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SECTION
Journals

STATE OF WASHINGTON

A PAMPHLET

CONTAINING

Constitutional Amendments
Referendum Measure No. 18
Initiative Measure No. 77
Initiative Measure No. 94

To be Submitted to the Legal Voters
of the State of Washington for Their
Approval or Rejection at the GEN-
ERAL ELECTION to be held on

Tuesday, November 6, 1934



Compiled and Issued by Direction of
THE SECRETARY OF STATE
Ernest N. Hutchinson

Ballot Titles Prepared by
G. W. HAMILTON, Attorney General

[Chapter 30, Laws of 1917]



CONTENTS

	<i>Page</i>
Argument on Initiative No. 94.....	10
Argument on Referendum No. 18.....	12
Constitutional Amendments.....	13, 14
Initiative Ninety-four.....	8
Initiative Seventy-seven.....	5
Referendum Eighteen.....	11

INDEX TO SUBJECTS

AMENDMENTS to the Constitution.....	13, 14
ARGUMENT on Initiative Ninety-four.....	10
ARGUMENT on Referendum Eighteen.....	12
CONSTITUTION, Amendments to.....	13, 14
FISH, Taking and catching of.....	5
FORTY MILL TAX LIMIT.....	8
MUNICIPAL CORPORATIONS, May purchase electrical power, etc.....	11
POWER, Right of cities to own, etc.....	11
TAXATION, Forty mill limit.....	8

Initiative Measure No. 77

BALLOT TITLE

AN ACT relating to fishing; prohibiting the use of fish traps or other fixed appliances for catching salmon and certain other fish within the waters of the State of Washington; prohibiting the taking or fishing for salmon and certain other fish within a certain area therein defined and created by any means except by trolling, regulating trolling in such area, and permitting the operation of gill nets therein under certain conditions; providing for open and closed seasons, prohibiting drag seines and limiting the length of gill nets in the Columbia River; prescribing penalties; and repealing all laws in conflict therewith.

AN ACT relating to the taking and catching of fish; prescribing a district within the State of Washington in the waters of which it is made unlawful to take, catch, or fish for any salmon, by any means except by the use of hook and line, setting forth the boundaries of said district, and for licensing the operation, and for the operation of gill nets by certain persons, firms and corporations holding licenses for the use of such gill nets in 1932 or 1933; providing for commercial fishing at certain times and under certain conditions; limiting the length of gill net and prohibiting drag seines in the Columbia River; prohibiting the construction, installation, use, operation or maintenance of any pound net, fish trap, fish wheel, scow fish wheel, set net, or any fixed appliance for the purpose of catching salmon, salmon trout, trout, or steel head; and to repeal all acts or parts of acts in conflict therewith; and prescribing penalties for the violation thereof.

Be it enacted by the People of the State of Washington:

SECTION 1. It shall be unlawful to fish for, catch, or take any species of salmon or salmon trout, trout, or steel head, except as hereinafter provided, with any appliance, or by any means whatever, except with hook and line, commonly called angling or trolling, except as hereinafter provided, within the waters of the straits of Juan de Fuca, Puget Sound and waters con-

nected therewith within the State of Washington described as lying to the Southerly, Easterly and Southeasterly of a line described as follows:

Commencing at a concrete monument on Angeles Point in Clallam County, State of Washington, near the mouth of the Elwha River, on which is inscribed "Angeles Point Monument" in latitude $48^{\circ} 9' 3''$ North, longitude $123^{\circ} 23' 61''$ West of Greenwich Meridian; thence running East on a line $81^{\circ} 30'$ true from said point across the Flashlight and bell buoy off Partridge Point and thence continued to where said line intersects longitude $122^{\circ} 40'$ West; thence North on said line to where said line intersects the southerly shore of Sinclair Island at high tide; thence along the southerly shore of said island to the most easterly point thereof; thence north 46° East true to the line of high tide at Carter Point, the most southerly point on Lummi Island; thence northwesterly along the westerly shore line at high tide of said Lummi Island to where said shore line at high tide intersects line of longitude $122^{\circ} 40'$ West; thence North on said line to where said line intersects the mainland at the line of high tide; including within said area the southerly portion of Hale Passage, Bellingham Bay, Padilla Bay, Fidalgo Bay, Guemes Channel, Skagit Bay, Sismilk Bay, Saratoga Passage, Holmes Harbor, Possession Sound, Admiralty Inlet, Hoods Canal, Puget Sound, and all inlets, passages, waters, waterways, and the tributaries thereof. (The above area is delineated on U. S. Coast and Geodetic Charts Numbers 6300, 6382,

Initiative Measure No. 77

6380, 6450 and 6460, all being of the same scale.)

SEC. 2. No area heretofore or hereafter set apart or established as a salmon preserve, by authority of the State of Washington or of any of its departments or agencies, shall, by any of the provisions of this Act, be opened to commercial fishing.

SEC. 3. Commercial trolling for salmon shall be permitted in the area described in Section 1 hereof during such seasons and under such regulations as may be prescribed from time to time by the Department of Fisheries of the State of Washington: *Provided*, That it shall be unlawful to troll for salmon in said waters with more than six hooks to any one boat.

SEC. 4. Any person, firm or corporation, who shall have held in either the years 1932 or 1933 a license from the Director of Licenses of the State of Washington, for the operation within the waters of Puget Sound of any gill net, may be licensed for the operation of, and may operate, a gill net, for the purpose of catching salmon only, according to the fishing regulations of the Fisheries Department of the State of Washington for gill nets for the year 1933, within the waters described in the first section of this Act for each succeeding year after the taking effect of this Act, by making application therefor to said Director of Licenses, and paying to the Treasurer of the State of Washington the sum of seven and 50/100 dollars (\$7.50) for each year for which such license is issued; and no other person, firm, or corporation, shall be licensed hereafter to operate, or hereafter shall operate, a gill net in the waters so described in said first section. Said license shall be personal; and neither said right, nor any license issued pursuant thereto, shall be transferable, either voluntarily or involuntarily, or by operation of law. If said licensee shall fail during any year to apply for such license, his right to be licensed thereafter shall terminate: *Provided*, That if for any reason any of the foregoing provisions of this section shall be held to be unconstitutional, no license shall be issued to any person, firm, or corporation, for the operation of a gill net within any of the waters described in said first section, except as may be per-

mitted by the Fisheries Department of the State of Washington under existing law.

SEC. 5. Commercial fishing for salmon shall be permitted in the area described in section 1 hereof, except as provided in section 2 of this Act, from the 5th day of October in each year to and including the 20th day of November of the same year, except during the period beginning at four o'clock p. m. on Friday of each week and ending at four o'clock a. m. on the Sunday following, during which period of each week no such commercial fishing shall be permitted: *Provided*, No fisherman shall employ any appliance or device, referred to in section 8 hereof, for the catching of fish, nor any gill net except as in section 4 hereof provided.

SEC. 6. It shall be unlawful to construct, install, use, operate, or maintain any gill net in the waters of the Columbia River in this state which shall exceed 250 fathoms in length.

SEC. 7. It shall be unlawful to construct, install, use, operate, or maintain any drag seine in the waters of the Columbia River in the State of Washington.

SEC. 8. It shall be unlawful to construct, install, use, operate, or maintain, within any of the waters of the State of Washington, any pound net, fish trap, fish wheel, scow fish wheel, set net, weir, or any fixed appliance for the purpose of catching salmon, salmon trout, or steel head, or to take salmon, salmon trout, or steel head by any such means.

SEC. 9. The provisions of this Act do not apply to fishing by Indians under Federal regulation, or the use of any device or means by the State or National Government in catching fish for propagation or scientific purposes.

SEC. 10. Any person who shall violate any of the provisions of this Act, or who shall aid, abet, or assist in the violation thereof, shall be guilty of a gross misdemeanor, and upon a conviction thereof shall be punished by imprisonment in the county jail of the county in which said offense is committed for not less than thirty (30) days or more than one (1) year, or by fine of not less than one hundred dollars (\$100.00) or more than one thousand dollars (\$1,000.00), or by both such fine and imprisonment. Any and

all gear and appliances used in violation of the provisions of this Act, including boats, traps, nets, weirs, fish wheels, truck or trucks, automobile or automobiles, vehicle or motor vehicles, or other vehicle or vehicles of any kind whatsoever, or other appliances used or employed in connection with the violation of this Act shall be condemned and sold, and the proceeds of such sale or sales, together with all money arising from fines for the violation of this Act, shall be paid to the State Treasurer of the State of Wash-

ington for the benefit of the Fisheries Department of the State of Washington.

SEC. 11. If any section or provision of this Act shall be held unconstitutional, or for any other reason invalid, the invalidity of such provision shall not affect the validity of this Act as a whole or of any section, provision or part thereof not adjudged to be invalid or unconstitutional.

SEC. 12. All acts, and parts of acts, in conflict with this Act, are hereby repealed,

Initiative Measure No. 94

BALLOT TITLE

AN ACT relating to taxation: limiting the aggregate annual rate of levy on real and personal property for state, county, city or town, school district and road district purposes to forty mills; limiting the levy by the state to two mills to be used exclusively for the support of the University of Washington, Washington State College and the Normal Schools; limiting the levy by counties, cities and towns, school districts and road districts to certain designated maximums; excepting port districts from the operation of the act; and providing that additional levies may be made as therein provided.

AN ACT relating to the taxation of real and personal property and limiting the aggregate annual rate of levy thereon for state, county, municipal, school district and road district purposes to forty mills.

Be it enacted by the People of the State of Washington:

SECTION 1. Except as hereinafter provided, the aggregate of all tax levies upon real and personal property by the state, county, school district, road district, and city or town shall not in any year exceed forty mills on the dollar of assessed valuation, which assessed valuation shall be fifty per cent of the true and fair value of any such property in money; and the levy by the state shall not exceed two mills to be exclusively for the support of the University of Washington, Washington State College and the Normal Schools of the state; the levy by any county shall not exceed ten mills including the levy for the county school fund, the levy by or for any school district shall not exceed ten mills, the levy for any road district shall not exceed three mills, and the levy by any city or town shall not exceed fifteen mills; Provided, that nothing herein shall limit port district levies otherwise than as provided by existing law, nor limit the power of any county to levy taxes at the rate provided by law for any taxing district other than a school district or road district, where such taxing district includes less than the whole county; Provided, further, that the limitations imposed by this

section shall not prevent the levy of additional taxes, not in excess of five mills per annum and without anticipation of delinquencies in payment of taxes, in an amount equal to the interest and principal payable in the next succeeding year on general obligation bonds, outstanding at the time of the taking effect of this act, issued by or through the agency of the state, or any county, city, town, or school district, nor the levy of additional taxes to pay interest on or toward the reduction, at the rate provided by statute, of the principal of county, city, town, or school district warrants outstanding on December 8, 1932; but the millage limitation of this proviso with respect to general obligation bonds shall not apply to any taxing district in which a larger levy is necessary in order to prevent the impairment of the obligation of contracts; Provided, further, that any county, school district, road district, city or town shall have the power to levy taxes at a rate in excess of the rate specified in this act, when authorized so to do by the electors of such county, school district, road district, city or town by a three-fifths majority of those voting on the proposition at a special election, to be held in the year in which the levy is made, and not oftener than once in such year, in the manner provided by law for holding general elections, at such time as may be fixed by the body authorized to call the same, which special election may be called by the board of county commissioners, board of

Initiative Measure No. 94

school directors, or council or other governing body of any city or town or road district, by giving notice thereof for two successive weeks by publication and posting in the manner provided by law for giving notices of general elections, at which special election the proposition of authorizing such excess levy shall be submitted in such form as to enable

the voters favoring the proposition to vote "YES," and those opposed thereto to vote "NO," provided that the total number of persons voting at such special election shall constitute a majority of the voters in said taxing district who voted for the office of governor at the next preceding gubernatorial election.

ARGUMENT FOR INITIATIVE MEASURE NO. 94

"THE 40 MILL TAX LIMIT LAW"

If you are a tax payer, read this

Excessive Taxation

Confiscates homes, farms and business properties;

Keeps out industries which provide jobs;

"Kills the goose that lays the golden egg";

\$48,000,000.00 of taxes are delinquent in this state;

Over 75,000 properties have been sold for taxes of 1925 and prior and no sale has been attempted for later years.

Last year Mr. A. S. Goss, then Master of the State Grange, in his annual address said: "There is no uncertainty as to the seriousness of the situation when taxes are delinquent upon 75 % of the property of a whole county and 90 % of the farm land."

The Present 40 Mill Tax Limit Law

Saved from 4 % to 20 % on the 1933 taxes. Forced reductions in the cost of government without curtailing service; courts function, offices are open and no schools have closed. Mr. Goss declared, "The Forty Mill Bill was a mandate to reduce expenses."

It demonstrated the effectiveness of tax rate limitations. Real property, visible and immovable, needs protection. Other states have tax limits. Ohio's is 10 mills and Michigan 15 mills on a 100 % valuation.

Why a New Law?

Initiative No. 94 prevents the present 40 mill law being repealed or tampered with by the next legislature and cures its defects and omissions.

94 will not interfere with working out a complete state tax code.

94 means additional saving of 3 % to 10 %.

94 reduces the state levy from 5 mills to 2 mills all going to the University, the State College and the three Normals; this is more than their present millage—look at your 1933 tax receipt. They should also

receive a share of revenue from other sources. That door should not be closed to them.

94 limits road district taxes to 3 mills.

94 leaves other limits as in present law.

94 does not repudiate outstanding obligations.

94,177 persons signed petition for Initiative 94.

Government and Schools

We can only have such government and schools as we can pay for. Ambitious plans of the past, public as well as private, must be deferred. Common schools receive the entire net revenue raised by state occupational tax—over \$6,000,000 this year.

94 permits a levy additional to 10 mills for school districts when authorized by a three-fifths vote of a majority of the voters in the district. All may vote, whether taxpayers or not; the election may be held at any time designated by the school directors, on the same day as a general election, if desired, therefore the provision is absolutely fair and reasonable. Ohio levies only 10 mills for all schools, roads, courts, police, firemen and all local purposes.

Other forms of taxation come and go, but the property tax will be with us for years to come; let's keep it within reason.

Farmers, home owners and others working together the past eight years are at last getting results.

Keep the good work up.

Look for Initiative No. 94 on the Ballot and Vote for It.

W. H. MILLER, Tacoma;

L. S. BOOTH, Seattle;

LLOYD GANDY, Spokane;

PROPERTY OWNERS DIVISION OF WASHINGTON
REAL ESTATE BOARDS,

By J. W. WHEELER.

Referendum Measure No. 18

BALLOT TITLE

"AN ACT authorizing cities and towns to use, sell and dispose of electric energy inside and outside their corporate limits to acquire, construct, own, control, operate and maintain lands, easements, franchises, distribution systems, sub-stations, inter-tie or transmission lines or other connections to enable it to use, purchase, sell and dispose of electric energy, inside or outside its corporate limits, with right to condemn certain classes of private power systems or parts thereof, franchises or other private property, and reserving to such cities and towns all powers under existing laws."

SENATE BILL NO. 129.

AN ACT relating to municipal corporations; granting to cities and towns certain powers; authorizing cities and towns to use, purchase, sell and dispose of electric energy inside or outside their corporate limits; to acquire, construct, maintain and operate inter-tie lines, transmission lines and distribution systems; and to exercise the right of eminent domain in aid of the acquisition, construction, repair, operation, extension or betterment of any plant or system for transmitting or distributing electricity.

Be it enacted by the Legislature of the State of Washington:

Section 1. Any city or town within the state now or hereafter owning its own electric power and/or light plant, shall have the right to sell and dispose of electric energy to any other city or town, public utility district, governmental agency or municipal corporation, mutual association, or to any person, firm or corporation, inside or outside its corporate limits, and to purchase electric energy therefrom.

Sec. 2. Any such city or town is hereby authorized to acquire, construct, purchase, condemn and purchase, own, operate, control, add to and maintain lands, easements, rights-of-way, franchises, distribution systems, sub-stations, inter-tie or transmission lines, to enable it to use, purchase, sell and dispose of electric energy inside or outside its corporate limits, or to connect its electric plant with any other electric plant or system, or to connect

parts of its own electric system.

Sec. 3. Any such city or town is hereby authorized to exercise the power of eminent domain hereby granted, under the same provisions and procedure as is or shall be provided by law for the condemnation of private property for any of the corporate uses or purposes of such city or town: *Provided, however,* That no city or town shall acquire, by purchase or condemnation, any publicly or privately owned electric power and/or light plant or electric system located in any other city or town, except with the approval of a majority of the qualified electors of the city or town in which the property to be acquired is situated; nor shall any city or town acquire by condemnation the electric power and/or light plant or electric system, or any part thereof, belonging to or owned or operated by any municipal corporation, mutual, non-profit, or cooperative association or organization, or by a public utility district.

Sec. 4. If any part of this act shall be adjudged to be invalid or unconstitutional, such adjudication of invalidity or unconstitutionality shall not affect the validity or constitutionality of the act as a whole, or any part thereof not adjudged invalid or unconstitutional. The provisions of this act shall be cumulative, and nothing herein contained shall abridge or limit the powers of cities or towns under existing laws.

Passed the Senate February 14, 1933.

Passed the House February 20, 1933.

Approved by the Governor March 2, 1933.

ARGUMENT AGAINST POWER BILL

There are only two ways to reduce taxes:

STOP wasting public money.

STOP taking property off tax rolls.

Cities and towns do not pay property tax for the support of state, county or local government on any property owned by them or any power lines or systems whether inside or outside of the city limits and any further extension of city or town power systems takes that much more property off of the tax roll and leaves the shortage to be paid by the tax payers.

The state cannot compel any city or town to extend service or serve any particular locality or group, neither does the state have any control or supervision over rates charged or service rendered, but the city council of such city or town owning such power plants makes all rules and regulations and fixes all rates and there is no appeal to the state because the action of the council of such city or town is final, and any profit, goes to the city owning the power plant without payment of property taxes for support of local government.

The measure not only tends to take home rule from smaller cities, towns and rural communities, but it discriminates in favor of larger cities like Seattle and Tacoma, and requires the taxpayers of the other cities, towns and rural communities to protect the

property of such larger city without such larger city paying any property tax on its property.

Every taxpayer of this state has had to pay more taxes by reason of the fact that cities are operating power systems on a tax free basis and already several million dollars of taxable property has been removed from the tax rolls by reason of being owned and operated by cities and towns. Public opinion and sentiment favor reduction of taxes. There can be no reduction if more property is taken from the tax rolls.

This measure is unfair and unjust in that it will create a monopoly of the power business by the large cities now owning their own power systems and take industries from the smaller cities and towns to such larger cities. It not only sets up machinery for exempting more property from taxes, but also creates a machine of civil service job holders centered in Seattle and controlled by Seattle municipal power politicians. Already Seattle is seeking to extend its power into Eastern Washington and thereby defeat the Coulee Dam and Columbia Basin projects.

The measure should be defeated.
Vote "NO" on Referendum No. 18.

TAXPAYERS RELIEF COMMITTEE,

By **JOSEPH H. SMITH, Secretary.**

An Amendment to the State Constitution

To Be Submitted to the Qualified Electors of the State for Their Approval
or Rejection at the

GENERAL ELECTION

TO BE HELD ON

Tuesday, November 6, 1934

CONCISE STATEMENT

"A resolution amending section 12 of Article XI of the constitution by providing that the legislature shall have no power to impose taxes upon counties, cities, towns or other municipal corporations, or upon the inhabitants or property thereof, for county, city, town or other municipal purposes, but by general law may limit such taxes and may supervise and control the valuing of property for local taxation and the administration of laws relating to such taxation, and may apportion state funds among counties, cities, towns and other municipal corporations."

HOUSE JOINT RESOLUTION NO. 14

PROVIDING for an amendment of section 12 of Article XI of the constitution of the State of Washington, relating to taxation.

Be It Resolved, By the Senate and House of Representatives of the State of Washington in legislative session assembled:

That, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1934, there shall be submitted to the qualified electors of this state for their approval and ratification, or rejection, an amendment to section 12 of article XI of the Constitution of the State of Washington, so that the same shall, when amended, read as follows:

Sec. 12. The Legislature shall have no power to impose taxes upon coun-

ties, cities, towns or other municipal corporations, or upon the inhabitants or property thereof, for county, city, town, or other municipal purposes, but by general law may limit such taxes and may supervise and control the valuing of property for local taxation and the administration of laws relating to such taxation, and may apportion state funds among counties, cities, towns or other municipal corporations.

And Be It Further Resolved, That the Secretary of State shall cause the foregoing constitutional amendment to be published for at least three months next preceding the election in a weekly newspaper in every county where a newspaper is published throughout the State.

Adopted by the House, March 2, 1933.

Adopted by the Senate, March 7, 1933.

STATE OF WASHINGTON—ss.

Filed in the office of the Secretary of State, March 11, 1933, 10.50 a. m.

ERNEST N. HUTCHINSON, *Secretary of State*.

An Amendment to the State Constitution

To Be Submitted to the Qualified Electors of the State for Their Approval
or Rejection at the

GENERAL ELECTION

TO BE HELD ON

Tuesday, November 6, 1934

CONCISE STATEMENT

"A resolution amending section 1 of Article VII of the constitution by providing that all taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax and shall be levied and collected for public purposes only; providing that there shall be such exemptions from taxation as the legislature may by general law provide; and providing that nothing contained in this section shall be construed to prevent the enactment of a graduated net income tax law."

HOUSE JOINT RESOLUTION NO. 12

PROVIDING for an amendment to House Joint Resolution No. 11, page 942-A, Session Laws of 1933, relating to the submission of a constitutional amendment amending Section 1 of Article VII, of the Constitution of the State of Washington, relating to taxation.

Be It Resolved, By the Senate and House of Representatives in extraordinary legislative session assembled:

That, House Joint Resolution No. 11, page 942-A, Session Laws of 1933, be, and hereby is amended to read as follows:

Be It Resolved, By the Senate and House of Representatives of the State of Washington in legislative session assembled:

That, at the general election to be held in this state on the Tuesday next succeeding the first Monday in November, 1934, there shall be submitted to the qualified electors of this state for their approval and ratification, or rejection, an amendment to section 1 of

article VII of the Constitution of the State of Washington, so that the same shall, when amended, read as follows:

Section 1. The power of taxation shall never be suspended, surrendered or contracted away. All taxes shall be uniform upon the same class of subjects within the territorial limits of the authority levying the tax and shall be levied and collected for public purposes only. There shall be such exemptions from taxation as the Legislature may by general law provide. Nothing contained in this section shall be construed to prevent the enactment of a graduated net income tax law.

And Be It Further Resolved, That the Secretary of State shall cause the foregoing constitutional amendment to be published for at least three months next preceding the election in a weekly newspaper in every county where a newspaper is published throughout the state.

Adopted by the House, January 9, 1934.

Adopted by the Senate, January 11, 1934.

STATE OF WASHINGTON—ss.

Filed in the office of the Secretary of State, January 16, 1934.

ERNEST N. HUTCHINSON, *Secretary of State*.

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