

STATE OF WASHINGTON

# Voters Pamphlet

General Election • November 6, 2001

*30th Anniversary of the 26th Amendment to the Constitution*



Edition 1

Published by the Office of the Secretary of State



# INTRODUCTION TO THE 2001 VOTERS PAMPHLET

The 2001 state Voters Pamphlet marks one of the most important milestones in the history of elections since women were given the right to vote. Thirty years ago Washington was among the first states in the Union to ratify the 26th Amendment to the Constitution, which lowered the voting age to 18. This gave young people a chance to be heard and sent a clear message throughout the United States: those old enough to serve their country in times of war have the right to shape public policy. The Vietnam War inspired a change in election law that has enabled young people to have greater control over their lives. Since 1971, people 18 and older in Washington have been able to cast ballots in seven presidential and gubernatorial elections, and vote on more than 50 initiatives.

The photo on the cover of this 2001 issue captures the faces of Washington's youth 30 years ago as they pursued the right to vote. Today, this photo represents our progress and, at the same time, is a reminder of the work that remains. We hope you will do what you can to encourage young people in your community to get involved and exercise their own precious right to vote.

There may be no more appropriate time for Americans – young and old – to exercise their right to vote. In the wake of the terrorist attacks on our nation in September, I believe a high voter turnout would be one of the strongest statements we can make in support, and appreciation, of the freedoms guaranteed in our Constitution.

This informative pamphlet is a useful resource for the November 6, 2001 General Election. It includes a digest of three initiatives and two constitutional amendments. For additional election information and more information on the youth vote, see our web sites at [www.secstate.wa.gov](http://www.secstate.wa.gov) and [www.vote.wa.gov](http://www.vote.wa.gov) or call our toll-free hotline listed below.



Best wishes,

A handwritten signature in black ink that reads "Sam Reed".

SAM REED  
Secretary of State

*Cover photo from Seattle Post-Intelligencer Collection, Museum of History & Industry.*

**Secretary of State Toll-Free Hotlines**

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

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## VOTER'S CHECKLIST

Every Washington voter will have the opportunity to vote on five statewide measures at the state general election on November 6, 2001. Voters are encouraged to bring any list or sample ballot to the polling place to make voting easier. State law provides: "Any voter may take into the voting booth or voting device any printed or written material to assist in casting his or her vote." (RCW 29.51.180)

### INITIATIVE MEASURE 747

Initiative Measure No. 747 concerns limiting property tax increases. This measure would require state and local governments to limit property tax levy increases to 1% per year, unless an increase greater than this limit is approved by the voters at an election. Should this measure be enacted into law?

Yes	No
<input type="checkbox"/>	<input type="checkbox"/>

### INITIATIVE MEASURE 773

Initiative Measure No. 773 concerns additional tobacco taxes for low-income health programs and other programs. This measure would impose an additional sales tax on cigarettes and a surtax on wholesaled tobacco products. The proceeds would be earmarked for existing programs and expanded health care services for low-income persons. Should this measure be enacted into law?

<input type="checkbox"/>	<input type="checkbox"/>
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### INITIATIVE MEASURE 775

Initiative Measure No. 775 concerns long-term in-home care services. This measure would create a "home care quality authority" to establish qualifications, standards, accountability, training, referral and employment relations for publicly funded individual providers of in-home care services to elderly and disabled adults. Should this measure be enacted into law?

<input type="checkbox"/>	<input type="checkbox"/>
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### ENGROSSED SENATE JOINT RESOLUTION 8208

The Legislature has proposed a constitutional amendment on the use of temporary superior court judges (judges pro tempore). This amendment would allow superior courts to bring in elected Washington judges from other court levels to hear cases on a temporary basis, subject to certain restrictions, as implemented by supreme court rules. Should this constitutional amendment be:

Approved [ ] Rejected [ ]

Approved	Rejected
<input type="checkbox"/>	<input type="checkbox"/>

### HOUSE JOINT RESOLUTION 4202

The Legislature has proposed a constitutional amendment on the investment of state funds. This amendment would grant increased discretion to the Legislature in deciding how to invest state funds. Funds under the authority of the state investment board could be invested as determined by state statute. Should this constitutional amendment be: Approved [ ] Rejected [ ]

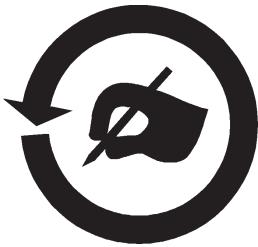
<input type="checkbox"/>	<input type="checkbox"/>
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### LOCAL ELECTIONS

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\* NOTE: In the text any language in double parentheses with a line through it is existing state law and will be taken out of the law if this measure is approved by voters. Any underlined language does not appear in current state law but will be added to the law if this measure is approved by voters. To obtain a copy of the text in larger print, call the Secretary of State's toll-free hotline.



# INITIATIVE MEASURE 747

## PROPOSED TO THE PEOPLE

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Initiative Measure 747 begins on page 14.

### Argument For

#### WASHINGTON'S THE 5TH HIGHEST TAXED STATE IN THE NATION – TAXPAYERS NEED AND DESERVE MEANINGFUL RELIEF

We're 5th. That means 45 other states provide education, transportation, criminal justice, and other government services at a lower level of taxation than Washington does. Taxpayers desperately need and deserve meaningful tax relief.

Consider property taxes. For decades, numerous taxing districts have increased property taxes 6% per year. That means state government has jacked them up, counties, cities, fire districts, library districts, special districts, and ports have all dramatically jacked them up. Property taxes are skyrocketing in Washington. Currently, property taxes double every 7 to 9 years. We need I-747 to defuse Washington's "property tax time bomb" so working class families and senior citizens, and not just rich people, can afford to buy and own homes.

#### I-747 LIMITS PROPERTY TAX COLLECTIONS FOR EACH TAXING DISTRICT – OUR COURTS HAVE OK'D THIS APPROACH

Numerous efforts have been made to limit property tax increases but they've either been struck down by courts or contained huge loopholes. I-747 carefully follows recent court rulings and closes previous loopholes. 1% ought to be enough for *any* taxing district (and if it's not, I-747 allows voter approval for higher increases).

#### WE KNEW I-747 WOULD BE ATTACKED, SO WE PURPOSELY MADE I-747 A VERY MODERATE PROPOSAL

I-747 doesn't slash property taxes, it simply limits property tax increases. So, concerning "lost revenue," politicians simply can't complain – I-747 doesn't take away any more money from government than they had in 2000.

### Official Ballot Title:

Initiative Measure No. 747 concerns limiting property tax increases. This measure would require state and local governments to limit property tax levy increases to 1% per year, unless an increase greater than this limit is approved by the voters at an election.

Should this measure be enacted into law?

Yes [ ]      No [ ]

### The law as it presently exists:

Property taxes are levied each year by the state and by local governments on all taxable property in the state. Property taxes are based on the value of the property. Taxable property is assessed each year and valued at its true and fair value. The tax

#### FAMILY BUDGETS ARE UNDER ASSAULT – TAXES, HEALTH CARE, ENERGY, HOUSING, TRANSPORTATION, RENT – THEY'RE ALL SKYROCKETING

Politicians must learn that family budgets desperately need meaningful tax relief. And I-747 takes an incredibly modest approach: limiting property tax increases. Without I-747, soon only rich people will be able to afford homes. Vote "Yes" and tell politicians to stop ignoring taxpayers – after all, we're paying the bills.

For more information, call 425.493.8707 or visit website: [www.i-747.com](http://www.i-747.com).

### Rebuttal of Argument Against

Washington is the 5th highest taxed state. Property taxes are skyrocketing. I-747 offers moderate, reasonable limits on property tax increases. Politicians offer no alternative – their response to taxpayers is "tough it out." I-747 ensures long-overdue accountability by requiring politicians to prioritize and effectively utilize existing revenues. With I-747, tax increases will be a last resort. Besides, 1% ought to be enough for *any* taxing district (and remember, voters can OK higher increases). Please vote "Yes."

### Voters Pamphlet Argument Prepared by:

TIM EYMAN, proud of our volunteers who got I-747 signatures; MONTE BENHAM, co-sponsor, "I'm confident politicians will adjust to I-747"; JACK FAGAN, co-sponsor, "Taxpayers get an equal voice with I-747"; MIKE FAGAN, co-sponsor, "Property taxes are out-of-control – please vote Yes"; MARTIN VAN BUREN, retired, got 1525 volunteer signatures, lives in Lynden; DIANE AUBREY, sold home because of property tax increases, Richland.

levied in a given year on a piece of property depends on its taxable value and on the amount of tax levied that year by the state and by local governments with taxing power.

Existing law limits property tax in several ways. First, both the state constitution and state statutes limit the aggregate of all state and local tax levies on any piece of property, generally to a total of 1% of the property's true and fair value. This limitation does not apply to voter-approved levies.

Second, existing law also limits the amount each taxing district may increase its regular tax levy over the overall amount levied and collected in previous years. Under this "limitation factor," regular property taxes levied by a taxing district generally may not exceed the lower of 106% or 100% plus inflation, multiplied by the amount collected in the highest of the three most recent years. In other words, a taxing district may increase its levy by no more than the lower of (a) the previous year's inflation rate or (b) 6%, over the highest levy of the three previous years.

There are some special rules regarding the application of this limitation factor to specific types of taxing districts. Taxing districts with fewer than 10,000 residents are limited by the 106% limitation, and not the inflation factor. Other taxing districts, except the state, may increase their levies up to the 106% level if they follow special procedures and find a substantial need. The state prop-

erty tax levy increases each year by the lower of 106% or the inflation rate. These limitations on tax increases do not apply to increases in property value attributable to new construction.

Local taxing districts that have not levied the full amounts legally available in prior years may levy the amount that would be allowed under the "limitation factor" if the district had levied the full allowable amounts. RCW 84.55.092 provides that the purpose of this section is to remove the incentive for a taxing district to maintain its tax levy at the maximum level in order to protect future levy capacity. This provision does not apply to the state.

In November 2000, the people approved Initiative Measure No. 722, which would change the property tax laws in several ways. Initiative 722 would add new property tax exemptions relating to increases in property value and to certain maintenance improvements. Initiative 722 would also change the 106% limit factor to 102% for all taxing districts, and would repeal RCW 84.55.092. After Initiative 722 was approved, lawsuits were brought challenging its constitutionality on several different grounds. The Superior Court declared Initiative 722 unconstitutional and enjoined its implementation. This decision has been appealed, and is awaiting the decision of the State Supreme Court. Because of the court orders, Initiative Measure 722 is not currently in force.

(continued on page 14)

## Argument Against

### FIREFIGHTERS, NURSES, LIBRARIANS AND COMMUNITY LEADERS URGE A NO VOTE ON I-747

Initiative 747 will restrict funds we invest *directly* in local services like fire protection, public hospitals, libraries—even transportation.

### I-747 THREATENS BASIC LOCAL SERVICES—SERVICES WE RELY ON IN OUR NEIGHBORHOODS

Because I-747 doesn't allow critical services like fire and emergency medical districts, public hospitals, and road crews to keep pace with inflation and growth, severe cuts may be impossible to avoid.

For example, Woodinville's Fire and Life Safety District needs additional firefighters and a ladder truck to serve a growing population. Since I-747 cuts funds that come directly from residents to the fire district, critical fire protection is threatened.

Facing similar shortfalls, I-747 will limit the ability of local fire departments and hospitals across the state from planning for the future, or even for emergencies—like the Nisqually earthquake or the devastating 2001 fire season.

### I-747 HURTS ALL OF US: REAL EXAMPLES FROM REAL PEOPLE ACROSS WASHINGTON

"King and Snohomish County residents are sick of gridlock. I-747 means intersection and county highway improvements won't get made," says Snohomish County road crew worker Roger Moller.

Klickitat County Fire Commissioner Miland Walling is concerned that "we will be unable to purchase safety equipment for rural firefighters."

Pierce County library employee Patti Cox says a three-year loss of \$1.5 million means "we will have to shorten library hours and cut services like children's reading hours."

Yakima County Prosecutor Jeff Sullivan invites "anyone to come look over the budget and suggest which felony crimes I shouldn't prosecute."

### WE DESERVE MORE FIRE, PUBLIC SAFETY, AND LIBRARY SERVICE, NOT LESS; WE DON'T NEED I-747

I-747 will cut directly from funds that stay in our community for services we support. Our neighbors across Washington agree: our communities cannot afford I-747.

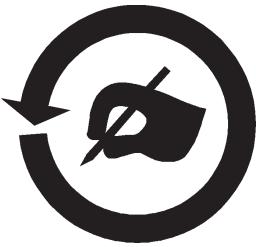
For more information, call 206.447.0888 or visit website: [www.voteno747.org](http://www.voteno747.org).

## Rebuttal of Argument For

- Washington isn't the "5<sup>th</sup> highest taxed state." Our taxes are lower than many similar states.
- It's inefficient to vote for services we already support: \$2 million pays for an election in King County or two complete fire stations—staff and equipment—for a full year.
- Tim Eyman says he is "proud of our volunteers" without mentioning the \$529,000 he paid for signatures and to his for-profit initiative business. ([www.pdc.wa.gov](http://www.pdc.wa.gov))  
Vote No on I-747.

### Voters Pamphlet Argument Prepared by:

KELLY FOX, Washington State Council of Fire Fighters; LOUISE KAPLAN, PhD, ARNP, Washington State Nurses Association; CAROL GILL SCHUYLER, President, Washington Library Association; JEFF SULLIVAN, Yakima County Prosecutor, (GOP); BOB DREWEL, Snohomish County Executive, (Dem).



# INITIATIVE MEASURE 773

## PROPOSED TO THE PEOPLE

Note: The ballot title was written by the court. The explanatory statement was written by the Attorney General as required by law. The complete text of Initiative Measure 773 begins on page 15.

### Argument For

People you know and trust are voting "yes" on I-773. Why?

Because they know I-773 will *improve the health* of low-income working adults and their children by expanding access to the Basic Health Plan and *protect kids from tobacco* by fully funding programs to prevent kids from smoking.

#### THE WASHINGTON STATE NURSES ASSOCIATION AND THE WASHINGTON ACADEMY OF FAMILY PHYSICIANS SAY "VOTE YES ON I-773"

Over 750,000 people in our state are uninsured; 70% of them are from working families. I-773 will expand access to no-frills health care so that working families can make ends meet in today's economy.

#### THE AMERICAN CANCER SOCIETY AND THE WASHINGTON STATE PTA SAY "VOTE YES ON I-773"

Did you know 65 kids in Washington start smoking every day? We've seen alarming increases in tobacco use by kids in Washington – 29% of our high school seniors are smokers. I-773 will mean fewer kids start smoking.

#### THE AMERICAN LUNG ASSOCIATION AND AMERICAN HEART ASSOCIATION SAY "VOTE YES ON I-773"

Tobacco kills over 8,000 Washingtonians a year and costs \$1.3 billion in health care for tobacco-related illnesses. By raising the sales tax on tobacco 60¢ per pack, I-773 will provide health care for working families and reduce smoking, creating stronger and healthier children, schools and workplaces.

By voting Yes on I-773 we can increase health coverage and reduce the incidence of illnesses like heart disease

### Official Ballot Title:

Initiative Measure No. 773 concerns additional tobacco taxes for low-income health programs and other programs. This measure would impose an additional sales tax on cigarettes and a surtax on wholesaled tobacco products. The proceeds would be earmarked for existing programs and expanded health care services for low-income persons.

Should this measure be enacted into law?

Yes [ ] No [ ]

and lung cancer that hit low-income people the hardest.

#### I-773: FOR KIDS, FOR WORKING FAMILIES, FOR A HEALTHIER WASHINGTON

*Warning!* Huge out-of-state tobacco corporations will spend millions trying to defeat I-773. They know if you approve I-773 they'll sell fewer cigarettes to our children. Their adult customers are dying or quitting, so "Big Tobacco" needs kids to start smoking.

To see sources and learn more, please visit [www.i773.org](http://www.i773.org). Please join us in voting "Yes on I-773." Thank you.

### Rebuttal of Argument Against

Who do you trust to tell the truth about health and kids?

The American Cancer Society, Heart Association, Lung Association, Doctors, Nurses and the PTA support I-773. Philip Morris opposes it.

Tobacco corporations will say anything to protect *their* profits at the expense of *our* children.

Don't be fooled.

I-773 expands health care coverage for low-income working families. It reduces tobacco use, especially among kids. I-773 protects kids from tobacco and increases access to no-frills health care.

### Voters Pamphlet Argument Prepared by:

ROBERT A. CRITTENDEN, MD, MPH, President, Washington Academy of Family Physicians; LOUISE KAPLAN, PhD, MN, ARNP, President, Washington State Nurses Association; ANN MARIE POMERINKE, Chief Executive Officer, American Cancer Society, Northwest Division; SANDRA HIJIKATA, Executive Vice-President, American Heart Association, Northwest Affiliate; ASTRID BERG, Executive Director, American Lung Association of Washington; JOHN STOKES, Legislative Director, Washington State PTA.

## **The law as it presently exists:**

Under existing law, cigarettes and other tobacco products are taxed in a number of ways to support various programs.

Four taxes are levied on the sale, use, consumption, handling, possession or distribution of cigarettes. The total of the four taxes is 41.25 mills (.4125 cents) per cigarette. This amounts to 82.5 cents per pack of twenty cigarettes.

The first tax is 11.5 mills (.115 cents) per cigarette. Revenues from this tax are used for general governmental purposes. The second tax is 5.25 mills (.525 cents) per cigarette. Revenues from this tax are placed in the violence reduction and drug enforcement account, and used for prevention programs and law enforcement. The third tax is 20.5 mills (2.05 cents) per cigarette. Revenues from this tax are placed in the health services account, and used for health care and public health programs, including health services access for low-income residents. The fourth tax is 4 mills (.4 cents) per cigarette. Revenues from this tax are placed in the water quality account and used for water pollution programs.

There are also four taxes levied on all tobacco products other than cigarettes. These taxes on the sale, use, consumption, handling, or distribution of tobacco products other than ciga-

rettes total 74.9% of the wholesale sales price of these products.

The first two of these taxes amount to 48.15% of the wholesale sales price of the tobacco products. Revenues from these taxes are placed in the state general fund for general governmental purposes. The third tax is 10% of the wholesale sales price. Revenues from this tax are placed in the health services account and used for health care and public health programs. The fourth tax is 16.75% of the wholesale sales price of tobacco products. Revenues from this tax are deposited in the water quality account and used for water pollution programs.

## **The effect of the proposed measure, if it becomes law:**

This measure would add two additional taxes to the existing sales taxes on cigarettes and tobacco products. Revenues from these taxes would be earmarked to continue existing programs and expand health care services for low-income persons.

An additional tax would be imposed on the sale, use, consumption, handling, possession, or distribution of cigarettes, in the amount of 30 mills (3.0 cents) per cigarette. An additional tax would be imposed on the wholesale sales price of tobacco

(continued on page 14)

## **Argument Against**

### **IT'S ABOUT RAISING TAXES — NOT BETTER HEALTH CARE FOR WORKING FAMILIES**

Initiative 773 is a dismal failure when it comes to improving health care for working families. It drastically raises consumer taxes that will first cover a host of existing government programs totally unrelated to the Basic Health Plan—before the Basic Health Plan or tobacco prevention receive one penny in additional funding. It's an unreliable, risky scheme that could have disastrous consequences for all taxpayers.

### **THERE IS NO REQUIREMENT FOR IMPROVED PATIENT CARE, MORE DOCTORS OR SERVICES**

According to the Washington Health Care Authority, some health plans doing business with the state no longer offer services in rural areas. I-773 does nothing to assure coverage in areas currently served, nor to re-establish needed coverage in rural areas.

### **I-773 EXPANDS THE BASIC HEALTH PLAN WITHOUT A RELIABLE WAY TO FUND IT**

The initiative assumes that the taxes it raises will cause revenues for other state programs to decline. That's why it requires these new taxes to cover such shortfalls first. Still, it allows for continuous expansion of the Basic Health Plan, creating a huge potential liability for state taxpayers in the future.

### **I-773 ENDANGERS VITAL STATE PROGRAMS INCLUDING K-12 EDUCATION**

I-773 is a poorly drafted measure that hamstrings future state budgets. Without the flexibility to meet changing needs with limited resources, critical programs like K-12 Education, Higher Education and Environmental Protection will suffer unless general taxes are increased!

### **VOTE NO ON INCREASED SPENDING WITHOUT ACCOUNTABILITY**

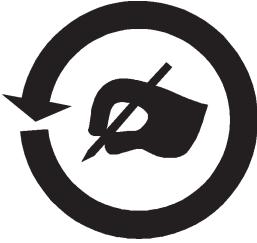
I-773 throws hundreds of millions of dollars into premiums for health care coverage without any fundamental auditing requirements. Washington has \$300 million in tobacco settlement payments available this biennium alone. Let's use these funds first and improve management of the health plan before raising additional taxes on consumers.

## **Rebuttal of Argument For**

Follow the Money! Who *really* profits from I-773? The big HMOs who will pocket hundreds of millions of consumer tax dollars for more premiums. But they won't have to provide more doctors or improve the quality of medical treatment. They spent \$789,000 just to get on the ballot, and they'll spend millions more to get voters to go along with this special interest money grab. Cut through their smokescreen, and just say "no" to I-773!

### **Voters Pamphlet Argument Prepared by:**

TOM HUFF, former Republican Chair, House Appropriations Committee; VALORIA LOVELAND, former Democratic Senate Ways & Means Committee; ANGELA DUNCAN, board member, Washington Association Neighborhood Stores; WAYNE CHOE, Korean American Grocers Association; JOHN & PAM ZYCH, owners, Le Bon Vie/Washington.



# INITIATIVE MEASURE 775

## PROPOSED TO THE PEOPLE

Note: The ballot title and explanatory statement were written by the court as required by law. The complete text of Initiative Measure 775 begins on page 16.

### Argument For

#### I-775 WILL HELP SENIORS AND PEOPLE WITH DISABILITIES LIVE AT HOME WITH DIGNITY AND INDEPENDENCE

Home care helps tens of thousands of Washington seniors and people with disabilities stay in their own homes. Home care workers bathe, dress, and feed their consumers; lift them from beds into wheelchairs; and assist with bowel and bladder care, medication schedules, household management, and other tasks these consumers can't do on their own.

#### AS WASHINGTON'S ELDERLY POPULATION GROWS, WHO WILL CARE FOR THEM?

Seniors are having a harder time finding reliable and trained home care workers. Too many families face the hard choice of institutionalizing their parents and grandparents in nursing homes because there is no place to go to find qualified caregivers.

#### HELP SENIORS AND THEIR FAMILIES FIND QUALIFIED CAREGIVERS

I-775 creates a caregiver registry so families have a way to find qualified home care workers. For the first time consumers will have access to a list of trained caregivers who have passed criminal and employment background checks.

#### INTRODUCE REAL ACCOUNTABILITY AND STANDARDS

Right now, no one is holding the home care program accountable to consumers or taxpayers. I-775 requires a performance audit of Washington's home care program every two years and empowers a consumer board of seniors and people with disabilities to set minimum quality standards, improve training, and increase accountability.

#### ADDRESS THE SHORTAGE OF CAREGIVERS

As Washington's population grows older, high turnover and wages barely above minimum wage have led to a shortage of caregivers. I-775 establishes worker recruitment pro-

### Official Ballot Title:

Initiative Measure No. 775 concerns long-term in-home care services. This measure would create a "home care quality authority" to establish qualifications, standards, accountability, training, referral and employment relations for publicly funded individual providers of in-home care services to elderly and disabled adults.

Should this measure be enacted into law?

Yes [ ]      No [ ]

### The law as it presently exists:

Under existing law, the state funds a variety of in-home care services provided to low-income elderly and disabled persons. These services are provided in the homes of the persons receiving the services by individuals under contract with the Department of

grams and helps workers make a profession of providing quality home care by receiving better training and negotiating for a living wage and benefits.

#### STRENGTHEN HOME CARE NOW TO SAVE TAXPAYER MONEY IN THE LONG RUN

Nursing homes cost three times as much as home care. By improving home care, I-775 will save taxpayers money by helping more seniors stay at home.

#### SUPPORT QUALITY HOME CARE VOTE YES ON I-775

For more information, visit website: [www.wahomecare.org](http://www.wahomecare.org).

### Rebuttal of Argument Against

Katrinka Gentile, home care consumer, chair, disability-rights group ADAPT, responds:

"Don't be misled by the opposition's anti-union rhetoric. The AFL-CIO contributed only 1% of campaign funds (source: Public Disclosure Commission).

"I-775 improves care for seniors and disabled people. I-775 helps us find qualified caregivers so we can live at home. I-775 outlaws strikes, protects our right to fire caregivers, and requires the Governor to submit funding for home care improvements. Yes for Quality Home Care."

### Voters Pamphlet Argument Prepared by:

LARS HENNUM, President, Washington Council of Senior Citizens, retired pharmacist; KATRINKA GENTILE, disability activist, 20-year home care consumer; REV. JOHN BOONSTRA, Executive Minister, Washington Association of Churches; LOUISE KAPLAN, PhD, RN, ARNP, President, Washington State Nurses Association; KIMBERLY SIMPSON, home care worker, Spokane; DEANA KNUTSEN, parent of developmentally disabled child, elected Hospital Commissioner.

Social and Health Services (DSHS). Depending on the situation, the services provided may include "personal care services" such as bathing, dressing, and transferring from bed to wheelchair, "chore services" such as preparing meals and housekeeping, or a mixture of both types of service.

Caregivers are typically selected by the persons receiving the care. In many cases, the care is provided by an "individual provider," who provides services in his/her individual capacity. Individual providers are compensated through contracts with DSHS. Individual providers are not employees of DSHS and do not receive state employee benefits. Individual provider compensation is paid by DSHS from federal and state funds appropriated by the legislature. The 2001-2003 budget sets individual provider compensation at \$7.68 per hour.

The legislature has adopted policies encouraging the use of in-home caregivers, both for personal care and for chore services. The legislature has adopted laws requiring background checks and training for providers and defining who is eligible to receive publicly funded services. DSHS, by rule, establishes training requirements for individual providers. DSHS is required to deny payment to an individual provider who does not meet certain requirements, including background checks and required training. The rules currently in force require that a background check be conducted when a person applies for an individual provider contract. The rules also define the training

requirements for individual providers and set deadlines for obtaining the required training.

## **The effect of the proposed measure, if it becomes law:**

This measure would establish a new Home Care Quality Authority governed by a nine-member board appointed by the Governor. At least five board members would be current or former consumers of in-home care services provided for functionally disabled persons, and at least one board member would be a person with a developmental disability. The remaining board members would represent the Developmental Disabilities Planning Council, the Governor's Committee on Disability Issues and Employment, the State Council on Aging, and the Association of Area Agencies on Aging.

The Authority would: establish qualifications and reasonable standards for accountability for publicly funded individual providers; provide for investigating the background of individual providers and prospective providers; undertake recruiting activities; provide training opportunities; assist consumers and prospective consumers in finding providers; provide routine emergency and respite referrals of individual providers; establish a referral registry of individual providers; remove providers or prospective providers from its registry for not

(continued on page 14)

## **Argument Against**

### **I-775 LOOKS GOOD. WHY WOULD ANYONE, ESPECIALLY A DISABILITY RIGHTS GROUP OPPOSE IT?**

The so-called "Home Care Quality Initiative" is misnamed. I-775 is primarily a labor initiative - it allows individual providers of Personal Assistance Services (PAS) to unionize. That is why the AFL-CIO is financing the campaign for the initiative. If I-775 passes, providers will be able to unionize – but the initiative fails to provide funding for *any* of the authorized activities that would most benefit PAS users.

### **DOESN'T I-775 HAVE "QUALITY ASSURANCE" PROVISIONS FOR SENIORS AND PEOPLE WITH DISABILITIES?**

I-775 talks about standards and training, but does not require the Legislature to fund those provisions. With or without I-775, PAS users must continue to seek funding for the quality assurance they need.

### **I-775 CONTAINS LANGUAGE THAT ADDRESSES THE RIGHTS OF PAS USERS, SO WHAT'S THE PROBLEM?**

The protections are inadequate. I-775 bans strikes, but provides no penalties if work stoppages occur. It appears to protect PAS user rights to hire and fire individual providers, but says nothing about a standard for termination. When unions engage in collective bargaining, one of their core principles is that any termination of employment be for "just cause."

PAS users, however, need stronger protections. Personal Assistants at times perform the most intimate of tasks including bathing and toileting. A PAS user does not want to justify why they terminate someone and certainly does not want to be bathed by a provider they tried unsuccessfully to fire.

### **WILL PAS USERS LOSE ANY OF THEIR RIGHTS IF I-775 PASSES?**

It's possible. Many of the rights that PAS users currently exercise as employers will become subject to the collective bargaining process under I-775. In that process, the Governor will appoint representatives for PAS users, while providers will choose their own representatives.

For more information, call 1.800.562.2702.

## **Rebuttal of Argument For**

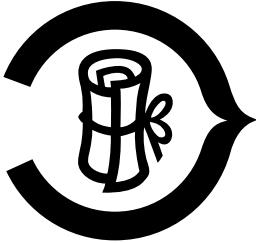
Does I-775 help PAS users find qualified workers by creating a caregiver registry? The state is already piloting a registry project. I-775 is redundant.

Does I-775 "introduce accountability and standards"? I-775 cannot assure quality home care without funding from the Legislature. I-775 creates an unfunded mandate.

Does I-775 benefit seniors and people with disabilities? No! I-775 takes away their right to negotiate with personal service workers and gives that right to government appointees.

### **Voters Pamphlet Argument Prepared by:**

PHIL JORDAN, Washington Protection and Advocacy System; JOAN COFFIN, Project PAS – Port for Change Steering Committee; MARSHALL MITCHELL.



# ENGROSSED SENATE JOINT RESOLUTION 8208

## PROPOSED CONSTITUTIONAL AMENDMENT

Vote cast by the 2001 Legislature on final passage:

Senate: Yeas, 39; Nays, 8; Absent, 0; Excused, 2.

House: Yeas, 91; Nays, 5; Absent, 2; Excused, 0.

### Argument For

#### COURT CONGESTION COSTS US ALL TIME AND MONEY

Court cases take too long and cost too much. That's bad for taxpayers and bad for those seeking justice in Washington courts. ESJR 8208 addresses these concerns.

#### JUSTICE DELAYED IS JUSTICE DENIED

Court congestion is a problem. When cases come up for a hearing, superior court judges are often unavailable because they are already busy hearing other cases. As a result, cases have to be postponed.

Postponement of civil cases is a costly inconvenience. And postponement of criminal cases may result in dismissal of all charges because the "speedy trial" rule requires criminal cases to be heard within 60 or 90 days.

#### ESJR 8208 PROVIDES MORE JUDGES WHERE AND WHEN WE NEED THEM – AT NO ADDITIONAL COST

ESJR 8208 provides a common-sense alternative to relieve court congestion, makes efficient use of judges and courtrooms, and saves tax dollars.

ESJR 8208 simply allows superior courts to use elected Washington judges from other court levels to hear cases on a temporary basis as needed. The result – more effective use of existing judges at no additional cost to taxpayers.

#### VOTE "YES" ON ESJR 8208

Judges, lawyers, prosecutors, legislators, concerned citizens, business and civic leaders throughout the state support this sensible approach to making our courts more efficient and getting cases heard on time. Please vote "yes" on ESJR 8208!

### Official Ballot Title:

The Legislature has proposed a constitutional amendment on the use of temporary superior court judges (judges pro tempore). This amendment would allow superior courts to bring in elected Washington judges from other court levels to hear cases on a temporary basis, subject to certain restrictions, as implemented by supreme court rules.

Should this constitutional amendment be:

Approved [ ] Rejected [ ]

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Engrossed Senate Joint Resolution 8208 begins on page 20.

### Rebuttal of Argument Against

Don't be misled by the opposition statement. With ESJR 8208, only an elected judge can be assigned to a case. And each side can reject up to two assigned judges. ESJR 8208 also requires that judges have demonstrated ability and experience.

These judges will be used when cases would otherwise be delayed or dismissed – an expensive and unjust result.

Without additional cost to taxpayers, this proposal improves court efficiency. Vote yes on ESJR 8208.

#### Voters Pamphlet Argument Prepared by:

GERRY L. ALEXANDER, Chief Justice, Washington Supreme Court; JAN ERIC PETERSON, President, Washington State Bar Association; ADAM KLINE, State Senator; IDA BALLASIOTES, State Representative; STEPHEN JOHNSON, State Senator; PATRICIA LANTZ, State Representative.

## **The constitutional provision as it presently exists:**

Article IV, section 7 of the state Constitution now defines who can serve as a judge to hear cases in state superior court. Cases are ordinarily heard by the judges elected to serve the county in which the case is filed. A visiting superior court judge from another county may hear a case at the request of the presiding judge in the "host" county, or at the request of the governor.

A case may also be heard by a temporary judge ("judge pro tempore") who may be a judge from another court level, a lawyer who is a member of the Washington state bar, or a retired judge. Under the existing constitutional language, a temporary judge may serve only with the written agreement of all parties to the case, except that a retiring judge may continue, after retiring, to complete a pending case as a judge pro tempore without written agreement.

### **Argument Against**

#### **ESJR 8208 MAKES IT HARDER TO GET RID OF BAD JUDGES**

"We, The People" have a right to elect judges from the communities we live in and in which they serve. This is an important right because those we elect sit in judgment over our lives, property and freedoms. This right ensures judges we may face in court someday live in our midst and share our values. Thus we elect judges who are accountable directly to us. If they prove to be incompetent, if they show favoritism, or if they are corrupt we can vote them out at the next election.

#### **ESJR 8208 TAKES AWAY OUR CONSTITUTIONAL RIGHTS**

"Pro tempore" judges are "judges" who are appointed temporarily to hear cases. Most "pro tem" judges are attorneys who have never been elected by the people. Currently, our state constitution provides that a case in the superior court may be tried by a "judge pro tempore" but only if the parties before the court agree in writing. This protects the parties and gives them the right to choose a capable and fair person to be their judge.

#### **ESJR 8208 RESTRICTS ACCOUNTABILITY TO VOTERS**

This is a bad referendum. Even though it attempts to provide some protections, it still allows a judge pro tem ultimately to be appointed even if the parties strongly oppose the person being appointed. This person may not be elected from the area in which the parties live and therefore is wholly unaccountable to the voters. The people should maintain their control over who their judges will be.

## **The effect of the proposed amendment, if it is approved:**

The proposed amendment would permit the expanded use of temporary judges. The amendment would permit the use of an elected Washington judge from another court level (such as an appellate court, or district or other local court) to hear superior court cases as a judge pro tempore without the agreement of the parties, as allowed by a new supreme court rule. The amendment would require that judges be assigned to cases based on their experience. A party to a case would have the right to one change of temporary judge, in addition to a similar right available under current law.

The amendment would not change the provision requiring the agreement of the parties for a lawyer or retired judge to serve as a judge pro tempore, or the provision allowing a retired judge to complete pending cases.

It is difficult enough now to remove bad judges who sit on the courts.

#### **PLEASE VOTE "NO" ON ESJR 8208**

### **Rebuttal of Argument For**

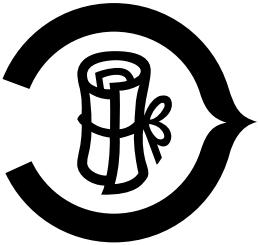
Most people know how frustrating the legal system is – from attorneys who don't return phone calls to judges who don't spend enough time in the courtroom. These are things that clog the system and waste taxpayer money.

Inefficiencies and incompetency aren't solved by bringing in judges who aren't accountable to the people. ESJR-8208 only enhances the same "good-old-boy" network – with all its problems – at our expense.

Protect your right to elect judges. Please vote "No."

#### **Voters Pamphlet Argument Prepared by:**

JOYCE MULLIKEN, State Representative, 13<sup>th</sup> District; VAL STEVENS, State Senator, 39<sup>th</sup> District; DON BENTON, State Senator, 17<sup>th</sup> District.



# HOUSE JOINT RESOLUTION 4202

## PROPOSED CONSTITUTIONAL AMENDMENT

**Vote cast by the 2001 Legislature on final passage:**

Senate: Yeas, 45; Nays, 2; Absent, 2; Excused, 0.

House: Yeas, 94; Nays, 0; Absent, 4; Excused, 0.

### Official Ballot Title:

The Legislature has proposed a constitutional amendment on the investment of state funds. This amendment would grant increased discretion to the Legislature in deciding how to invest state funds. Funds under the authority of the state investment board could be invested as determined by state statute.

Should this constitutional amendment be:

Approved [ ]      Rejected [ ]

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of House Joint Resolution 4202 begins on page 20.

### Argument For

#### HJR 4202 PROVIDES A BETTER RETURN FOR TAXPAYERS

The State Investment Board is responsible for managing many trust funds, including funds for retirees, injured workers and persons with disabilities. State law allows 97% of this money to be invested in a way that gives taxpayers a higher rate of return – but the investment of 3% of this money is restricted. HJR 4202 will remove these restrictions, allowing the State Investment Board to seek greater security and a higher rate of return through diversification for all funds it invests.

#### HJR 4202 WILL SAVE TAXPAYER DOLLARS NOW AND IN THE FUTURE

Taxpayers deserve the highest rate of return possible. HJR 4202 will permit a wider variety of investments. These investments will be managed by investment professionals, who are bound by the highest fiduciary and investment standards. Higher investment earnings means more money is available and fewer tax dollars are needed.

#### VOTERS HAVE APPROVED SIMILAR CHANGES IN THE PAST – HJR 4202 FINISHES THE JOB

Voters have approved this type of change three times, helping retirees, injured workers and persons with disabilities. HJR 4202 completes the job. It simply applies the same standard to the remaining 3% of funds managed by the State Investment Board. This is a fair and common sense proposal.

### Rebuttal of Argument Against

HJR 4202 has nothing to do with pension funds. It simply gives the state flexibility in the investment of 3% of its portfolio. The state already has this flexibility for 97% of the funds it manages.

The funds are invested safely by investment professionals. These professionals are held to strict ethical and fiduciary standards. They make investment decisions — they do not regulate companies.

Vote yes on HJR 4202 for safe and wise investments.

### Voters Pamphlet Argument Prepared by:

DAN EVANS, Governor (1965-77), U.S. Senator (1983-89); RALPH MUNRO, Secretary of State (1981-2001); MICHAEL J. MURPHY, State Treasurer; SID SNYDER, State Senator, Majority Leader; HELEN SOMMERS, State Representative, Democratic Co-chair, House Appropriations Committee; BARRY SEHLIN, State Representative, Republican Co-chair, House Appropriations Committee.

## **The constitutional provision as it presently exists:**

The Constitution generally places restrictions on the investment of public funds. Article VIII, sections 5 and 7, and article XII, section 9 generally prohibit the state from investing in the stock of any private association or company. Article XXIX, section 1, first approved by the voters in 1968, authorized the Legislature to permit broader investment of funds in public pension or retirement funds. By amendments approved in 1985 and in 2000, the Legislature has been granted the same broader authority for the industrial insurance trust fund and for trust funds held for the developmentally disabled.

## **The effect of the proposed amendment, if it is approved:**

The proposed amendment would add additional language to Article XXIX, section 1 of the state Constitution. The amendment would permit the Legislature to determine, by statute, which investments to allow for any funds or accounts placed by law under the investment authority of the State Investment Board. For these funds and accounts, the Legislature could, if it chose, permit investment in the stocks and bonds of private organizations and companies.

### **Argument Against**

#### **POSSIBILITY OF ETHICS VIOLATIONS**

Currently, the investment board must ask you the taxpayers for their authority. Sometimes you have granted it, sometimes not. Voting *no* on HJR 4202 keeps you in the loop. More serious than increased risk to retirees is the possibility of ethics violations caused by allowing the state to both invest and regulate the same companies. The possibility for regulatory decisions affecting investment decisions or vice versa are considerable and any irregularities either real or supposed could undermine confidence in the entire system.

#### **SECURITY SHOULD BE THE FIRST PRIORITY**

\$1.6 billion vanished in the Orange County bankruptcy of 1994, but Washington still holds the record of \$2.25 billion in the WPPSS debacle. Looking at the above sentence, it looks like just numbers on a page, but in reality it represents the hopes and dreams of thousands, even millions, of citizens.

HJR 4202 could mean higher returns; it also means higher risk. Putting public billions into the NASDAQ made sense in March 2000. It makes no sense today. It is June, and the NASDAQ is down. That proves the point. But if it turns up before the election, such volatility only demonstrates risk. Risk is where the money is made...and lost. When dealing with someone else's future, security should be the first priority.

HJR 4202 changes our Constitution. It allows increased risk and the possibility of ethics violation. If citizens want risk they can buy a lottery ticket. If they hope to retire they should vote *no* on HJR 4202.

For more information, call 509.765.8164.

#### **Rebuttal of Argument For**

Proponents of HJR 4202 tantalize voters with "Greater security *and* a higher rate of interest" as if these two factors moved together rather than in opposite directions. Promising increased security *and* earnings should be a red flag for any investor. Earnings are the price of risk bearing. Incurring greater risk potentially increases earnings. Greater security likely decreases earnings. You can't have it both ways. Security must be the first concern. Vote *no* on HJR 4202.

#### **Voters Pamphlet Argument Prepared by:**

HAROLD HOCHSTATTER, State Senator, 13<sup>th</sup> District;  
MARK SCHOESLER, State Representative, 9<sup>th</sup> District;  
VAL STEVENS, State Senator, 39<sup>th</sup> District.



## INITIATIVE MEASURE 747 (continued from page 5)

### The effect of the proposed measure, if it becomes law:

The measure would change all of the limitation factors on property tax levy increases to "101%." For taxing districts with populations less than 10,000, the new limitation factor would be 101% of the highest of the three previous annual levies. For the state, the new limitation factor would be the lower of 101% or the previous year's inflation rate. For other taxing districts, the limitation factor would be the lower of these two numbers, but if the inflation rate is less than 1%, the district could increase its levy to the 101% level using the same special procedure and declaration of special need as in existing law.

A taxing district could levy higher amounts with approval of the voters at a general election held in the district or at a special election called for that purpose. The election must be held less than twelve months before the date on which the proposed levy will be made. A majority of those voting would be required for approval.



## INITIATIVE MEASURE 773 (continued from page 7)

### The effect of the proposed measure, if it becomes law (continued):

products (not including cigarettes), in the amount of 54.515625% of the wholesale sales price.

The revenue from the two new taxes would be first deposited in the health services account. To assure a continued source of revenue for those programs funded with the existing taxes, the measure would provide that specified amounts first be transferred to the violence reduction and drug enforcement account, the water quality account, and the existing health services account, with the remainder available for expenditure for the measure's new purposes.

Revenues collected above these specified amounts would be distributed as follows. First, the Legislature is requested to appropriate \$5 million each for the fiscal years beginning on July 1, 2002, and July 1, 2003, for programs that effectively improve the health of low-income persons, including efforts to reduce diseases and illnesses that harm low-income persons. Second, the state treasurer is directed to transfer 10% of the remainder to the tobacco prevention and control account, to be appropriated and used exclusively for implementation of the state tobacco prevention and control plan. Third, the remainder of the money collected is designated for Washington Basic Health Plan enrollment. The Basic Health Plan is authorized to enroll 20,000 additional persons (over a base of 125,000) in the two-year budget period beginning July 1, 2001, plus an additional 50,000 enrollees in the two-year budget period beginning July 1, 2003.



## INITIATIVE MEASURE 775 (continued from page 9)

### The effect of the proposed measure, if it becomes law (continued):

meeting qualifications or for crimes or misconduct; and give preference in recruiting, training, referral and employment to recipients of public assistance or other qualified low-income persons.

Those persons receiving services would retain the right to choose, hire, supervise, and terminate individual providers. The Authority could not increase or decrease the hours of service for any consumer below or above the amount determined appropriate by DSHS or the appropriate local agency.

Solely for purposes of the collective bargaining laws, the Authority would be deemed the public employer of the individual providers. The Authority would engage in collective bargaining with the individual providers as a single, statewide unit concerning matters, such as individual provider compensation. Individual providers would not have the right to strike. The Authority, its board members, the area agencies on aging, and their contractors would be entirely or partially immune from certain types of liability for the actions or inaction of individual providers.

The Governor would be directed to request legislative funding to implement the Initiative, as well as meet the terms of each collective bargaining agreement. The Legislature could accept a collective bargaining agreement or reject it and require re-negotiation. The Joint Legislative Audit and Review Committee would be directed to conduct periodic performance reviews of the Authority.



## COMPLETE TEXT OF Initiative Measure 747

AN ACT Relating to limiting property tax increases; amending RCW 84.55.005 and 84.55.0101; and creating new sections.

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

### POLICIES AND PURPOSES

**NEW SECTION.** **Sec. 1.** This measure would limit property tax increases to 1% per year unless approved by the voters. Politicians have repeatedly failed to limit skyrocketing property taxes either by reducing property taxes or by limiting property tax increases in any meaningful way. Throughout Washington every year, taxing authorities regularly increase property taxes to the maximum limit factor of 106% while also receiving additional property tax revenue

from new construction, improvements, increases in the value of state-assessed property, excess levies approved by the voters, and tax revenues generated from real estate excise taxes when property is sold. Property taxes are increasing so rapidly that working class families and senior citizens are being taxed out of their homes and making it nearly impossible for first-time home buyers to afford a home. The Washington state Constitution limits property taxes to 1% per year; this measure matches this principle by limiting property tax increases to 1% per year.

### LIMITING PROPERTY TAX INCREASES TO 1% PER YEAR UNLESS APPROVED BY THE VOTERS

**Sec. 2.** RCW 84.55.005 and 2001 c 2 s 5 (Initiative Measure No. 722) are each amended to read as follows:

As used in this chapter:

(1) "Inflation" means the percentage change in the implicit price deflator for personal consumption expenditures for the United States as published for the most recent twelve-month period by the bureau of economic analysis of the



## COMPLETE TEXT OF Initiative Measure 747

federal department of commerce in September of the year before the taxes are payable;

(2) "Limit factor" means:

(a) For taxing districts with a population of less than ten thousand in the calendar year prior to the assessment year, one hundred ((two)) one percent;

(b) For taxing districts for which a limit factor is authorized under RCW 84.55.0101, the lesser of the limit factor under that section or one hundred ((two)) one percent;

(c) For all other districts, the lesser of one hundred ((two)) one percent or one hundred percent plus inflation; and

(3) "Regular property taxes" has the meaning given it in RCW 84.04.140.

**Sec. 3.** RCW 84.55.0101 and 2001 c 2 s 6 (Initiative Measure No. 722) are each amended to read as follows:

Upon a finding of substantial need, the legislative authority of a taxing district other than the state may provide for the use of a limit factor under this chapter of one hundred ((two)) one percent or less unless an increase greater than this limit is approved by the voters at an election as provided in RCW 84.55.050. In districts with legislative authorities of four members or less, two-thirds of the members must approve an ordinance or resolution under this section. In districts with more than four members, a majority plus one vote must approve an ordinance or resolution under this section. The new limit factor shall be effective for taxes collected in the following year only.

### CONSTRUCTION CLAUSE

**NEW SECTION.** **Sec. 4.** The provisions of this act are to be liberally construed to effectuate the policies and purposes of this act.

### SEVERABILITY CLAUSE

**NEW SECTION.** **Sec. 5.** 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.

### LEGISLATIVE INTENT

**NEW SECTION.** **Sec. 6.** The people have clearly expressed their desire to limit taxes through the overwhelming passage of numerous initiatives and referendums. However, politicians throughout the state of Washington continue to ignore the mandate of these measures.

Politicians are reminded:

(1) All political power is vested in the people, as stated in Article I, section 1 of the Washington state Constitution.

(2) The first power reserved by the people is the initiative, as stated in Article II, section 1 of the Washington state Constitution.

(3) Politicians are an employee of the people, not their boss.

(4) Any property tax increase which violates the clear intent of this measure undermines the trust of the people in their government and will increase the likelihood of future tax limitation measures.



## COMPLETE TEXT OF Initiative Measure 773

AN ACT Relating to improving the health of low-income persons; amending RCW 43.72.900; adding a new section to chapter 70.47 RCW; adding a new section to chapter 82.24 RCW; and adding a new section to chapter 82.26 RCW.

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

**NEW SECTION.** **Sec. 1.** A new section is added to chapter 70.47 RCW to read as follows:

It is the intent of the people to improve the health of low-income children and adults by expanding access to basic health care and by reducing tobacco-related and other diseases and illnesses that disproportionately affect low-income persons.

**Sec. 2.** RCW 43.72.900 and 1993 c 492 s 469 are each amended to read as follows:

(1) The health services account is created in the state treasury. Moneys in the account may be spent only after appropriation. Subject to the transfers described in subsection (3) of this section, moneys in the account may be expended only for maintaining and expanding health services access for low-income residents, maintaining and expanding the public health system, maintaining and improving the capacity of the health care system, containing health care costs, and the regulation, planning, and administering of the health care system.

(2) Funds deposited into the health services account under sections 3 and 4 of this act shall be used solely as follows:

(a) Five million dollars for the state fiscal year beginning July 1, 2002, and five million dollars for the state fiscal year beginning July 1, 2003, shall be appropriated by the legislature for programs that effectively improve the health of low-income persons, including efforts to reduce diseases and illnesses that harm low-income persons. The department of health shall submit a report to the legislature on March 1, 2002, evaluating the cost-effectiveness of programs that improve the health of low-income persons and address diseases and illnesses that disproportionately affect low-income persons, and making recommendations to the legislature on which of these programs could most effectively utilize the funds appropriated under this subsection.

(b) Ten percent of the funds deposited into the health services account under sections 3 and 4 of this act remaining after the appropriation under (a) of this subsection shall be transferred no less frequently than annually by the treasurer to the tobacco prevention and control account established by RCW 43.79.480. The funds transferred shall be used exclusively for implementation of the Washington state tobacco prevention and control plan and shall be used only to supplement, and not supplant, funds in the tobacco prevention and control account as of January 1, 2001, however, these funds may be used to replace funds appropriated by the legislature for further implementation of the Washington state tobacco prevention and control plan for the biennium beginning July 1, 2001. For each state fiscal year beginning on and after July 1, 2002, the legislature shall appropriate no less than twenty-six million two hundred forty thousand dollars from the tobacco prevention and control account for implementation of the Washington state tobacco prevention and control plan.

(c) Because of its demonstrated effectiveness in improving the health of low-income persons and addressing illnesses and diseases that harm low-income persons, the remainder of the funds deposited into the health services account under sections 3 and 4



## COMPLETE TEXT OF Initiative Measure 773 (cont.)

of this act shall be appropriated solely for Washington basic health plan enrollment as provided in chapter 70.47 RCW. Funds appropriated pursuant to this subsection (2)(c) must supplement, and not supplant, the level of state funding needed to support enrollment of a minimum of one hundred twenty-five thousand persons for the fiscal year beginning July 1, 2002, and every fiscal year thereafter. The health care authority may enroll up to twenty thousand additional persons in the basic health plan during the biennium beginning July 1, 2001, above the base level of one hundred twenty-five thousand enrollees. The health care authority may enroll up to fifty thousand additional persons in the basic health plan during the biennium beginning July 1, 2003, above the base level of one hundred twenty-five thousand enrollees. For each biennium beginning on and after July 1, 2005, the health care authority may enroll up to at least one hundred seventy-five thousand enrollees. Funds appropriated under this subsection may be used to support outreach and enrollment activities only to the extent necessary to achieve the enrollment goals described in this section.

(3) Prior to expenditure for the purposes described in subsection (2) of this section, funds deposited into the health services account under sections 3 and 4 of this act shall first be transferred to the following accounts to ensure the continued availability of previously dedicated revenues for certain existing programs:

(a) To the violence reduction and drug enforcement account under RCW 69.50.520, two million two hundred forty-nine thousand five hundred dollars for the state fiscal year beginning July 1, 2001, four million two hundred forty-eight thousand dollars for the state fiscal year beginning July 1, 2002, seven million seven hundred eighty-nine thousand dollars for the biennium beginning July 1, 2003, six million nine hundred thirty-two thousand dollars for the biennium beginning July 1, 2005, and six million nine hundred thirty-two thousand dollars for each biennium thereafter, as required by RCW 82.24.020(2);

(b) To the health services account under this section, nine million seventy-seven thousand dollars for the state fiscal year beginning July 1, 2001, seventeen million one hundred eighty-eight thousand dollars for the state fiscal year beginning July 1, 2002, thirty-one million seven hundred fifty-five thousand dollars for the biennium beginning July 1, 2003, twenty-eight million six hundred twenty-two thousand dollars for the biennium beginning July 1, 2005, and twenty-eight million six hundred twenty-two thousand dollars for each biennium thereafter, as required by RCW 82.24.020(3); and

(c) To the water quality account under RCW 70.146.030, two million two hundred three thousand five hundred dollars for the state fiscal year beginning July 1, 2001, four million two hundred forty-four thousand dollars for the state fiscal year beginning July 1, 2002, eight million one hundred eighty-two thousand dollars for the biennium beginning July 1, 2003, seven million eight hundred eighty-five thousand dollars for the biennium beginning July 1, 2005, and seven million eight hundred eighty-five thousand dollars for each biennium thereafter, as required by RCW 82.24.027(2)(a).

**NEW SECTION. Sec. 3.** A new section is added to chapter 82.24 RCW to read as follows:

In addition to the tax imposed upon the sale, use, consumption, handling, possession, or distribution of cigarettes set forth in RCW 82.24.020, there is imposed a tax in an amount equal to the rate of thirty mills per cigarette effective January 1, 2002. All revenues

collected during any month from this additional tax shall be deposited in the health services account created under RCW 43.72.900 by the twenty-fifth day of the following month.

**NEW SECTION. Sec. 4.** A new section is added to chapter 82.26 RCW to read as follows:

In addition to the taxes imposed upon the wholesale sales price of tobacco products set forth in RCW 82.26.020 and 82.26.025, a surtax is imposed equal to ninety-three and three-quarters percent of taxes levied under RCW 82.26.020, effective January 1, 2002. The surtax payable under this subsection shall be deposited in the health services account created under RCW 43.72.900 for the purposes set forth in that section.



## COMPLETE TEXT OF Initiative Measure 775

AN ACT Relating to regulating and improving long-term in-home care services; amending RCW 74.39A.030 and 74.39A.095; adding new sections to chapter 74.39A RCW; adding a new section to chapter 41.56 RCW; adding a new section to chapter 70.127 RCW; adding a new section to chapter 74.09 RCW; and creating a new section.

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

**NEW SECTION. Sec. 1. FINDINGS.** The people of the state of Washington find as follows:

(1) Thousands of Washington seniors and persons with disabilities live independently in their own homes, which they prefer and is less costly than institutional care such as nursing homes.

(2) Many Washington seniors and persons with disabilities currently receive long-term in-home care services from individual providers hired directly by them under the medicaid personal care, community options programs entry system, or chore services program.

(3) Quality long-term in-home care services allow Washington seniors, persons with disabilities, and their families the choice of allowing seniors and persons with disabilities to remain in their homes, rather than forcing them into institutional care such as nursing homes. Long-term in-home care services are also less costly, saving Washington taxpayers significant amounts through lower reimbursement rates.

(4) The quality of long-term in-home care services in Washington would benefit from improved regulation, higher standards, better accountability, and improved access to such services. The quality of long-term in-home care services would further be improved by a well-trained, stable individual provider work force earning reasonable wages and benefits.

(5) Washington seniors and persons with disabilities would benefit from the establishment of an authority that has the power and duty to regulate and improve the quality of long-term in-home care services.

(6) The authority should ensure that the quality of long-term in-home care services provided by individual providers is improved through better regulation, higher standards, increased accountability, and the enhanced ability to obtain services. The authority should also encourage stability in the individual provider work force through collective bargaining and by providing training opportunities.

**NEW SECTION. Sec. 2. AUTHORITY CREATED.** (1) The home care quality authority is established to regulate and improve the quality of long-term in-home care services by recruiting, training, and stabilizing the work force of individual providers.



## COMPLETE TEXT OF Initiative Measure 775 (cont.)

(2) The authority consists of a board of nine members appointed by the governor. Five board members shall be current and/or former consumers of long-term in-home care services provided for functionally disabled persons, at least one of whom shall be a person with a developmental disability; one board member shall be a representative of the developmental disabilities planning council; one board member shall be a representative of the governor's committee on disability issues and employment; one board member shall be a representative of the state council on aging; and one board member shall be a representative of the Washington state association of area agencies on aging. Each board member serves a term of three years. If a vacancy occurs, the governor will make an appointment to become immediately effective for the unexpired term. Each board member is eligible for reappointment and may serve no more than two consecutive terms. In making appointments, the governor will take into consideration any nominations or recommendations made by the groups or agencies represented.

**NEW SECTION. Sec. 3. DEFINITIONS.** The definitions in this section apply throughout RCW 74.39A.030 and 74.39A.095 and sections 1 through 9 and 12 through 14 of this act unless the context clearly requires otherwise.

- (1) "Authority" means the home care quality authority.
- (2) "Board" means the board created under section 2 of this act.
- (3) "Consumer" means a person to whom an individual provider provides any such services.
- (4) "Individual provider" means a person, including a personal aide, who has contracted with the department to provide personal care or respite care services to functionally disabled persons under the medicaid personal care, community options program entry system, chore services program, or respite care program, or to provide respite care or residential services and support to persons with developmental disabilities under chapter 71A.12 RCW, or to provide respite care as defined in RCW 74.13.270.

**NEW SECTION. Sec. 4. AUTHORITY DUTIES.** (1) The authority must carry out the following duties:

(a) Establish qualifications and reasonable standards for accountability for and investigate the background of individual providers and prospective individual providers, except in cases where, after the department has sought approval of any appropriate amendments or waivers under section 14 of this act, federal law or regulation requires that such qualifications and standards for accountability be established by another entity in order to preserve eligibility for federal funding. Qualifications established must include compliance with the minimum requirements for training and satisfactory criminal background checks as provided in RCW 74.39A.050 and confirmation that the individual provider or prospective individual provider is not currently listed on any long-term care abuse and neglect registry used by the department at the time of the investigation;

(b) Undertake recruiting activities to identify and recruit individual providers and prospective individual providers;

(c) Provide training opportunities, either directly or through contract, for individual providers, prospective individual providers, consumers, and prospective consumers;

(d) Provide assistance to consumers and prospective consumers in finding individual providers and prospective individual providers through the establishment of a referral registry of individual providers and prospective individual providers. Before placing an individual provider or prospective individual provider on the refer-

ral registry, the authority shall determine that:

(i) The individual provider or prospective individual provider has met the minimum requirements for training set forth in RCW 74.39A.050;

(ii) The individual provider or prospective individual provider has satisfactorily undergone a criminal background check conducted within the prior twelve months; and

(iii) The individual provider or prospective individual provider is not listed on any long-term care abuse and neglect registry used by the department;

(e) Remove from the referral registry any individual provider or prospective individual provider the authority determines not to meet the qualifications set forth in (d) of this subsection or to have committed misfeasance or malfeasance in the performance of his or her duties as an individual provider. The individual provider or prospective individual provider, or the consumer to which the individual provider is providing services, may request a fair hearing to contest the removal from the referral registry, as provided in chapter 34.05 RCW;

(f) Provide routine, emergency, and respite referrals of individual providers and prospective individual providers to consumers and prospective consumers who are authorized to receive long-term in-home care services through an individual provider;

(g) Give preference in the recruiting, training, referral, and employment of individual providers and prospective individual providers to recipients of public assistance or other low-income persons who would qualify for public assistance in the absence of such employment; and

(h) Cooperate with the department, area agencies on aging, and other federal, state, and local agencies to provide the services described and set forth in this section. If, in the course of carrying out its duties, the authority identifies concerns regarding the services being provided by an individual provider, the authority must notify the relevant area agency or department case manager regarding such concerns.

(2) In determining how best to carry out its duties, the authority must identify existing individual provider recruitment, training, and referral resources made available to consumers by other state and local public, private, and nonprofit agencies. The authority may coordinate with the agencies to provide a local presence for the authority and to provide consumers greater access to individual provider recruitment, training, and referral resources in a cost-effective manner. Using requests for proposals or similar processes, the authority may contract with the agencies to provide recruitment, training, and referral services if the authority determines the agencies can provide the services according to reasonable standards of performance determined by the authority. The authority must provide an opportunity for consumer participation in the determination of the standards.

**NEW SECTION. Sec. 5. DEPARTMENT DUTIES.** The department must perform criminal background checks for individual providers and prospective individual providers and ensure that the authority has ready access to any long-term care abuse and neglect registry used by the department.

**NEW SECTION. Sec. 6. EMPLOYMENT RELATIONSHIP--CONSUMER RIGHTS.** (1) Solely for the purposes of collective bargaining, the authority is the public employer, as defined in chapter 41.56 RCW, of individual providers, who are public employees, as defined in chapter 41.56 RCW, of the authority.

(2) Chapter 41.56 RCW governs the employment relationship between the authority and individual providers, except as otherwise expressly provided in this act and except as follows:

(a) The only unit appropriate for the purpose of collective bargaining under RCW 41.56.060 is a statewide unit of all individual providers;



## COMPLETE TEXT OF Initiative Measure 775 (cont.)

(b) The showing of interest required to request an election under RCW 41.56.060 is ten percent of the unit, and any intervener seeking to appear on the ballot must make the same showing of interest;

(c) The mediation and interest arbitration provisions of RCW 41.56.430 through 41.56.470 and 41.56.480 apply;

(d) Individual providers do not have the right to strike; and

(e) Individual providers who are related to, or family members of, consumers or prospective consumers are not, for that reason, exempt from this act or chapter 41.56 RCW.

(3) Individual providers who are employees of the authority under subsection (1) of this section are not, for that reason, employees of the state for any purpose.

(4) Consumers and prospective consumers retain the right to select, hire, supervise the work of, and terminate any individual provider providing services to them. Consumers may elect to receive long-term in-home care services from individual providers who are not referred to them by the authority.

(5) In implementing and administering this act, neither the authority nor any of its contractors may reduce or increase the hours of service for any consumer below or above the amount determined to be necessary under any assessment prepared by the department or an area agency on aging.

(6)(a) The authority, the area agencies on aging, or their contractors under this act may not be held vicariously liable for the action or inaction of any individual provider or prospective individual provider, whether or not that individual provider or prospective individual provider was included on the authority's referral registry or referred to a consumer or prospective consumer.

(b) The members of the board are immune from any liability resulting from implementation of this act.

(7) Nothing in this section affects the state's responsibility with respect to the state payroll system or unemployment insurance for individual providers.

**NEW SECTION. Sec. 7. POWERS.** In carrying out its duties under this act, the authority may:

(1) Make and execute contracts and all other instruments necessary or convenient for the performance of its duties or exercise of its powers, including contracts with public and private agencies, organizations, corporations, and individuals to pay them for services rendered or furnished;

(2) Offer and provide recruitment, training, and referral services to providers of long-term in-home care services other than individual providers and prospective individual providers, for a fee to be determined by the authority;

(3) Issue rules under the administrative procedure act, chapter 34.05 RCW, as necessary for the purpose and policies of this act;

(4) Establish offices, employ and discharge employees, agents, and contractors as necessary, and prescribe their duties and powers and fix their compensation, incur expenses, and create such liabilities as are reasonable and proper for the administration of this act;

(5) Solicit and accept for use any grant of money, services, or property from the federal government, the state, or any political subdivision or agency thereof, including federal matching funds under Title XIX of the federal social security act, and do all things necessary to cooperate with the federal government, the state, or any political subdivision or agency thereof in making an application for any grant;

(6) Coordinate its activities and cooperate with similar agencies in other states;

(7) Establish technical advisory committees to assist the board;

(8) Keep records and engage in research and the gathering of relevant statistics;

(9) Acquire, hold, or dispose of real or personal property or any interest therein, and construct, lease, or otherwise provide facilities for the activities conducted under this chapter, provided that the authority may not exercise any power of eminent domain;

(10) Sue and be sued in its own name;

(11) Delegate to the appropriate persons the power to execute contracts and other instruments on its behalf and delegate any of its powers and duties if consistent with the purposes of this chapter; and

(12) Do other acts necessary or convenient to execute the powers expressly granted to it.

**NEW SECTION. Sec. 8. PERFORMANCE REVIEW.** (1) The joint legislative audit and review committee will conduct a performance review of the authority every two years and submit the review to the legislature and the governor. The first review will be submitted before December 1, 2006.

(2) The performance review will include an evaluation of the health, welfare, and satisfaction with services provided of the consumers receiving long-term in-home care services from individual providers under this act, including the degree to which all required services have been delivered, the degree to which consumers receiving services from individual providers have ultimately required additional or more intensive services, such as home health care, or have been placed in other residential settings or nursing homes, the promptness of response to consumer complaints, and any other issue the committee deems relevant.

(3) The performance review will provide an explanation of the full cost of individual provider services, including the administrative costs of the authority, unemployment compensation, social security and medicare payroll taxes paid by the department, and area agency on aging home care oversight costs.

(4) The performance review will make recommendations to the legislature and the governor for any amendments to this act that will further ensure the well-being of consumers and prospective consumers under this act, and the most efficient means of delivering required services. In addition, the first performance review will include findings and recommendations regarding the appropriateness of the authority's assumption of responsibility for verification of hours worked by individual providers, payment of individual providers, and other duties.

**NEW SECTION. Sec. 9. FUNDING.** (1) The governor must submit a request for funds necessary to administer this act and to implement any collective bargaining agreement entered into under section 6 of this act or for legislation necessary to implement any such agreement within ten days of the date on which the agreement is ratified or, if the legislature is not in session, within ten days after the next legislative session convenes. The legislature must approve or reject the submission of the request for funds as a whole. If the legislature rejects or fails to act on the submission, any such agreement will be reopened solely for the purpose of renegotiating the funds necessary to implement the agreement.

(2) When any increase in individual provider wages or benefits is negotiated or agreed to by the authority, no increase in wages or benefits negotiated or agreed to under this act will take effect unless and until, before its implementation, the department has determined that the increase is consistent with federal law and federal financial participation in the provision of services under Title XIX of the federal social security act.

(3) After the expiration date of any collective bargaining agree-



## COMPLETE TEXT OF Initiative Measure 775 (cont.)

ment entered into under section 6 of this act, all of the terms and conditions specified in any such agreement remain in effect until the effective date of a subsequent agreement, not to exceed one year from the expiration date stated in the agreement.

**Sec. 10.** RCW 74.39A.030 and 1995 1st sp.s. c 18 s 2 are each amended to read as follows:

(1) To the extent of available funding, the department shall expand cost-effective options for home and community services for consumers for whom the state participates in the cost of their care.

(2) In expanding home and community services, the department shall: (a) Take full advantage of federal funding available under Title XVIII and Title XIX of the federal social security act, including home health, adult day care, waiver options, and state plan services; and (b) be authorized to use funds available under its community options program entry system waiver granted under section 1915(c) of the federal social security act to expand the availability of in-home, adult residential care, adult family homes, enhanced adult residential care, and assisted living services. By June 30, 1997, the department shall undertake to reduce the nursing home medicaid census by at least one thousand six hundred by assisting individuals who would otherwise require nursing facility services to obtain services of their choice, including assisted living services, enhanced adult residential care, and other home and community services. If a resident, or his or her legal representative, objects to a discharge decision initiated by the department, the resident shall not be discharged if the resident has been assessed and determined to require nursing facility services. In contracting with nursing homes and boarding homes for enhanced adult residential care placements, the department shall not require, by contract or through other means, structural modifications to existing building construction.

(3)(a) The department shall by rule establish payment rates for home and community services that support the provision of cost-effective care. In the event of any conflict between any such rule and a collective bargaining agreement entered into under sections 6 and 9 of this act, the collective bargaining agreement prevails.

(b) The department may authorize an enhanced adult residential care rate for nursing homes that temporarily or permanently convert their bed use for the purpose of providing enhanced adult residential care under chapter 70.38 RCW, when the department determines that payment of an enhanced rate is cost-effective and necessary to foster expansion of contracted enhanced adult residential care services. As an incentive for nursing homes to permanently convert a portion of its nursing home bed capacity for the purpose of providing enhanced adult residential care, the department may authorize a supplemental add-on to the enhanced adult residential care rate.

(c) The department may authorize a supplemental assisted living services rate for up to four years for facilities that convert from nursing home use and do not retain rights to the converted nursing home beds under chapter 70.38 RCW, if the department determines that payment of a supplemental rate is cost-effective and necessary to foster expansion of contracted assisted living services.

**Sec. 11.** RCW 74.39A.095 and 2000 c 87 s 5 are each amended to read as follows:

(1) In carrying out case management responsibilities established

under RCW 74.39A.090 for consumers who are receiving services under the medicaid personal care, community options programs entry system or chore services program through an individual provider, each area agency on aging shall provide ((adequate)) oversight of the care being provided to consumers receiving services under this section((Such oversight shall)) to the extent of available funding. Case management responsibilities incorporate this oversight, and include, but ((is)) are not limited to:

(a) Verification that ((the)) any individual provider who has not been referred to a consumer by the authority established under this act has met any training requirements established by the department;

(b) Verification of a sample of worker time sheets;

(c) ((Home visits or telephone contacts sufficient to ensure that the plan of care is being appropriately implemented)) Monitoring the consumer's plan of care to ensure that it adequately meets the needs of the consumer, through activities such as home visits, telephone contacts, and responses to information received by the area agency on aging indicating that a consumer may be experiencing problems relating to his or her home care;

(d) Reassessment and reauthorization of services;

(e) Monitoring of individual provider performance. If, in the course of its case management activities, the area agency on aging identifies concerns regarding the care being provided by an individual provider who was referred by the authority, the area agency on aging must notify the authority regarding its concerns; and

(f) Conducting criminal background checks or verifying that criminal background checks have been conducted for any individual provider who has not been referred to a consumer by the authority.

(2) The area agency on aging case manager shall work with each consumer to develop a plan of care under this section that identifies and ensures coordination of health and long-term care services that meet the consumer's needs. In developing the plan, they shall utilize, and modify as needed, any comprehensive community service plan developed by the department as provided in RCW 74.39A.040. The plan of care shall include, at a minimum:

(a) The name and telephone number of the consumer's area agency on aging case manager, and a statement as to how the case manager can be contacted about any concerns related to the consumer's well-being or the adequacy of care provided;

(b) The name and telephone numbers of the consumer's primary health care provider, and other health or long-term care providers with whom the consumer has frequent contacts;

(c) A clear description of the roles and responsibilities of the area agency on aging case manager and the consumer receiving services under this section;

(d) The duties and tasks to be performed by the area agency on aging case manager and the consumer receiving services under this section;

(e) The type of in-home services authorized, and the number of hours of services to be provided;

(f) The terms of compensation of the individual provider;

(g) A statement that the individual provider has the ability and willingness to carry out his or her responsibilities relative to the plan of care; and

(h)(i) Except as provided in (h)(ii) of this subsection, a clear statement indicating that a consumer receiving services under this section has the right to waive any of the case management services offered by the area agency on aging under this section, and a clear indication of whether the consumer has, in fact, waived any of these services.

(ii) The consumer's right to waive case management services does not include the right to waive reassessment or reauthorization of services, or verification that services are being provided in



## COMPLETE TEXT OF Initiative Measure 775 (cont.)

accordance with the plan of care.

(3) Each area agency on aging shall retain a record of each waiver of services included in a plan of care under this section.

(4) Each consumer has the right to direct and participate in the development of their plan of care to the maximum practicable extent of their abilities and desires, and to be provided with the time and support necessary to facilitate that participation.

(5) A copy of the plan of care must be distributed to the consumer's primary care provider, individual provider, and other relevant providers with whom the consumer has frequent contact, as authorized by the consumer.

(6) The consumer's plan of care shall be an attachment to the contract between the department, or their designee, and the individual provider.

(7) If the department or area agency on aging case manager finds that an individual provider's inadequate performance or inability to deliver quality care is jeopardizing the health, safety, or well-being of a consumer receiving service under this section, the department or the area agency on aging may take action to terminate the contract between the department and the individual provider. If the department or the area agency on aging has a reasonable, good faith belief that the health, safety, or well-being of a consumer is in imminent jeopardy, the department or area agency on aging may summarily suspend the contract pending a fair hearing. The consumer may request a fair hearing to contest the planned action of the case manager, as provided in chapter 34.05 RCW. When the department or area agency on aging terminates or summarily suspends a contract under this subsection, it must provide oral and written notice of the action taken to the authority. The department may by rule adopt guidelines for implementing this subsection.

(8) The department or area agency on aging may reject a request by a consumer receiving services under this section to have a family member or other person serve as his or her individual provider if the case manager has a reasonable, good faith belief that the family member or other person will be unable to appropriately meet the care needs of the consumer. The consumer may request a fair hearing to contest the decision of the case manager, as provided in chapter 34.05 RCW. The department may by rule adopt guidelines for implementing this subsection.

**NEW SECTION. Sec. 12.** In addition to the entities listed in RCW 41.56.020, this chapter applies to individual providers under sections 6 and 9 of this act.

**NEW SECTION. Sec. 13.** The authority established by this act is not subject to regulation for purposes of this chapter.

**NEW SECTION. Sec. 14.** The department must seek approval from the federal health care financing administration of any amendments to the existing state plan or waivers necessary to ensure federal financial participation in the provision of services to consumers under Title XIX of the federal social security act.

**NEW SECTION. Sec. 15. CODIFICATION.** Sections 1 through 9 of this act are each added to chapter 74.39A RCW. Section 12 of this act is added to chapter 41.56 RCW. Section 13 of this act is added to chapter 70.127 RCW. Section 14 of this act is added to chapter 74.09 RCW.

**NEW SECTION. Sec. 16. CAPTIONS.** Captions used in this act are not any part of the law.

**NEW SECTION. Sec. 17. 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.



## COMPLETE TEXT OF Engrossed Senate Joint Resolution 8208

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 the secretary of state shall submit to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article IV, section 7 of the Constitution of the state of Washington to read as follows:

Article IV, section 7. The judge of any superior court may hold a superior court in any county at the request of the judge of the superior court thereof, and upon the request of the governor it shall be his or her duty to do so. A case in the superior court may be tried by a judge((;)) pro tempore((,-who must be)) either with the agreement of the parties if the judge pro tempore is a member of the bar, is agreed upon in writing by the parties litigant((,)) or their attorneys of record, and is approved by the court and sworn to try the case; or without the agreement of the parties if the judge pro tempore is a sitting elected judge and is acting as a judge pro tempore pursuant to supreme court rule. The supreme court rule must require assignments of judges pro tempore based on the judges' experience and must provide for the right, exercisable once during a case, to a change of judge pro tempore. Such right shall be in addition to any other right provided by law. However, if a previously elected judge of the superior court retires leaving a pending case in which the judge has made discretionary rulings, the judge is entitled to hear the pending case as a judge pro tempore without any written agreement.

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



## COMPLETE TEXT OF House Joint Resolution 4202

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 the secretary of state shall submit to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article XXIX, section 1 of the Constitution of the state of Washington to read as follows:

Article XXIX, section 1. Notwithstanding the provisions of sections 5, and 7 of Article VIII and section 9 of Article XII or any other section or article of the Constitution of the state of Washington, the moneys of any public pension or retirement fund, industrial insurance trust fund, ((or)) fund held in trust for the benefit of persons with developmental disabilities, or any other fund or account placed by law under the investment authority of the state investment board may be invested as authorized by law.

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

# VOTING IN THE STATE OF WASHINGTON

## Voter Qualifications

To register to vote, you must be:

- A citizen of the United States
- A legal resident of Washington state
- At least 18 years old by election day
- Not currently denied civil rights as a result of being convicted of a felony.

In Washington, you do not have to declare political party membership when you register to vote.

## Registration Deadlines

While you may register to vote at any time, keep in mind that there are registration deadlines prior to each election. You must be registered at least **30 days** before an election if you register by mail or through the Motor Voter program. You may register **in person**, at the office of your county auditor or elections department, up to 15 days before an election. However, you must vote by absentee ballot for that particular election. The phone number and address of your county auditor or elections department is located in this pamphlet.

## How to Register

Complete a voter registration form and put it in the mail. Forms are available from your county auditor or elections department, public libraries, schools, other government offices or the Internet. You may also request a form through the State Voter Hotline. (*See Services and Additional Assistance on this page.*)

## Keep Your Voter Registration Up-to-date

If your voter registration record does not contain your *current* name or address, you may not be able to vote. You can use the mail-in voter registration form to let your county auditor or elections department know when you move or change your name.

## Absentee Ballots

Absentee ballot requests must be made to your county auditor or elections department (not the Secretary of State). No absentee ballots are issued on election day except to a registered voter who is a resident of a health care facility. A ballot may be requested in person, by phone, mail, electroni-

cally or by a member of your immediate family as early as 90 days before an election. You may also apply **in writing** to automatically receive an absentee ballot before each election. You can find an absentee ballot request form on the back page of this pamphlet. **If you have already requested an absentee ballot or have a permanent request for a ballot on file, please do not submit another application.**

You will receive your absentee or mail-in ballot approximately 14 days prior to the election. Upon receipt, vote your ballot. Do not attempt to vote at your polling location. Absentee and mail-in ballots must be signed and postmarked or delivered to your county auditor or elections department **on or before** election day. In order to assist processing, return your voted ballot early.

## Election Dates and Poll Hours

The general election is November 6, 2001. Polling place hours for all primaries and elections are 7:00 a.m. to 8:00 p.m.

## Services and Additional Assistance

Contact your county auditor or elections department for help with voting your ballot or finding your polling location. The phone number and address of your county auditor or elections department is located in this pamphlet.

Services of the Office of the Secretary of State are:

### By Phone

Voter information hotline 1.800.448.4881 (TDD for the hearing or speech impaired only, 1.800.422.8683).

- If you have not received a Voters Pamphlet
- To request a Voters Pamphlet in the following versions: Braille, Audio, large print, Spanish and Chinese
- Lists of initiatives and referendums
- Help with finding your elected officials
- Voter registration, voting, and absentee ballot information.

### Via the Internet

- The Secretary of State's home page is at <http://www.secstate.wa.gov>
- The Secretary of State's online voters guide is at <http://www.vote.wa.gov>

## Request for Mail-in Voter Registration Form

(Please print)

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City: \_\_\_\_\_ ZIP Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ Number of forms requested: \_\_\_\_\_

MAIL TO: Office of the Secretary of State, Voter Registration, PO Box 40230, Olympia, WA 98504-0230

# COUNTY AUDITOR AND ELECTIONS DEPARTMENT CONTACT INFORMATION

These numbers require special telephone equipment to operate.

## TDD SERVICE ONLY

for the speech or hearing impaired.

COUNTY AUDITOR ELECTIONS DEPARTMENT	MAILING ADDRESS	CITY	ZIP	TELEPHONE NUMBER	
ADAMS	210 W BROADWAY	RITZVILLE	99169	509.659.3249	509.659.1122
ASOTIN	P O BOX 129	ASOTIN	99402	509.243.2084	1.800.855.1155
BENTON	P O BOX 470	PROSSER	99350	509.736.3085	1.800.855.1155
CHELAN	P O BOX 400	WENATCHEE	98807	509.667.6808	1.800.833.6388
CLALLAM	P O BOX 3030	PORT ANGELES	98362-0338	360.417.2221	1.800.833.6388
CLARK	P O BOX 8815	VANCOUVER	98666-8815	360.397.2345	360.397.6032
COLUMBIA	341 E MAIN ST	DAYTON	99328-1361	509.382.4541	1.800.833.6388
COWLITZ	207 4TH AVE N	KELSO	98626-4130	360.577.3005	360.577.3061
DOUGLAS	P O BOX 456	WATERVILLE	98858	509.884.9477	509.884.9477
FERRY	350 E DELAWARE AVE #2	REPUBLIC	99166	509.775.5208	1.800.833.6388
FRANKLIN	P O BOX 1451	PASCO	99301	509.545.3538	1.800.833.6388
GARFIELD	P O BOX 278	POMEROY	99347	509.843.1411	1.800.833.6388
GRANT	P O BOX 37	EPHRATA	98823	509.754.2011 EXT 343	1.800.833.6388
GRAYS HARBOR	100 W BROADWAY STE 2	MONTESANO	98563	360.249.4232	360.249.6575
ISLAND	P O BOX 5000	COUPEVILLE	98239	360.679.7366	360.679.7305
JEFFERSON	P O BOX 563	PORT TOWNSEND	98368	360.385.9119	1.800.833.6388
KING	500 4TH AVE RM 553	SEATTLE	98104	206.296.8683	206.296.0109
KITSAP	1026 SIDNEY AVE STE 175	PORT ORCHARD	98366	360.337.7128	1.800.833.6388
KITTITAS	205 W 5TH	ELLENSBURG	98926	509.962.7503	1.800.833.6388
KLICKITAT	205 S COLUMBUS MSCH 2	GOLDFENDEALE	98620	509.773.4001	1.800.833.6388
LEWIS	P O BOX 29	CHEHALIS	98532-0029	360.740.1278	360.740.1480
LINCOLN	P O BOX 28	DAVENPORT	99122	509.725.4971	1.800.833.6388
MASON	P O BOX 400	SHELTON	98584	360.427.9670 EXT 469	1.800.833.6388
OKANOGAN	P O BOX 1010	OKANOGAN	98840	509.422.7240	1.800.833.6388
PACIFIC	P O BOX 97	SOUTH BEND	98586	360.875.9317	360.875.9400
PEND OREILLE	P O BOX 5015	NEWPORT	99156	509.447.3185	509.447.3186
PIERCE	2401 S 35TH ST RM 200	TACOMA	98409	253.798.7430 1.800.446.4979	1.800.833.6388
SAN JUAN	P O BOX 638	FRIDAY HARBOR	98250	360.378.3357	360.378.4151
SKAGIT	P O BOX 1306	MT VERNON	98273	360.336.9305	360.336.9332
SKAMANIA	P O BOX 790	STEVENS	98648	509.427.9420	1.800.833.6388
SNOHOMISH	3000 ROCKEFELLER AVE	EVERETT	98201	425.388.3444 MS 505	425.388.3700
SPOKANE	1116 W BROADWAY	SPOKANE	99260-0020	509.477.2320	509.477.2333
STEVENS	215 S OAK ST	COLVILLE	99114	509.684.7514	1.800.833.6384
THURSTON	2000 LAKERIDGE DR SW	OLYMPIA	98502	360.786.5408	360.754.2933
WAHKIAKUM	P O BOX 543	CATHLAMET	98612	360.795.3219	1.800.833.6388
WALLA WALLA	P O BOX 1856	WALLA WALLA	99362	509.527.3204	1.800.833.6388
WHATCOM	311 GRAND AVE STE 103	BELLINGHAM	98225	360.676.6742	360.738.4555
WHITMAN	P O BOX 350	COLFAX	99111	509.397.6270	1.800.833.6388
YAKIMA	128 N 2ND ST RM 117	YAKIMA	98901	509.574.1340	1.800.833.6388

➤ Attention speech or hearing impaired Telecommunications Device for the Deaf users: If you are using an "800 number" from the list above for TDD service, you must be prepared to give the relay service operator the telephone number for your county auditor or elections department.



Printed on recycled paper.  
Please recycle this Voters Pamphlet!

## ABSENTEE BALLOT APPLICATION

If you have requested an absentee ballot or have a permanent request for an absentee ballot on file, please do not submit another application.

**To be filled out by applicant. Please print in ink.**

Registered Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ ZIP Code: \_\_\_\_\_

Telephone: (Day) \_\_\_\_\_ (Eve.) \_\_\_\_\_

For identification purposes only (optional): Voter registration number if known: \_\_\_\_\_

Birth Date: \_\_\_\_\_ Have you recently registered to vote? Yes  No

**I hereby declare that I am a registered voter.**

Date \_\_\_\_\_

Signature  \_\_\_\_\_

To be valid, your signature must be included.

**Send my ballot to the following address (if different from above):**

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_

Zip Code: \_\_\_\_\_ Country: \_\_\_\_\_

 Mail this  
absentee ballot  
request form to your  
county auditor or elections  
department.  
See previous page for  
your county's mailing  
address.

This application is for:

**General Election only**

November 6, 2001

**Permanent Request**

All future elections

**For office use only**

Precinct Code \_\_\_\_\_

Levy Code \_\_\_\_\_

Ballot Code \_\_\_\_\_

Ballot Mailed \_\_\_\_\_

## ABSENTEE BALLOT APPLICATION

If you have requested an absentee ballot or have a permanent request for an absentee ballot on file, please do not submit another application.

**To be filled out by applicant. Please print in ink.**

Registered Name: \_\_\_\_\_

Street Address: \_\_\_\_\_

City: \_\_\_\_\_ ZIP Code: \_\_\_\_\_

Telephone: (Day) \_\_\_\_\_ (Eve.) \_\_\_\_\_

For identification purposes only (optional): Voter registration number if known: \_\_\_\_\_

Birth Date: \_\_\_\_\_ Have you recently registered to vote? Yes  No

**I hereby declare that I am a registered voter.**

Date \_\_\_\_\_

Signature  \_\_\_\_\_

To be valid, your signature must be included.

 Mail this  
absentee ballot  
request form to your  
county auditor or elections  
department.  
See previous page for  
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**General Election only**

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Precinct Code \_\_\_\_\_

Levy Code \_\_\_\_\_

Ballot Code \_\_\_\_\_

Ballot Mailed \_\_\_\_\_