors and in most cases would be punishable by a fine of not more than $500.

Finally, this act should be compared with Initiative Measure No. 276, as described on page 10 of this voters' pamphlet, a portion of which also covers this same general subject.

Initiative Measure No. 43

(Continued from Page 33)

lowed to operate a permit system for developments which are not substantial upon delegation of such authority by the department of ecology.

This act would prohibit the issuance of any permits to drill for oil in Puget Sound, or (with certain exceptions) to construct any buildings of more than 35 feet above average grade level on shorelines which obstruct the view of a substantial number of residences on areas adjoining the shoreline. It would also limit commercial timber harvesting in shoreline areas. The initiative further would require a consumer protection notice of the applicability of its provisions to be given in connection with certain transactions pertaining to lands or waters subject to the act's provisions.

Both Initiative Measure 43 and Alternative Measure 43B provide for comprehensive land planning and management programs. The principal differences between the two measures pertain to the relationships of state and local governments in the implementation of the respective acts and to the scope of geographical coverage. Alternative Measure 43B places a greater degree of responsibility and participation in local government than would Initiative Measure 43. Geographically, Initiative Measure 43 would be applicable to all lakes and streams, while Alternative Measure 43B does not apply to lakes of less than 20 acres or (with minor exceptions) to portions of streams with a mean annual flow of 20 cubic feet per second or less. In addition, the initiative would apply to a 500 foot strip of lands adjacent to all waters covered thereby and their underlying beds, whereas the alternative measure applies to a 200 foot strip of such lands together with (in certain instances) other adjacent low lying areas.

Finally, the general consent of the state to the impairment of public navigational rights by the retention of certain existing improvements which is contained in Alternative Measure 43B is not included in Initiative Measure 43. Instead, the initiative states that, except as permitted by it, ". . . there shall be no interference with or obstruction of the navigational rights of the public pursuant to common law as stated in such cases as the Washington Supreme Court decision in Wilbour v. Gallagher, 77 Wn. 2d 306 (1969)."

Alternative Measure No. 43B

(Continued from Page 35)

high water mark. Other activities expressly limited by the act include commercial timber harvesting on designated shoreline areas of state-wide significance and (with certain exceptions) the erection of structures over 35 feet in height above average grade level on shorelines where adjacent residential views on areas adjoining shorelines would be impaired.

This measure also grants the consent of the state to the impairment of the public rights of navigation and corollary rights caused by the retention of any structures, improvements, docks, fills or developments placed in navigable waters prior to December 4, 1969, except where they were placed in navigable waters in violation of state statutes or are in trespass.

Both Initiative Measure 43 and Alternative Measure 43B provide for comprehensive land planning and management programs. The principal differences between the two measures pertain to the relationships of state and local government in the implementation of the respective acts and to the scope of geographical coverage. Alternative Measure 43B places a greater degree of responsibility and participation in local government than would Initiative Measure 43. Geographically, Initiative Measure 43 would be applicable to all lakes and streams, while Alternative Measure 43B does not apply to lakes of less than 20 acres or (with minor exceptions) to portions of streams with a mean annual flow of 20 cubic feet per second or less. In addition, the initiative would apply to a 500 foot strip of lands adjacent to all waters covered thereby and their underlying beds, whereas the alternative measure applies to a 200 foot strip of such lands together with (in certain instances) other adjacent low lying areas.

Finally, the general consent to the impairment of public navigational rights by the retention of certain existing improvements which is contained in Alternative Measure 43B is not included in Initiative Measure 43. Instead, the initiative states that, except as permitted by it, ". . . there shall be no interference with or obstruction of the navigational rights of the public pursuant to common law as stated in such cases as the Washington Supreme Court decision in Wilbour v. Gallagher, 77 Wn. 2d 306 (1969)."

CERTIFICATION

As Secretary of State of the State of Washington, I hereby certify that I have caused the text of all laws, proposed measures, ballot titles, official explanations, etc. that appear within this publication to be carefully compared with the original such instruments now on file in my office and find them to be a full and true copy of said originals.

Witness my hand and the seal of the State of Washington this 20th day of September, 1972.

A. LUDLOW KRAMER
Secretary of State

How To Obtain an Absentee Ballot

Any registered voter who will be away from home on the day of the election—or is so physically handicapped that he (or she) cannot vote in person should apply directly to his county auditor for an absentee ballot. Any **signed** request containing the necessary information will be honored. For your convenience, a model application is reproduced below.

In order to be certain that voter's application is authentic, our election laws require that the signature upon the application be verified by comparison with the signature on the voter's permanent registration record. For this reason, if husband and wife both wish to vote by absentee ballot, signatures of each are necessary. To be valid an absentee ballot must be voted (and the return envelope postmarked) no later than the day of the election.

Apply Now for An Absentee Ballot If You Cannot Vote in Person.

---------- CLIP OUT FORM ALONG THIS LINE ----------

SEND COMPLETED AND SIGNED APPLICATION DIRECTLY TO YOUR COUNTY AUDITOR.

APPLICATION FOR
STATE GENERAL ELECTION ABSENTEE BALLOT

This application is being made for an absentee ballot for the approaching:

☒ **November 7, 1972**
State General Election

(Date) .....

I hereby declare that I am a qualified elector in ....., State of
(Name of County)
Washington, and that I am registered for voting at the following address:

.....
(Street and number, or rural route)

.....
(City or town)

My voting precinct is:

.....
(If possible fill in precinct name or number)

My reason for requesting an absentee ballot is:

(Check appropriate square)

☐ I expect to be absent from my precinct during the polling hours on the day of said election.

☐ I am so incapacitated that I cannot attend at the polls and vote in the usual way at said election.

.....
(Print name here for positive identification)

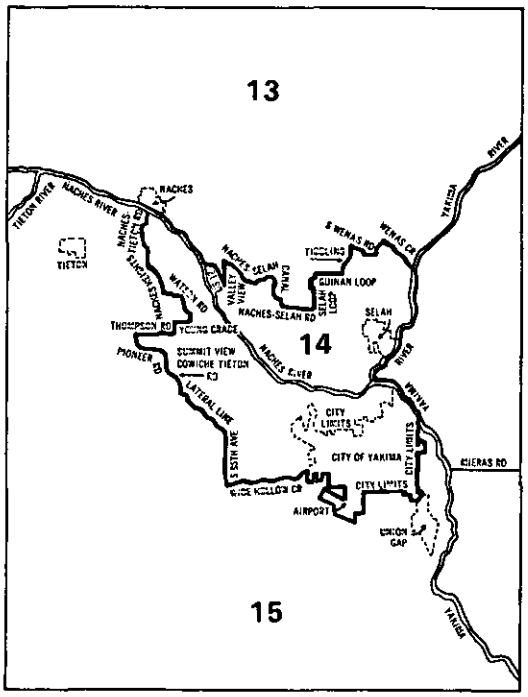
SIGN HERE ➘ .....
(Signature of voter)

.....
(Street)

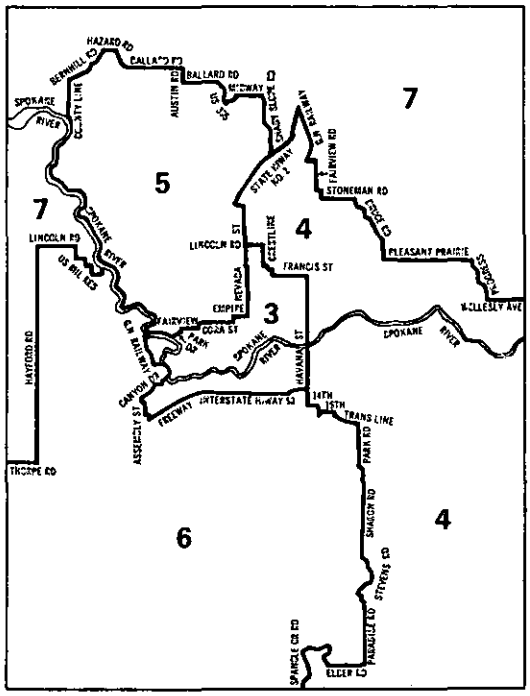
Fill in address where you wish absentee ballot to be sent ➘ .....
(City) (State)

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

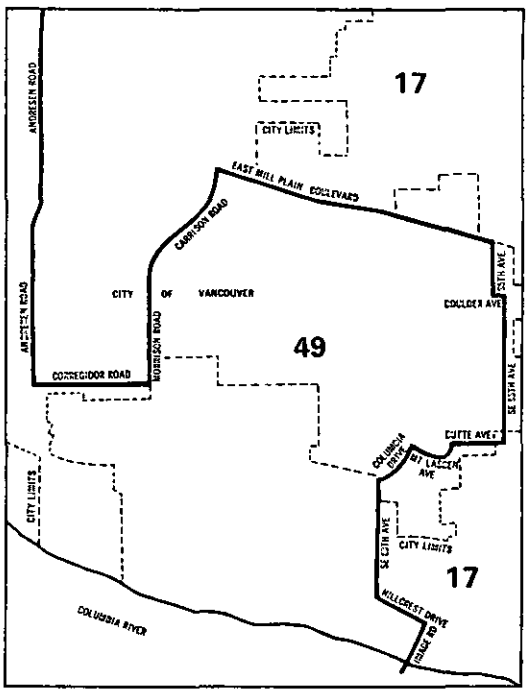
Legislative Districts



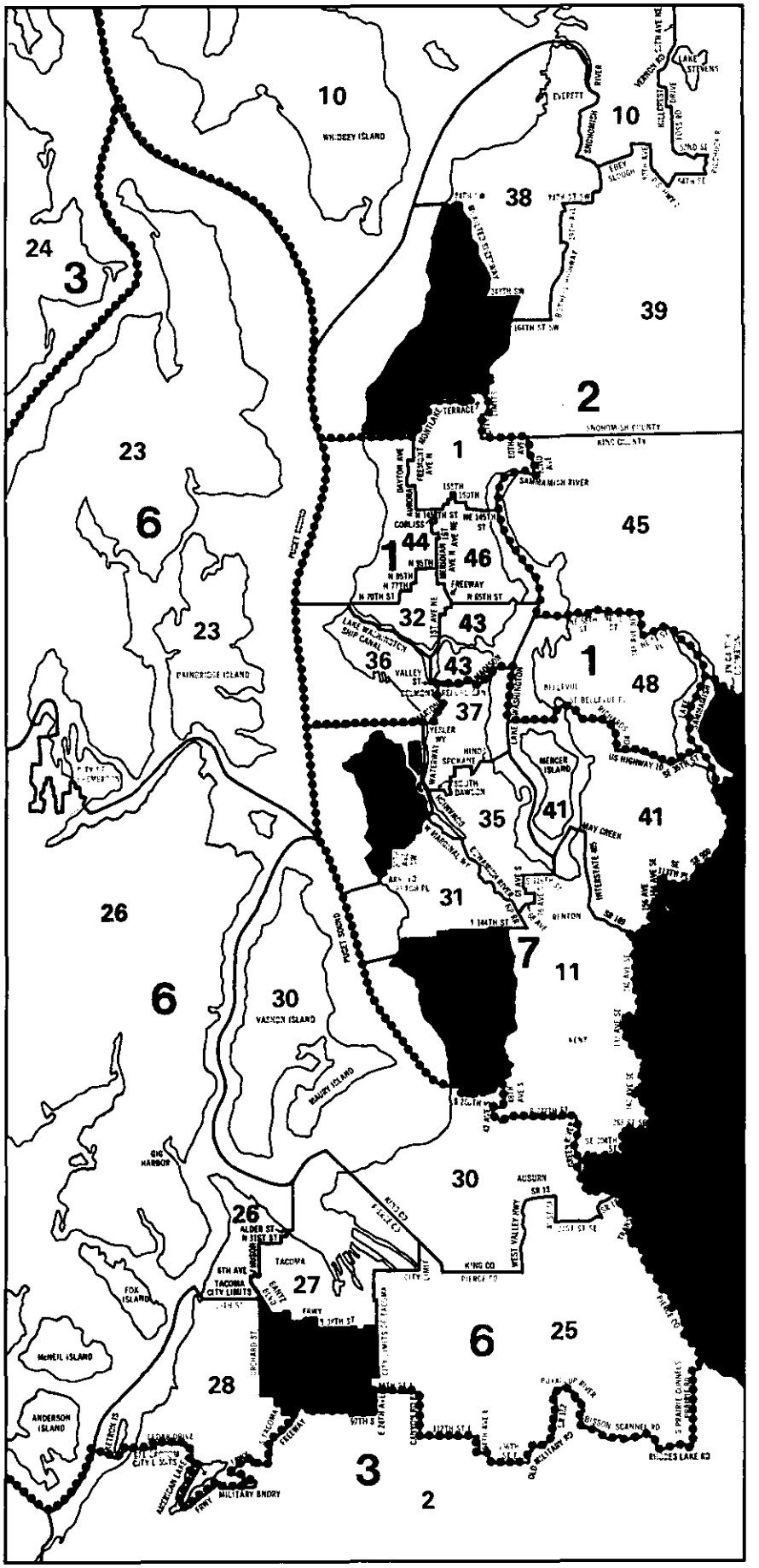
Yakima and vicinity



Spokane and vicinity



Vancouver and vicinity



6 Congressional Districts

Everett, Seattle, Tacoma and vicinities

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