

WA  
353.1  
st.2 pa.  
1995  
ed. 2B  
c1

A S H I N G T O N S T A T E

# VOTERS PAMPHLET

STATE GENERAL ELECTION

NOVEMBER 7, 1995



RECEIVED

MAY - - 1997

WA STATE LIBRARY



EDITION 2B

PUBLISHED BY THE OFFICE OF THE SECRETARY OF STATE

# INTRODUCTION TO THE 1995 VOTERS PAMPHLET

## CELEBRATING THE CENTENNIAL OF THE "BAREFOOT SCHOOLBOY LAW"

*"It is the paramount duty of the State to make ample provision for the education of all children residing within its borders, without distinction or preference on account of race, color, caste or sex."*

— Article IX, Section 1  
Washington State Constitution

The framers of the Washington State Constitution crafted a remarkable document during the summer of 1889, a document which to this day contains a number of extraordinary rights and protections for the citizens of our state.

Among the foremost of these provisions is the 34-word section listed above. Penning the strongest language of any state constitution, the authors made it abundantly clear that the state's preeminent responsibility was to provide for the education of its young people.

The ideal set forth in the state constitution was made practical in fairly short order when the Washington State Legislature approved the landmark "Barefoot Schoolboy Law" in 1895. It is the 100th anniversary of the passage of this law that we honor with the 1995 Washington State Voters Pamphlet.

The Barefoot Schoolboy Law drew its name from the fact that many families, particularly those in sparsely populated rural areas, found it difficult to buy shoes for their children let alone pay for support of a local school. The historic law provided state support for local schools through a direct tax and equalized funding between urban and rural school districts.

The investment paid off. In the early 1900s, the state of Washington led the nation in school spending per capita and ranked among the top three states in literacy with only one percent of the population unable to read and write.

The Barefoot Schoolboy Law was sponsored by State Representative John R. Rogers of Puyallup, who went on to be Governor from 1897 to his death in 1901. Schoolchildren from throughout the state later donated pennies to build a statue of Rogers, which stands in a park adjacent to the Old State Capitol Building in Olympia. Rogers is one of only two Washington state governors to be honored with a statue erected in their memory.

The 1995 Washington State Voters Pamphlet pays tribute to Rogers and the other visionaries who laid the foundation for support of education a century ago, and to the thousands of men and women who have worked over the years and are working today to meet the challenge of providing for the education of all our children.



RALPH MUNRO  
Secretary of State

**Cover:** The Burbank School in Walla Walla County, shown here in 1909, and other rural Washington schools were ensured state support by the "Barefoot Schoolboy Law" of 1895. Photograph provided by the Washington State Historical Society.



## TABLE OF CONTENTS

Introduction .....	2	Federal Tax Information .....	30
Voter's Checklist .....	3	Supreme Court .....	31
Initiative Measure 640 .....	4	4th Legislative District .....	32
Initiative Measure 651 .....	6	18th Legislative District .....	33
Referendum Measure 48 .....	8	20th Legislative District .....	34
Referendum Bill 45 .....	10	Major Political Party & Caucus Information .....	35
Substitute Senate Joint Resolution 8210 .....	12	Independent & Minor Party Information .....	36
Text of State Measures .....	15	Voting in the State of Washington .....	37
Washington Presidential Primary Information .....	30	Voting by Absentee Ballot .....	38
Public Disclosure Information .....	30	Absentee Ballot Applications .....	39

## VOTER'S CHECKLIST

**INITIATIVE MEASURE 640**

Shall state fishing regulations ensure certain survival rates for nontargeted catch, and commercial and recreational fisheries be prioritized?

☐ YES ☐ NO

**INITIATIVE MEASURE 651**

Shall the state enter into compacts with Indian tribes providing for unrestricted gambling on Indian lands within the state's borders?

☐ YES ☐ NO

**REFERENDUM MEASURE 48**

The Washington State Legislature has passed a law that restricts land-use regulations and expands governments' liability to pay for reduced property values of land or improvements thereon caused by certain regulations for public benefit. Should this law be APPROVED or REJECTED?

☐ APPROVED ☐ REJECTED

**REFERENDUM BILL 45**

Shall the fish and wildlife commission, rather than the governor, appoint the department's director and regulate food fish and shellfish?

☐ YES ☐ NO

**SUBSTITUTE SENATE JOINT RESOLUTION 8210**

Shall the selection process for chief justice be changed, and a constitutional process for reducing the supreme court be adopted?

☐ YES ☐ NO

**STATE SUPREME COURT (Nonpartisan)****POSITION NO. 1**

- ☐ Richard B. Sanders  
☐ Rosselle Pekelis

**4th LEGISLATIVE DISTRICT****REPRESENTATIVE, POSITION NO. 1**

- ☐ Mary "Chey" Austin (D)  
☐ Mark Sterk (R)

**18th LEGISLATIVE DISTRICT****SENATOR**

- ☐ Jim Springer (D)  
☐ Joseph Zarelli (R)

**20th LEGISLATIVE DISTRICT****SENATOR**

- ☐ Lois Lopez (D)  
☐ Dan Swecker (R)

**NOTE:** To reduce publication costs, this edition of the voters pamphlet includes candidates who will not appear on your ballot. Contact your county auditor to verify which offices will appear on your ballot.

**LOCAL ELECTIONS**

## Secretary of State Toll-Free Hotlines

1-800-448-4881

TDD (Telephone Device for the Deaf) 1-800-422-8683





# INITIATIVE MEASURE 640

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 640 begins on page 15.

## Statement for

### REFORMING WASTEFUL FISHING METHODS

Vast quantities of under-sized fish, wild salmon that need protection, and seabirds are unnecessarily slaughtered in nets. Even harbor porpoises and other marine mammals are victims. Every valuable species of saltwater fish in Puget Sound is in low abundance, and many stocks of Washington salmon are far less numerous than the available habitat can support. Voting "yes" on I-640 will limit these senseless kills by preventing the use of the most wasteful fishing methods - such as drift gill netting and bottom dragging. A "yes" will also require the development and use of fishing methods that will "target" the intended catch and hasten the recovery of Washington's priceless sealife.

### THE APPALLING LOSSES RESULTING FROM CANADIAN INTERCEPTIONS OF WASHINGTON SALMON

Canada harvests well over 70 percent of many Washington salmon stocks, including those listed, or about to be listed, under the Endangered Species Act. In "payment," commercial fishermen in northern Puget Sound and Alaska net many salmon originating in Canada. I-640 will require the Governor, and other State officials, to take action to reduce this trade-off. This is the quickest and least costly way of greatly increasing the numbers of salmon returning to Washington and the Columbia River.

### ECONOMIC REFORM AND JOBS

Since the State's fisheries resources are public property, it follows that they should be used in a manner that sustains

## Official Ballot Title:

Shall state fishing regulations ensure certain survival rates for nontargeted catch, and commercial and recreational fisheries be prioritized?

## The law as it now exists:

Commercial and recreational fishing are regulated by the department of fish and wildlife. State statutes designate certain waters in which commercial fishing is prohibited or restricted, and authorize the director of fish and wildlife to adopt regulations concerning the time, place, and manner

the highest public benefit. Such considerations have been all but ignored by Washington's fisheries managers. I-640 will vastly increase the number of jobs in Washington.

### I-640 HAS NO EFFECT ON FEDERALLY MANDATED TREATY INDIAN FISHING RIGHTS

For more information, call 1-800-357-FISH.

## Rebuttal of Statement against

About 95% of "Washington's" commercial catch, by its 10,000 mostly part-time fishermen, occurs in Alaska where I-640 has no effect. Most commercial fishermen operate at a net loss in Washington waters.

I-640 will save hundreds of thousands of Washington salmon now senselessly killed, unreported, discarded, or caught in Canada. Thousands of profitable jobs will be created.

Much of our best habitat is unused because too many fish are being killed by wasteful fishing.

### Voters Pamphlet Statement Prepared by:

FRANK HAW, Fisheries Biologist; DONALD W. MOOS, former Washington Director, Departments of Agriculture, Fisheries, & Ecology; PETER K. BERGMAN, Ph.D, Federal Snake River Salmon Recovery Team Member.

Advisory Committee: MIKE HAYDEN, President, American Sportfishing Association; LARRY SNYDER, Secretary, Vancouver Wildlife League; DAVID BECKER, President, Friends of the Cowlitz River; DR. TED VENTO, Acting President, The Recreational Fishing Coalition; STEVEN WRIGHT, President, Puget Sound Anglers.

in which fish may be taken in the waters of the state. The department has authority to work with other states and with federal and Canadian agencies to preserve and protect commercial and recreational fish stocks. The department is also authorized to operate salmon hatcheries.

## The effect of Initiative Measure 640, if approved into law:

This measure would add new provisions to the state fisheries code. First, the measure would establish certain requirements for fishing gear. The director of fish and wildlife would be required to evaluate the extent to which different types of fishing gear unintentionally catch and kill other species of marine life. The measure would require the director of fish and wildlife to evaluate and regulate fishing gear based upon the mortality rate for these "nontargeted" species.

Second, after January 1, 1997, any gear type would be prohibited if its use would result in a mortality rate for "nontargeted" species in excess of fifteen percent. As to

certain salmon and sturgeon gear, this rate would be based on numbers of "nontargeted" fish killed. As to other types of gear, the fifteen percent would be measured by dividing the weight of the killed "nontargeted" fish by the total weight of the "targeted" catch.

Third, the measure would direct the department to prioritize fisheries based upon the economic value of the fishery and its associated industries. In the absence of economic studies to the contrary, chinook and coho salmon, and Lake Washington and Lake Wenatchee sockeye salmon, would be deemed more valuable in recreational fisheries, while pink, sockeye, and chum salmon would be deemed more valuable in commercial fisheries.

The department would be instructed to work to reduce Canadian harvest of fish originating in Washington. If necessary to achieve this goal, the director would be authorized to reduce Washington's harvest of fish originating in Canada. The department would be directed to operate salmon hatcheries in such a way as to contribute to fisheries while protecting natural fish stocks.

## Statement against

### 20,000 JOBS WILL BE LOST

I-640 will cost Washington 20,000 jobs in our fishing-related industries. It will devastate our already beleaguered coastal communities, costing more than \$250 million annually. It will take away fishing families' share of Washington salmon and set aside much of our salmon resource exclusively for recreational fishing.

And worse yet, I-640 will not save a single salmon.

### I-640 ELIMINATES FAMILY FISHING

I-640 will effectively outlaw family-owned fishing operations in Washington. The time-honored tradition of family fishing, a mainstay of Northwest culture for generations, will be lost. Sport and family fishermen should be working together to protect and enhance salmon for everyone. Instead, I-640 would destroy the livelihoods of thousands of Washington residents by needlessly prohibiting most fishing gear and reserving much of the salmon for sport only.

### I-640 IS COMPLETELY UNFAIR

While Washington fishing families are standing in unemployment lines, commercial fishermen from Oregon and British Columbia will be catching our ocean-going salmon because the initiative doesn't apply to them. Washington sport fisheries will not be affected. It's just not fair for the few sport fishermen sponsoring I-640 to eliminate a way of life for Washington's fishing families while they and out-of-state fishermen continue harvesting our state's fish.

### I-640 DOES NOT PROTECT OR RESTORE FISH HABITAT

Big aluminum companies on the Columbia River are key backers of this initiative. They want fishermen to pay for their destruction of fish habitat. But true conservationists know that habitat restoration is the only way to save our salmon. That's why eight of the largest conservation groups in Washington, including the Sierra Club and American Rivers, oppose I-640.

For more information, call (206) 282-3662.

## Rebuttal of Statement for

I-640 will be economic disaster. 20,000 jobs and \$250 million will be lost to Washington communities. A traditional way of life for thousands of people will end.

I-640 will be terribly unfair. Washington citizens will sit and watch while Canadians and Oregonians catch our fish.

I-640 will not save sealife. The conservation community opposes it. It is an attempt to monopolize salmon by a few recreational fishers unwilling to cooperate to save fish for everyone.

### Voters Pamphlet Statement Prepared by:

DON STUART, Salmon for Washington - No on I-640; ED OWENS, Washington Coalition of Ocean Fishermen; BOB BOROUGHS, Northwest Fisheries Association.

Advisory Committee: ROD MOORE, West Coast Seafood Processors Association; WILLIAM G. SALETIC, President, Peter Pan Seafoods, Inc.; LORI BODI, American Rivers, Northwest Office; SCOTT TAYLOR, Sierra Club.





# INITIATIVE MEASURE 651

TO THE PEOPLE

**Note:** The ballot title was written by the Attorney General as required by law. The explanatory statement was written by the court. The complete text of Initiative Measure 651 begins on page 17.

## Statement for

**WE ALL WIN - YES ON I-651**

### **WE ALL WIN - YES ON I-651 BOOSTS TOURISM AND CREATES JOBS**

I-651 directly benefits the state's economy, creating true destination resorts and tens of thousands of new jobs for everyone. Indirectly, tribal gaming provides thousands of additional jobs and an economic base with adequate infrastructure in Indian country, where historically unemployment is very high and living conditions are very poor. Across the country, tribal gaming operations free to offer those games people want to play, have proven to be great contributors to regional economies. Yes on I-651 brings economic development home to the northwest.

### **WE ALL WIN - YES ON I-651 SHARES THE RESOURCE WITH THE PEOPLE**

I-651 is good business for everyone. In partnership with tribes, I-651 shares the profits. I-651 shares ten percent of the profits from machine games, paid each year to every citizen who exercises the right to vote. In refreshing contrast to ballot measures asking voters to pay more taxes for promises of future growth, here is a measure that makes economic growth possible without raising taxes or increasing deficits a single dime. Every voter gets a check, which can be cashed or signed over to habitat restoration or to charitable causes. We all Win.

### **WE ALL WIN - YES ON I-651 CREATES SELF-SUFFICIENT TRIBAL GOVERNMENTS**

The United States Congress enacted IGRA "to promote tribal economic development, tribal self-sufficiency, and

## Official Ballot Title:

Shall the state enter into compacts with Indian tribes providing for unrestricted gambling on Indian lands within the state's borders?

## The law as it now exists:

Gambling on Indian lands is governed by the federal Indian Gaming Regulatory Act (IGRA). Some forms of gambling (defined as "Class III" gaming by the IGRA), are permitted on Indian lands only if: (1) those gambling activities

strong tribal government." I-651 enables all tribes to accomplish those goals. I-651 generates the government revenue Tribes need to build schools and roads, provide basic utilities and health services, improve tribal courts and social services, etc. I-651 allows tribes to invest in long-term answers to long-term problems. I-651 enables tribes to help themselves. We all Win - Yes on I-651.

For more information, call (206) 572-6862.

## Rebuttal of Statement against

Strong regulation wins. In addition to strong federal and tribal regulation, I-651 provides for State inspections and background checks of personnel, and State enforcement of high standards of integrity.

Taxpayers win. Gaming employees will pay millions directly into local, state and federal tax coffers, and spend millions more at local businesses.

All tribes win. I-651 secures the right of tribes with compacts to offer machine gaming under existing provisions for renegotiation.

Yes — We all win.

### Voters Pamphlet Statement Prepared by:

JOHN KIEFFER, Vice-Chairman, Spokane Tribe of Indians; HERBERT "IKE" WHITISH, Chairman, Shoalwater Bay Indian Tribe; MICHAEL L. TURNIPSEED, Tribal Councilman, Puyallup Tribe of Indians.

Advisory Committee: WALLACE R. EDWARDS, former Chairman, Washington State Gambling Commission; SCHUYLER HOUSER, Director, Salish Kootenai College in Wellpinit; RONALD GUTIERREZ, Owner, Double Eagle Casino, Chewelah, Washington; SCOTT CROWELL, Attorney, Kirkland, Washington; KENNETH C. HANSEN, former Chairman, Samish Indian Tribe.

are permitted in the state where the Indian lands are located, and (2) the state and tribe have entered into a tribal-state compact to regulate that gambling. A compact may include descriptions of games permitted under the compact such as provisions relating to hours of operation, size of wager, size or number of tables or other facilities in operation, number and type of inspections and regulations, and related matters.

Several tribes are presently involved in lawsuits with the State regarding IGRA. One major issue in the suits is whether gambling devices such as slot machines and video poker should be authorized for use on Indian land through a compact.

The state gambling commission negotiates with Indian tribes who wish to enter into compacts concerning Class III gaming, and the governor has the authority to sign compacts on behalf of the state. A tribal-state compact may include only those types of gaming which are permitted under state law. Current Washington law prohibits certain types of gambling, such as slot machines and video poker, subject

to certain exceptions. Fifteen tribal-state compacts have been signed by the governor and are currently in place. These compacts allow various forms of gambling on terms and conditions negotiated in each agreement. No compact allows for the play of slot machines or video poker.

## The effect of Initiative Measure 651, if approved into law:

This measure would offer a standard compact to all Indian tribes in the state as an alternative to the current tribal-state negotiation process. The standard compacts would authorize all forms of gambling on Indian lands, including slot machines and video poker, but not including sports betting, which presently is prohibited by federal law. The compact would contain no restrictions on hours of operations, size of wagers, or size or number of facilities. The standard compact would be deemed approved by the state effective fifteen days after the measure's approval,

(continued on page 14)

## Statement against

Law enforcement officials, political leaders from both parties and even many Indian tribes are opposing Initiative 651. Why?

Initiative 651 would allow Las Vegas-style casinos on Indian trust land, both on and off reservations, with no law enforcement oversight.

- I-651 means gambling with no state law enforcement oversight.

- I-651 means casinos located anywhere there are Indian lands.

- I-651 means casinos that don't pay taxes or contribute in any way to local government, increasing the burden on ordinary taxpayers and hurting needed law enforcement, social service and school programs.

### SPECIAL INTEREST LEGISLATION

This special interest legislation is sponsored by just three Indian tribes who have refused to negotiate gambling agreements with Washington state. Fifteen of Washington's 23 other tribes have legal, regulated and limited gaming. This initiative would not affect them.

### NO LAW ENFORCEMENT OVERSIGHT

Current gambling in Washington is carefully regulated by the Gambling Commission. Strict enforcement assures games are honest and organized crime is kept away.

But, I-651 would allow no law enforcement oversight. Already, out-of-state gambling interests have contributed tens of thousands of dollars to promote I-651.

Even more disturbing, I-651 offers voters a payment in exchange for voting. Whether this provision ever survives

legal challenges, it is insulting to voters to suppose they would open the doors to unlimited gambling in exchange for what amounts to a payoff.

Washington voters should tell the gambling interests "NO!"

No unregulated casinos.

No casinos that don't pay taxes or contribute to local needs.

No to Initiative 651.

## Rebuttal of Statement for

Only three of the state's 26 Indian tribes sponsor this initiative. Many other tribes oppose I-651 and know there is no need to change existing state laws.

The worst provision of I-651 is an attempt to bribe voters with a "share" of gambling profits. Don't be fooled. It's unlikely this insulting payoff to voters will ever survive a court challenge.

Already initiative promoters are under investigation for illegal campaign activities.

Vote no on Initiative 651.

### Voters Pamphlet Statement Prepared by:

JOEL PRITCHARD, Washington Lieutenant Governor; NORM MALENG, King County Prosecutor.

Advisory Committee: KEVIN CRUM, President, Washington Charitable and Civic Gaming Association; RON ALLEN, Chairman, Jamestown S'Klallam Indian Tribe; RUSS GOODMAN, President, Restaurant Association of the State of Washington.





# REFERENDUM MEASURE 48

PASSED BY THE LEGISLATURE AND ORDERED  
REFERRED BY PETITION  
CHAPTER 98, LAWS OF 1995

**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 Referendum Measure 48 begins on page 20.

**Vote cast by the 1995 Legislature on final passage:**  
HOUSE: Yeas, 69; Nays 27; Absent, 0; Excused, 2.  
SENATE: Yeas, 28; Nays, 20; Absent 0; Excused, 1.

## Statement for

Excessive government regulations cost each taxpayer more than \$6,000 each year. You can help change that by approving Referendum 48 which makes government weigh the cost before passing new regulations.

Your vote to approve Referendum 48 means that local and state government will be limited in their ability to take private property away from individuals.

This law requires government to: (1) State the reason they want to take private property; (2) Determine the cost of new regulations; (3) Identify alternatives to achieving the regulatory goal; (4) Take the least burdensome alternative; and, (5) If government takes land and sets it aside for public use (such as to protect wetlands, wildlife habitat or buffer zones), it requires them to follow the Constitution and compensate landowners for land that is taken.

### PROPERTY OWNERS HAVE A RIGHT TO FAIR COMPENSATION WHEN GOVERNMENT REGULATIONS REDUCE THE VALUE OF THEIR PROPERTY.

Opponents of Referendum 48 want to repeal Washington State's existing private property rights law. The state Legislature held a public hearing on this law, thoroughly debated it and passed it overwhelmingly in both houses with the strong support of both Democrats and Republicans. This legislation is clearly in step with the public's desire to limit runaway government regulations.

### WHEN ENVIRONMENTAL PROTECTION IS NEEDED, EVERYONE SHOULD PAY FOR IT, NOT JUST THE FAMILY WHO OWNS THE LAND.

Your vote to approve Referendum 48 means that you support balance and fairness and oppose burdensome

## Official Ballot Title:

The Washington State Legislature has passed a law that restricts land-use regulations and expands governments' liability to pay for reduced property values of land or improvements thereon caused by certain regulations for public benefit. Should this law be APPROVED or REJECTED?

government regulations that unfairly reduce the value of private property. Your vote upholds our country's constitutional principles.

## Rebuttal of Statement against

Opponents claim to support private property rights, but for years they — and the environmental community — have stopped the legislature from fairly balancing property rights against land use restrictions.

R-48 will not increase litigation, or prove costly, *unless* regulatory agencies pass new regulations to take even more private property for public benefits, i.e., wetlands, wildlife habitat and buffer zones. R-48 does *not* impact local zoning.

Approve Referendum 48 and protect your private property and water rights.

### Voters Pamphlet Statement Prepared by:

DAN WOOD, Democratic Party Leader, Public Involvement Activist, Hoquiam; DAN SWECKER, Republican State Senator, Fish Farmer, Centralia; STEVE APPEL, Washington State Farm Bureau President, Farmer, Dusty.

Advisory Committee: BERTHA GRONBERG, retired Public School Teacher, Small Tree Farmer, Montesano; JIM CROSBY, Labor Union Leader, Pulp and Paper Workers, Tacoma; DALE FOREMAN, House Majority Leader, Orchardist, Attorney, Wenatchee; ELAINE EDWARDS, Small Business Owner, NFIB Member, Spokane; SID SNYDER, Senator, Democratic Caucus Chair, Long Beach.

## The law as it now exists:

Both the federal and state constitutions require state and local governments to pay just compensation if they take private property for public use. Currently the government is required to compensate a property owner in two situations. First, when a government seeks to use private property for a public building, highway, or some other purpose, it must pay the property owner the value of the property taken. Second, when government regulations deprive a private property owner of fundamental property rights, the courts will find that a "taking" has occurred and will require compensation. Fundamental property rights include the right to possess the property and exclude other people from it, the right to dispose of the property, and the right to some reasonable use.

Under current law, governments may regulate the uses of private property for the public health, safety, and welfare. Such regulations do not constitute "takings" or require compensation unless they deprive property owners of fundamental rights. Courts may invalidate unduly oppressive

## Statement against

If Referendum 48 passes, taxes will go up, government will grow, red tape will increase and there will be years of costly court battles.

That's why thousands of concerned Washingtonians, including the League of Women Voters, People for Fair Taxes, seniors and conservationists urge you to vote "NO" on Referendum 48, the "Takings" Initiative.

### "TAKINGS" MEANS TAXPAYERS GET TAKEN

Experts and newspaper editors across the state say the "Takings" Initiative could cost Washington's taxpayers billions of dollars in studies, bureaucracy and lawsuits.

### "TAKINGS" WILL CREATE NEW GOVERNMENT RED TAPE AND BUREAUCRACY

48 mandates new exhaustive, expensive government studies for every existing and future rule and safeguard at the local and state level that affects land use.

### "TAKINGS" WILL CREATE ENDLESS, COSTLY COURT BATTLES

The "Takings" Initiative will result in years of expensive lawsuits and litigation.

### READ REFERENDUM 48

Its backers downplay its cost to taxpayers, but the "Takings" Initiative speaks for itself: • You, the taxpayer, would be *required* to pay for costly, time consuming studies and new government red tape *whenever* a local community limits land use in the public interest (Section 3). • You, the taxpayer, would be *required* to pay developers and others *anytime* the public regulates land use that

regulations which are found to be unreasonable or not to further a legitimate governmental purpose. Courts have not required compensation where government regulations limit some uses of a property, or restrict development on a portion of the property, but leave the owner with economically productive uses for the remainder. Compensation may be required if a government imposes conditions on property development if the conditions are not roughly proportional to the impact created by the proposed development.

State and local governments are required to evaluate their proposed administrative actions to avoid unconstitutional "takings," but are not currently required to produce a formal written analysis of the effect of a proposed regulation on private property.

## The effect of Referendum Measure 48, if approved into law:

The measure is intended to provide remedies to property owners in addition to any existing constitutional rights.

(continued on page 14)

results in any devaluation, even for basic zoning and building codes (Section 4).

"Takings" not only makes taxpayers pay for common-sense restraints on land, but on water as well—jeopardizing safe, quality communities.

**We support our constitutionally guaranteed property rights.** But everyone's against wasteful government, endless litigation and taxpayer payoffs to developers. This extreme "Takings" Initiative doesn't solve problems. It creates them.

**Reject 48.** It's the developer's dream. It's the taxpayer's nightmare.

For more information, call (206) 223-3728.

## Rebuttal of Statement for

Don't be misled. Trust your own reading of Referendum 48. It won't solve a thing. Instead: • Taxpayers would pay for new, expensive government bureaucracy. • Taxpayers pay for years of costly lawsuits. • Taxpayers pay for huge payoffs to developers. • Taxpayers pay for reduced quality of life in our communities. 48 means developers profit. Taxpayers lose.

Existing law says our property rights are constitutionally guaranteed. *You* must protect your pocketbook and Washington's quality of life. **Reject 48.**

### Voters Pamphlet Statement Prepared by:

KAREN VERRILL, President, League of Women Voters of Washington; MARY MARGARET HAUGEN, State Senator, Camano Island; EARL TILLY, Mayor, City of Wenatchee.

Advisory Committee: MICHAEL MCGOVERN, President, Washington State Council of Fire Fighters; RICK BENDER, President, Washington State Labor Council; KATHY FLETCHER, Executive Director, People for Puget Sound; LIZ PIRIENI, People for Fair Taxes; GENE LUX, Puget Sound Council of Senior Citizens.





# REFERENDUM BILL 45

PROPOSED TO THE PEOPLE BY THE LEGISLATURE  
CHAPTER 2, LAWS OF 1995, 1st SPECIAL SESSION

**Note:** The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Referendum Bill 45 begins on page 22.

**Vote cast by the 1995 Legislature on final passage:**  
HOUSE: Yeas, 73; Nays, 24; Absent, 0; Excused, 1.  
SENATE: Yeas, 30; Nays, 14; Absent, 0; Excused, 5.

## Statement for

### YES: REFERENDUM 45 WILL TAKE POLITICS OUT OF ENHANCING OUR FISH AND WILDLIFE

Until 1987, Washington's abundant wildlife resources were managed by an independent commission that worked openly to enhance our fish and wildlife for all citizens to enjoy. Today, decisions are made in secret, by politicians and their appointees. The result? Decimated fish runs, shorter seasons and less access than ever — for all of us.

### YES: REFERENDUM 45 WILL PUT US - NOT POLITICIANS - IN CHARGE OF NATURAL RESOURCES

*An independent commission will:*

- Represent the concerns of sportsfishing, the environment, commercial fishing, hunting and private property rights, and ensure public input in policymaking;
- Enhance and regulate use of fish, shellfish and wildlife;
- Protect access to fish for all, including recreational and commercial users;
- Authorize equitable tribal, interstate and international agreements;
- Have authority to hire and fire the Director of the Department of Fish and Wildlife, oversee department rules and regulations and approve the agency's budget.

### YES: REFERENDUM 45 WILL HELP SAVE OUR SALMON, SHELLFISH AND WILDLIFE

Thirty-two states — including Idaho and Oregon — manage fish and wildlife independently, with commissions instead of politicians. They know decisions to improve natural resources are best made in public, by people with first-hand knowledge of fish and wildlife who will be accountable to all of us — not to politicians.

## Official Ballot Title:

Shall the fish and wildlife commission, rather than the governor, appoint the department's director and regulate food fish and shellfish?

## The law as it now exists:

By a law passed in 1993, the legislature merged the former department of fisheries and department of wildlife into a single department of fish and wildlife. The director of

the merged agency is appointed by the governor and serves at the governor's pleasure. The director has regulatory authority over shellfish, salmon and all fish species designated as "food fish." The director is authorized to enter into certain federal-state, tribal, interstate, and other agreements on behalf of the agency. The director has responsibility to manage the department and to implement programs which fulfill the agency's goals, policies, and objectives.

The fish and wildlife commission consists of nine members appointed by the governor for six-year terms and removable only for cause. The commission has responsibility to set goals, policies, and objectives to preserve, protect and perpetuate wildlife and "game fish" and the habitat associated with these species. The commission classifies wildlife and fish other than "food fish" and shellfish, and regulates hunting, trapping, recreational fishing and other recreational use of wildlife.

## The effect of Referendum Bill 45, if approved into law:

If the proposal is enacted, the fish and wildlife commission will assume many responsibilities now assigned elsewhere. The commission rather than the governor would appoint the director. The director and the commission staff would serve at the commission's pleasure. In addition to its existing responsibilities for policy-making on wildlife and game fish, the commission would make policy and regulate fishing for shellfish and food fish, and would act for the state in negotiating certain federal-state, interstate, and state-tribal agreements. These changes would take effect July 1, 1996.

## Statement against

### VOTE NO—ON THIS REACH FOR POWER

Washington's fish and wildlife belong to *all* citizens. Recognizing this, existing law puts responsibility for managing this resource on the state's chief elected official, the governor, so *all* citizens will be heard.

This measure, however, turns over control of salmon, shellfish, eagles—in fact *all* fish and wildlife—to nine unelected, part-time political appointees, representing narrow interests. With overlapping six-year terms and no term limits, they're accountable only to themselves.

### VOTE NO—ON MORE BUREAUCRACY AND COST

This measure *radically* changes how we protect fish and wildlife. Right now, a director named by the governor and confirmed by the state Senate manages the Department of Fish and Wildlife in an international setting that often requires instant decisions to save fish and wildlife.

This measure hands over fish and wildlife management to a part-time commission — a new layer of bureaucracy — whose members' conflicting interests will clash, bog things down and generate litigation as they argue how to apportion fish and wildlife and protect our precious heritage.

Worse, this commission would take over *all* of the state's negotiations on fish and wildlife with Canada, the White House, tribes and Alaska, Oregon, Idaho and Montana. The President of the United States answers phone calls from a governor when international salmon negotiations are in a crisis. Is that likely if an unknown commissioner telephones? No!

### VOTE NO—ON MINORITY RULE

Amazingly, under this measure the minority can rule with only four of the nine making a decision binding on all of us!

### VOTE NO—ON SILENCING THE VOTERS

A governor *must* listen to voters. A commission doesn't need to.

## Rebuttal of Statement for

This law *for the first time in our state's history* allows those profiting from the killing of fish and wildlife — fish packers, trappers, guides, others — to manage fish and wildlife.

Call this independence? No! It's disguised special-interest politics aimed at wresting control of fish and wildlife from the state's voters.

Salmon are endangered, disappearing, in California, Oregon and Idaho, while commissioners squabble.

Vote No! on Referendum 45. Put fish and wildlife above special interests.

### Voters Pamphlet Statement Prepared by:

KAREN FRASER, Chair, Senate Committee on Ecology and Parks; BOB BASICH, House Ranking Minority Member, Natural Resources Committee.

Advisory Committee: DAN EVANS, Former Governor, State of Washington, Former U.S. Senator; BOOTH GARDNER, Former Governor, State of Washington.

## YES: REFERENDUM 45 WILL HELP US END "FIGHTING OVER THE LAST SALMON"

The politicians and special interests who oppose public, independent resource management are the same people who now waste time and tax dollars fighting over the right to what's left of our once-great salmon runs. Let's stop this political infighting and start fighting for the return of the salmon. Voting "yes" for Referendum 45 will bring new urgency to enhancing fish and wildlife, and place *our* interests ahead of special interests.

For more information, call (206) 869-8898 or (509) 534-6550.

## Rebuttal of Statement against

Washington voters placed trust in citizen-commissioners to protect our fisheries for over 50 years. We've trusted citizen commissions to oversee our election financing process, our transportation systems and our state's elected officials — because commissions serve the *public* interest, not *special interests*. Fish and wildlife — managed by diverse citizens committed to open meetings and public input — can thrive again. Where political management has failed, citizen management will save our fish and wildlife. Please vote YES.

### Voters Pamphlet Statement Prepared by:

DAN McDONALD, Senate Minority Leader, Member, Ecology and Parks Committee; DEAN SUTHERLAND, Chairman, Senate Select Committee on Water Policy; DALE FOREMAN, House Majority Leader.

Advisory Committee: BOB PANTHER, Executive Director, Inland Northwest Wildlife Council; TRISH BOTTCHER, Vice-President, Westside, Washington State Federation of Fly Fishers; JIM WILCOX, Trout Unlimited; KEN JACOBSEN, State Representative, Board of Directors, Seattle Audubon Society; MARTHA JORDAN, Trumpeter Swan Society.





# SUBSTITUTE SENATE JOINT RESOLUTION 8210

## PROPOSED CONSTITUTIONAL AMENDMENT

### Official Ballot Title:

Shall the selection process for chief justice be changed, and a constitutional process for reducing the supreme court be adopted?

**Note:** The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Substitute Senate Joint Resolution 8210 begins on page 29.

**Vote cast by the 1995 Legislature on final passage:**

HOUSE: Yeas, 68; Nays, 23; Absent, 2; Excused, 4.

SENATE: Yeas, 40; Nays, 6; Absent, 0; Excused, 3.

### Statement for

#### SSJR 8210 STRENGTHENS THE JUSTICE SYSTEM BY REFORMING THE WASHINGTON SUPREME COURT

#### SELECTING THE MOST QUALIFIED CHIEF JUSTICE

The Chief Justice is the chief executive and top administrator for the court system. Under current law, the Chief Justice is randomly chosen by reverse seniority.

8210 authorizes the Court to select its own Chief Justice every four years based on the requirements of the job.

#### THE SIZE OF THE COURT

The Washington Supreme Court has more members (nine) than 44 other states. Reducing the Court's size will save tax dollars and increase efficiency while maintaining quality, diversity and regional balance.

*A seven-judge Court would save taxpayers over \$1.4 million per biennium.*

Currently the Constitution permits the Legislature to increase the size of the Court. 8210 creates an orderly process for *reducing* the Court.

No sitting judge will be removed. Instead, new judges would not be appointed until the Court reaches the reduced size established by reform legislation.

#### SUPPORT COMMON-SENSE COURT REFORM VOTE YES FOR SSJR 8210

**Recommended by an independent citizens commission, SSJR 8210 is endorsed by:** • Washington State Council of Police Officers • League of Women Voters • Washington State Bar Association • Association of Washington Business • Council on Crime and

Delinquency • Washington Association of Prosecuting Attorneys • Washington State Patrol Troopers Association • Law Enforcement Administrators of Washington • Washington State Trial Lawyers Association • Washington State Association of County Clerks • Greater Seattle Chamber of Commerce • Justice Richard Guy, Chair, Gender and Justice Commission • Freddie Mae Gautier, community leader • State Senate Majority Leader Marc Gaspard • Grant County Superior Court Judge Evan Sperline • State Representative Marlin Appelwick • Yakima County Prosecutor Jeff Sullivan • State Representative Larry Sheahan • Okanogan County District Court Judge David Edwards • King County Executive Gary Locke.

### Rebuttal of Statement against

Saving \$1.4 million per biennium is not "penny wise, pound foolish"! 8210 is common-sense reform supported by citizens, law enforcement, legal organizations and good government groups. *The arguments against are inaccurate.* 8210 creates no new powers. Instead, it allows the full Court to select its own Chief — to lead the judiciary, protect public safety, reduce backlogs and improve justice. Court downsizing elsewhere did *not* harm diversity. Support reasonable, needed reform. Please vote YES.

#### Voters Pamphlet Statement Prepared by:

BARBARA DURHAM, Chief Justice; JAMES A. ANDERSEN, former Chief Justice; VERNON PEARSON, former Chief Justice.

Advisory Committee: ADAM SMITH, Chair, Senate Law and Justice Committee; TIM HICKEL, Vice Chair, House Law and Justice Committee; WILLIAM GATES, Chair, Courts 2000 Commission; ROBERT F. BRACHTENBACH, former Chief Justice; KAREN VERRILL, President, Washington League of Women Voters.

### The law as it now exists:

The state constitution currently provides that the supreme court judge having the shortest term to serve will be the chief justice. If two judges have the same short term to serve, the other judges determine which of the two will be chief justice. In case of the absence of the chief justice, the judge having the next shortest term presides. Under these provisions, the position of chief justice rotates every two years.

The constitution sets the minimum number of supreme court judges at five, but provides the legislature may increase the number of supreme court judges. Under current law there are nine supreme court judges. Some questions may exist regarding whether the legislature may also decrease the number of supreme court judges and how any reduction would be accomplished. The constitution provides that if a vacancy occurs on the supreme court, the governor shall fill the vacancy by appointment.

### Statement against

#### THERE IS NO NEED FOR SSJR 8210

Since adoption of our State Constitution, the power of the Supreme Court is shared equally by all justices. The chief justice position rotates every two years, based on seniority and term of office. No legitimate claim has been made, or could be made, suggesting this system needs fixing.

#### DON'T GIVE THE CHIEF JUSTICE MORE POWER

The term of office of the chief justice should not be expanded. Too much power would be placed in one justice's hands. If it is the pleasure of the majority of the Court, SSJR 8210 would allow a chief justice to serve more than one four-year term. A longer term puts more power in one individual and reduces the opportunity for diversity of background and experiences. Such diversity among the individual justices is good for our system by providing different and varied input into the decision-making process.

#### SSJR 8210 COULD LEAD TO A LESS REPRESENTATIVE COURT

SSJR 8210 does not change the size of the Court. However, a secondary purpose of this Amendment is to provide a mechanism for reduction of the size of the Court. Our Supreme Court has had nine members since 1909. A reduction in the size of the Court would serve to deny diversity and severely restrict geographical representation. If there is to be a reduction in the size of the Court, this decision should be made by the voters.

It is estimated that reducing the size of our Supreme Court from nine justices to seven justices would save

### The effect of SSJR 8210, if approved into law:

The proposed constitutional amendment would make three changes. First, it would change the method of selection of the chief justice. It would provide for the election of the chief justice by majority vote of the judges of the supreme court from among their own membership. In the absence of the chief justice, the remaining judges would select one of their members to serve as acting chief justice. Second, it would provide for selection of a chief justice every four years. Third, it would provide that the governor will make an appointment to a vacancy on the supreme court only if necessary to maintain the number of judges specified by the legislature. Under this change, if the legislature reduced the number of supreme court judges, the reduction would be implemented as vacancies occur. The governor would not fill vacancies on the supreme court unless the membership of the court was below the number of judges specified by the legislature. The constitutional provision requiring a minimum of five supreme court judges would not be changed.

taxpayers dollars. The savings would be penny-wise and pound-foolish.

#### VOTE NO

#### SSJR 8210 IS UNNECESSARY AND BAD PUBLIC POLICY

### Rebuttal of Statement for

An efficient system has worked since 1909 and now they want to jeopardize it for a few dollars. With fewer justices the supreme court's efficiency will decrease — the court will become more backlogged and its decisions less thorough. Our current system has been carefully crafted to equalize power on the court and throughout the state, do not change it for a few dollars, especially with no citizen vote.

#### Voters Pamphlet Statement Prepared by:

SHIRLEY WINSLEY, State Senator; GRACE COLE, State Representative.





## INITIATIVE MEASURE 651

### The effect of Initiative Measure 651, if approved into law (cont.):

subject to ratification by any tribe which has not negotiated a compact by November 7, 1995. Tribes which are currently operating under more limited tribal-state compacts would continue to do so until their current compacts expire, or are otherwise terminated.

Under the proposed standard compact, Indian gaming will be regulated by the tribal governments. The state may conduct background checks on primary management officials and key employees and have limited rights to inspect Indian gaming facilities. The state may provide other investigative and consulting services to tribes at their request. The proposed standard compact would provide for mediation of disputes between the state and any tribe, and for judicial review in federal courts. The state and tribes would consent to suit in federal court on compact-related matters, provided that all other remedies have been exhausted.

The compact would provide that tribes ratifying it make a monthly payment of ten percent of net gaming revenues from the utilization of slot machines and other "player-activated electromechanical gambling devices" into a fund created and managed under tribal authority. The State Auditor and two other persons who are not tribal members would serve on the fund's board of directors. The revenue in the fund would be distributed annually to all registered voters who voted in the most recent statewide election. At the voter's option, a voter's portion of the distribution could be donated to a qualifying charity. Tribes would be excused from making these payments of the state authorized slot machines or similar devices on non-tribal land in the state.



## REFERENDUM MEASURE 48

### The effect of Referendum Measure 48, if approved into law (cont.):

If a state or local government regulates or imposes a restraint on a portion or parcel of private property for public benefit (including wetlands, fish and wildlife habitat, buffer zones or other public benefit designation), the government would be required to pay full compensation to the owner of the property for any reduction in the property's value. The governmental entity would not have to pay compensation if, absent the regulation, a public nuisance would result. If a government did not pay compensation as required by the measure, the use of the land could not be restricted.

"Private property" would be defined to include land and interests in land or improvements on land, proprietary water rights, and any crops, forest products or resources capable of being harvested or extracted and protected by the state or federal constitutions. "Restraint of land use" would be defined as any action, requirement, or restriction by a governmental entity, other than actions to prevent or abate public nuisances, that limits the use or development of private property.

The state would be responsible for the compensation liability of other governmental entities for any action which restricts the use of property when such action is mandated by state law or any state agency.

Before adopting any regulation of private property or restraint of land use, a governmental entity would be required to prepare a statement containing a full analysis of the total economic impact on private property of such regulation or restraint. The statement must be made available to the public at least 30 days before the adoption of the regulation or imposition of the restriction. The governmental entity would be required, if it chose to enact the regulation or restriction, to adopt the alternative which had the least possible impact on private property and still accomplished the necessary public purpose.

Governments would be prohibited from requiring any private property owner to provide or pay for any studies, maps, plans, or reports used in decisions to consider restricting the use of private property for public use.

Any private property owner could seek to enforce this measure in the courts, and any prevailing plaintiff would be entitled to recover the costs of litigation, including reasonable attorney's fees.



## COMPLETE TEXT OF Initiative Measure 640

AN ACT Relating to the protection of living marine resources including salmon, steelhead, other anadromous trout and char, and sturgeon from wasteful and harmful fishing practices; amending RCW 75.12.010; adding a new chapter to Title 75 RCW; and providing an effective date.

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

**NEW SECTION. Sec. 1. PURPOSE.** The purposes of this chapter are to:

(1) Declare a state policy that will promote restoration of the state's marine and anadromous fish stocks while promoting economically viable fisheries that do not unnecessarily harm fish, birds, and other animals not intended for harvest;

(2) Promote efforts which will minimize Canadian and other foreign interception of Washington salmon and steelhead stocks;

(3) Require coordination by the department with federal agencies to minimize potential impacts of fishing on seabirds and other protected animals; and

(4) Accord priority to those fisheries that have been shown to have the greatest value to the people of the state of Washington.

**NEW SECTION. Sec. 2. FINDINGS.** Important fisheries for salmon and other species in Washington state have been closed or severely restricted because of the depleted condition of important natural stocks, resulting in lost economic, recreational, and cultural opportunities for Washington citizens. Wasteful fishing practices have significantly contributed to the problems. In many areas of Washington where fisheries are permitted, harvestable surpluses of fish are mixed with nontargeted aquatic creatures, such as birds, shellfish, forage species, juvenile and unmarketable fish, and weak natural or other nontargeted salmon and other anadromous fish stocks. The fishing gear employed often catches both targeted and nontargeted animals indiscriminately. This by-catch can be greatly reduced by fishing in areas where there is little mixing of desired catch and potential by-catch. Where by-catch cannot be avoided in order to conduct an otherwise valuable fishery, by-catch can be minimized by allowing only fishing gear which results in low by-catch mortalities.

Salmon hatcheries often produce more harvestable surpluses than natural stocks, with the result that nonselective fisheries targeting on hatchery fish overharvest commingled natural salmon stocks. Important natural salmon stocks are also impacted by hatchery management policies that do not address issues of competition between hatchery and natural stocks, spread of disease, and other ecological interactions. Used properly and in conjunction with regulations permitting fishing gear and methods that can harvest selectively, hatcheries can provide great benefits and support natural stock recovery by rearing critical stocks. Washington salmon hatcheries should be managed for the specific goal of contributing to important fisheries in a manner that is consistent with protection and rehabilitation of natural stocks.

Excess harvest of threatened natural salmon stocks originating in Washington waters has also resulted from Canadian interception of

large numbers of Washington salmon stocks, including endangered Columbia river chinook and other stocks under consideration for listing under the endangered species act. Canada has become the largest exploiter of many salmon stocks originating in Washington waters and the catch disparity between United States and Canadian fishers has been exacerbated by closures in Washington while fishing in Canada has continued unabated, often targeting the Washington stocks sought to be protected by the fishing closures in Washington. Canadian harvest of Washington salmon is subject to the terms of the Pacific salmon treaty intended to control the extent of each country's harvest of the other's salmon. Washington fishers catch large numbers of Canadian salmon, primarily sockeye and pink salmon homing to the Fraser river, while Canadian fishers intercept Washington salmon, primarily chinook and coho salmon, resulting in further depletion of Washington salmon stocks.

Despite the vast expenditures by the citizens of the state of Washington to maintain and enhance salmon stocks in their state, fishing regulations and policies have resulted in allocations among nontreaty fishers without regard to the value to the people of the state of Washington. Chinook and coho salmon have been proven to be more valuable in recreational fisheries, while pink, chum, and sockeye salmon have generally proven to be more suitable and valuable in commercial fisheries, except where shown to be more valuable in recreational fisheries.

**NEW SECTION. Sec. 3. DEFINITION.** As used in this chapter, "by-catch" means nontargeted fish, shellfish, and protected animals that are captured or destroyed while fishing.

**NEW SECTION. Sec. 4. GUIDELINES.** The people authorize and direct the department and the governor of the state of Washington to take the following actions:

(1) Provide and apply clear standards consistent with the provisions of this chapter for controlling destruction during fishing operations of fish and other sea life that are not intended for harvest;

(2) Permit only fishing gear and methods of harvesting fish and shellfish that are consistent with the policies and by-catch mortality standards specified in this chapter;

(3) Manage salmon and steelhead hatcheries and hatchery stocks to contribute to fisheries while protecting or enhancing natural stocks;

(4) Minimize Canadian and other foreign interceptions of salmon and steelhead originating in Washington, if necessary by adopting regulations to reduce Washington interception of Canadian fish;

(5) Maximize economic benefit to the state and its citizens in allocating harvestable food fish and shellfish;

(6) Consult and coordinate with federal officials to minimize potential impacts of fishing on seabirds and other federally protected species; and

(7) Develop and evaluate fishing methods that comply with the by-catch standards in section 5 of this act that would become legal on January 1, 1997, if currently legal methods cannot comply with such standards.

**NEW SECTION. Sec. 5. BY-CATCH STANDARDS.** (1) The purpose of this subsection is to protect nontargeted salmon, steelhead, other anadromous trout and char, and sturgeon from fisheries on harvestable stocks of salmon and sturgeon. Salmon gear evaluations shall be based upon the average of the two observed mortalities for chinook and coho salmon. Sturgeon gear evaluations shall utilize observed mortalities for sturgeon. The director may





## COMPLETE TEXT OF Initiative Measure 640 (cont.)

require more specific evaluations when deemed appropriate. Evaluations shall involve life stages of fish most commonly exposed to the gear and be conducted under conditions representative of when the gear would be utilized. Fishing gear types shall not be used unless capable of live releasing such fish with no greater than fifteen percent mortality, in numbers of fish, during 1997 and thereafter.

(2) The times and locations legal gear may be operated shall be determined by the director. When and where a gear type is deemed to pose a significant threat to the abundance of by-caught salmon, steelhead, other anadromous trout or char, sturgeon, sea birds, or other protected animals, the area shall be closed to fishing with such gear. When and where it is determined that such by-catch will have a lesser impact, fisheries may be conducted only if the gear is operated in accordance with procedures qualifying it for use under the by-catch standard. When and where it is determined that a fishery does not have significant effect on the abundance of such by-catch, such operating procedures may be waived. Waiving of gear operating procedures shall be based only on results of test fishing and catch monitoring.

(3) Any gear type used for food fish and shellfish other than salmon and sturgeon that results in by-catch mortality of nontargeted or unmarketable fish or shellfish that cumulatively weigh in excess of fifteen percent of the live weight of the catch of targeted stocks during 1997 and thereafter is not permitted.

(4) If the director determines that by-catch standards prevent nontreaty fishers from harvesting their full share of sockeye, pink, or chum salmon, in accordance with rulings under *United States of America et al. v. State of Washington et al.*, Civil No. 9213, United States District Court for Western District of Washington, February 12, 1974, and *Sohappy v. Smith*, 302 F. Supp. 899 (D. Oregon, 1969), as amended, affirmed, and remanded 529 F.2d 570 (9th Cir., 1976), existing gear types conforming to the by-catch standards shall be given maximum opportunity for harvesting the targeted stocks consistent with other provisions of this section. If additional harvest levels are required to achieve nontreaty shares the director shall not be constrained by previous provisions of this title after January 1, 1997, for authorizing other gear types that satisfy the by-catch standard. Commercial license applications for new gear types, authorized by the director, shall be limited to holders of 1996 commercial salmon fishing licenses. However, the issuance of such licenses shall be limited to a number consistent with the economic welfare of commercial salmon licensees and the citizens of the state.

**NEW SECTION. Sec. 6. EVALUATING SELECTIVITY OF FISHING METHODS.** The department is directed to study and establish by-catch mortality rates for the various types of existing authorized fishing gear. Existing studies shall be utilized when deemed appropriate by the director. If such studies are unavailable, by-catch mortality rates shall be based upon actual or simulated conditions intended to duplicate the operation of representative gear types in typical fishing situations. Mortality rates shall include and are limited to the sum of immediate mortality, mortality following twelve hours in confinement, and losses to predators while fish and

shellfish are contained in or held by the gear. Applicability of findings of these studies to various times, places, and other circumstances shall be determined by the director.

The director shall establish and enforce rules consistent with maintaining the by-catch standards in the state's fisheries.

**NEW SECTION. Sec. 7. ELIMINATION OF NONCONFORMING FISHING GEAR AND METHODS.** This chapter shall not be construed to prohibit the use of gear that does not comply with the by-catch standards until January 1, 1997, when noncomplying gear is illegal. Nonconforming salmon and sturgeon fishing gear shall not be licensed by the state for use after this date.

**NEW SECTION. Sec. 8. HATCHERY POLICY.** Salmon hatcheries operated by the state of Washington shall be managed and operated to contribute to fisheries in a manner that is consistent with the protection and rehabilitation of natural stocks.

**NEW SECTION. Sec. 9. REDUCTION OF FOREIGN INTERCEPTION OF WASHINGTON FISH STOCKS.** The policy of the state of Washington is to reduce Canadian and other foreign interceptions of salmon and steelhead originating in Washington. The governor and other Washington state officials responsible for negotiation of future fisheries agreements with Canada and other nations shall strive to reduce interceptions of such fish originating in Washington. If it is necessary to reduce Washington interception of fish originating in Canada in order to achieve this goal, the director is authorized and directed to adopt appropriate rules to achieve such reduction.

**NEW SECTION. Sec. 10. VALUE OF FISHERIES TO BE CONSIDERED.** In enacting or adopting rules affecting fisheries for food fish and shellfish in the state of Washington, the director is authorized and directed to consider economic values, including those of the recreational, i.e. personal use, fishery and its associated industries, and accord priority to those fisheries that have the greatest value to the citizens of the state of Washington. Chinook and coho salmon have generally been proven more valuable in recreational fisheries and should be utilized in this manner except where economic studies show that commercial catch is more valuable. Pink, chum, and sockeye salmon have been shown to be more suitable and valuable in commercial fisheries except for Lake Washington and Lake Wenatchee sockeye salmon, which are more valuable when utilized in a recreational fishery. The department may modify these comparative values only when based on economic studies employing generally accepted statistical and economic procedures and methodology.

**NEW SECTION. Sec. 11. PERFORMANCE AUDIT.** The state auditor is directed to annually complete for the governor and publish for the citizens a performance audit relating to compliance with the mandates of this chapter on the part of the department.

**NEW SECTION. Sec. 12. CONSULTATION WITH OREGON.** After the effective date of this act, the governor and the director shall consult with the state of Oregon and urge adoption and implementation of the principles and policies set forth in this chapter by the state of Oregon in order to maintain and enhance Columbia river fish stock.

**NEW SECTION. Sec. 13. LEGISLATIVE FUNDING.** The leg-



## COMPLETE TEXT OF Initiative Measure 640 (cont.)

islature shall appropriate the necessary funds to carry out the provisions of this chapter.

**Sec. 14.** RCW 75.12.010 and 1983 1st ex.s. c 46 s 46 are each amended to read as follows:

(1) Except as provided in this section, it is unlawful to fish commercially for salmon within the waters described in subsection (2) of this section.

(2) All waters east and south of a line commencing at a concrete monument on Angeles Point in Clallam county near the mouth of the Elwha River on which is inscribed "Angeles Point Monument" (latitude 48° 9' 3" north, longitude 123° 33' 01" west of Greenwich Meridian); thence running east on a line 81° 30' true across the flashlight and bell buoy off Partridge Point and thence continued to longitude 122° 40' west; thence north to the southerly shore of Sinclair Island; thence along the southerly shore of the island to the most easterly point of the island; thence 46° true to Carter Point, the most southerly point of Lummi Island; thence northwesterly along the westerly shore line of Lummi Island to where the shore line intersects line of longitude 122° 40' west; thence north to the mainland, including: The southerly portion of Hale Passage, Bellingham Bay, Padilla Bay, Fidalgo Bay, Guemes Channel, Skagit Bay, Similk Bay, Saratoga Passage, Holmes Harbor, Possession Sound, Admiralty Inlet, Hood Canal, Puget Sound, and their inlets, passages, waters, waterways, and tributaries.

(3) The director may authorize commercial fishing for sockeye salmon within the waters described in subsection (2) of this section during the period June 10 to July 25 and for other salmon from the second Monday of September through November 30, except during the hours between 4:00 p.m. of Friday and 4:00 p.m. of the following Sunday.

(4) The director may authorize commercial fishing for salmon ~~((with gill net gear))~~ prior to the second Monday in September within the waters of Hale Passage, Bellingham Bay, Samish Bay, Padilla Bay, Fidalgo Bay, Guemes Channel, Skagit Bay, and Similk Bay, to wit: Those waters northerly and easterly of a line commencing at Stanwood, thence along the south shore of Skagit Bay to Rocky Point on Camano Island; thence northerly to Polnell Point on Whidbey Island.

(5) Whenever the director determines that a stock or run of salmon cannot be harvested in the usual manner, and that the stock or run of salmon may be in danger of being wasted and surplus to natural or artificial spawning requirements, the director may authorize units of ~~((gill net and purse seine))~~ gear conforming to by-catch standards in any number or equivalents, by time and area, to fully utilize the harvestable portions of these salmon runs for the economic well being of the citizens of this state. Gill net and purse seine gear other than emergency and test gear authorized by the director shall not be used in Lake Washington.

(6) The director may authorize commercial fishing for pink salmon in each odd-numbered year from August 1 through September 1 in the waters lying inside of a line commencing at the most easterly point of Dungeness Spit and thence projected to Point Partridge on Whidbey Island and a line commencing at Olele Point and thence projected easterly to Bush Point on Whidbey Island.

**NEW SECTION. Sec. 15. EFFECTIVE DATE.** This act shall take effect January 1, 1996.

**NEW SECTION. Sec. 16. SEVERABILITY.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 17. CAPTIONS.** Captions used in this chapter do not constitute any part of the law.

**NEW SECTION. Sec. 18. CODIFICATION.** Sections 1 through 13 and 15 through 17 of this act shall constitute a new chapter in Title 75 RCW.



## COMPLETE TEXT OF Initiative Measure 651

AN ACT Relating to gaming by tribes; and adding new sections to chapter 9.46 RCW.

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

**NEW SECTION. Sec. 1.** A new section is added to chapter 9.46 RCW to read as follows:

The State shall adopt a compact authorizing full class III gaming under the Indian Gaming Regulatory Act of 1988 (102 Stat. 2467; 25 U.S.C. sec. 2710) with all Indian tribes with Indian lands within the external boundaries of the state.

(1) The public policy and law of the state is that all Indian tribes with Indian lands within the state are entitled to offer unrestricted Class III gaming under a compact as defined under the Indian Gaming Regulatory Act of 1988. For all Indian tribes with Indian lands within the external boundaries of the state that do not have a compact with the state as of November 7, 1995, Washington State shall be deemed to have executed a compact stating this public policy within fifteen days of the certification of the passage of this section by the secretary of state. When the agreed upon terms of existing compacts with other Indian tribes expire, those Indian tribes may ratify the compact executed by the state as the result of this section. The compact must not have market restrictions as to the operation of class III gaming on Indian lands in the state with regard to size of wager, size of facility, hours of operation, number of games, number of facilities, or type of gaming employed, and there must not be market restrictions on the use of player-activated electromechanical gambling devices. The compact stating this public policy and governing class III gaming is the compact required under section 2 of this act.

(2) The compact must provide that all of the Indian tribes who ratify this compact shall make a monthly payment of ten percent of the net gaming revenues from the utilization of all player-activated electromechanical gambling devices into a fund created and managed by FTS Enterprises, an intertribal entity established as an extension of tribal governing bodies under the laws of the participat-





## COMPLETE TEXT OF Initiative Measure 651 (cont.)

ing tribes. "Net gaming revenues" is defined as gross revenue minus all revenues paid or allocated as prizes. The compact shall provide that the state auditor and two other persons who are not members of any Indian tribe with Indian lands in Washington State and, who are registered voters in the state, be appointed as directors of FTS Enterprises upon the creation of the fund. The state auditor may decline the appointment if he is otherwise precluded by the laws of the state from accepting the appointment; in which event the existing directors must appoint a replacement.

(3). The compact must provide that FTS Enterprises distribute the fund's revenue annually on a per capita basis minus operating expenses to all of the registered voters in the state who have voted in the most immediate previous statewide general election. FTS Enterprises shall have its records audited by a certified public accounting firm, annually. The audit shall be included in an annual report published and presented to the state auditor.

(4). If at any time after the effective date of this act, the state authorizes, by statute, rule or regulation, the operation of any player-activated electromechanical gambling device, other than one licensed and in actual operation before March 1, 1995, anywhere within the state not on Indian lands, or not authorized by this act, then the financial obligations of the Indian tribes under the compact signed as a result of this act shall cease. After final distribution is made, further payment by the tribes and distribution to the registered voters must not from that time occur. In such event, all other provisions of the compact must remain in full force and effect.

NEW SECTION. Sec. 2. A new section is added to chapter 9.46 RCW to read as follows:

The compact adopted under section 1 of this act must read as follows:

### **Tribal State Compact for Class III Gaming by Tribes with Indian Lands in the State of Washington**

#### **RECITALS**

**WHEREAS** the voters of the State of Washington have set forth, by Initiative, the clear public policy that all Indian tribes within the state are entitled to offer unrestricted Class III gaming under a compact defined by the federal Indian Gaming Regulatory Act of 1988; and

**WHEREAS** the federal Indian Gaming Regulatory Act of 1988 provides that a compact governing the operation of Class III gaming shall be submitted to the Secretary of Interior and published in the federal register;

**ACCORDINGLY**, the State of Washington agrees to the following terms and conditions upon the ratification of this compact by any Indian tribe with Indian lands within the state.

#### **PART I. Effective upon Ratification by Tribe**

This compact is entered into by the State of Washington and any federally recognized Indian tribe with Indian lands within the exterior

boundaries of the State of Washington that ratifies this compact in accordance with the tribe's constitution and applicable tribal laws and regulations. A Compact already in existence between a tribe and the State of Washington remains in effect until the compact expires by its express terms, after which time, the tribe may ratify this Compact.

#### **PART II. Authorized Class III Gaming**

(1). **Authorization of games.** A tribe may offer any game with the elements of prize, consideration, and chance that (a) is authorized by a tribe pursuant to a valid tribal ordinance that is approved by the National Indian Gaming Commission; and (b) is played according to specific rules, the copies of which are available to patrons. There must not be market restrictions as to the operation of Class III gaming including, but not limited to, size of wager, size of facility, hours of operation, number of games, number of facilities, or type of gaming employed.

(2). **Authorization of Gambling Devices.** A tribe is entitled to use any gambling device as defined by RCW § 9.46.0241, as in effect on January 1, 1995, so long as a true and correct prototype of such device has been certified by, or would meet the technical equipment standards of authorized regulatory bodies in the State of Nevada, or the State of New Jersey, or the device is exempted from certification requirements under the laws of the State of Nevada, or the State of New Jersey. If Nevada or New Jersey changes its laws, the devices include devices that are or would be lawful in Nevada or New Jersey under the laws, rules, and regulations in effect on January 1, 1995.

(3). **Age Limitations.** A person under the age of eighteen (18) may neither participate in a gaming operation, nor be allowed on the Class III gaming floor during actual hours of operation. Should alcoholic beverages be offered on any portion of the gaming floor under applicable law, then a patron under the age of twenty-one (21) may not be permitted on that portion of the gaming floor during actual hours of operation.

#### **PART III. VOTERS' DIVIDEND FUND**

(1). **Ten Percent Dividend.** The Tribes shall make a monthly payment of ten percent of the net gaming revenues from the utilization of all player-activated electromechanical gambling devices into a fund created and managed by FTS Enterprises, an intertribal entity established as an extension of tribal governing bodies under the laws of participating tribes with Indian lands in Washington State, who exercise their sovereign authority to participate in FTS Enterprises. "Net gaming revenues" is defined as gross revenue minus all revenues paid or allocated as prizes. Ratification of this compact by a tribe must include acknowledgment and consent to abide by the policies and procedures of FTS Enterprises consistent with the terms of this compact. Specifically, the tribe consents to providing reasonable access to books and records necessary to conduct a verifiable audit of the tribal gaming operations to ensure that FTS Enterprises and tribes are meeting their obligations to the voters of the state under this compact. The state auditor and two other persons who are not members of any Indian tribe with Indian lands in Washington State, who are registered voters of the state, shall be appointed by the Board as Directors of FTS Enterprises upon the creation of the fund. The state auditor may decline the appointment if he is otherwise precluded by the laws of the state from accepting the appointment; in which event



## COMPLETE TEXT OF Initiative Measure 651 (cont.)

the existing directors must appoint a replacement.

(2). **Management & Supervision.** The compact shall provide that FTS Enterprises distribute the fund's revenue annually on a per-capita basis minus operating expenses to all of the registered voters in the state who have voted in the most immediate previous state-wide general election. The fund must allow those entitled to a distribution to donate their annual distribution payment to separate funds created by FTS Enterprises to support nonprofit, private programs in the areas of education, environmental protection, law enforcement, and natural resources restoration. FTS Enterprises shall have its records audited by a certified public accounting firm, annually. The audit shall be included in an annual report published and presented to the state auditor.

(3). **Exclusivity to Indian Country.** If the state authorizes, by statute, rule or regulation, the operation of any player-activated electromechanical gambling device, other than those licensed and actually in play on or before March 1, 1995, anywhere within the state not on Indian lands, or not authorized by this act, then the financial obligations of the Indian tribes under the compact signed as the result of the passage of this act cease immediately. After a final prorated distribution is made, further payment by the tribes and distribution to the registered voters must not from that time occur. In such an event, all other provisions of the compact must remain in full force and effect.

### PART IV. Regulation of Class III Gaming

(1). **Licensing of Key Employees and Primary Management Officials.** The tribe shall license, operate, and regulate all Class III gaming activities consistent with this compact, tribal law, and all other applicable federal law. The tribe shall enforce and administer the regulatory requirements that include but are not limited to the licensing of key employees and primary management officials of each Class III gaming activity or operation. The standards for licensing must be at least as restrictive as the standards required by the Indian Gaming Regulatory Act of 1988 and the regulations of the National Indian Gaming Commission for Key Employees and Primary Management Officials in effect for Class II gaming activities, as of March 1, 1995.

(2). **Accounting/Auditing.** Accounting records must be kept on a double entry system of accounting, maintaining detailed, supporting, subsidiary records. The tribe shall retain the following records for at least three years: (a) revenues, expenses, assets, liabilities and equity for each location at which Class III gaming is conducted; (b) daily cash transactions for each Class III game at each location at which gaming is conducted, including but not limited to transactions relating to each gaming table bank, game drop box, and gaming room bank; (c) all markers, IOUs, returned checks, hold checks or other similar credit instruments; (d) contracts, correspondence and other transaction documents relating to all vendors and contractors; (e) records of all tribal enforcement activities; (f) audits prepared by or on behalf of the tribe; and (g) personnel information on all Class III gaming employees or agents, including rotation sheets, hours worked, employee profiles and background checks. The tribe shall comply with all applicable provisions of the

Bank Secrecy Act, P.L. 91-508, 31 U.S.C. §§ 5311-5314 (1970).

### (3). Washington State's Role in Regulation.

(a) **Investigative Services to be Made Available.** The Washington State Gambling Commission shall conduct background investigations on primary management officials and key employees. Fees for the services shall not exceed the actual and reasonable costs incurred by the Commission for providing the service. The involvement of the state in conducting background investigations shall be voluntary; If the State of Washington chooses not to conduct the background investigations, or is otherwise unable to conduct the background investigations, the tribe may contract with other governments or private companies to provide the services. The tribe shall provide information on primary management officials and key employees sufficient to allow the state to conduct its own background investigation as is necessary to make an independent determination as to suitability of these individuals, consistent with the standards imposed on and by the tribe. If the state disputes the active status of a licensee, the state may pursue the remedies available in Part V of this compact.

(b) **State Inspection.** The state may inspect any aspect of the tribal gaming operations. The state presence, however, must not be conducted in a manner which interferes with the day-to-day operations of the gaming facility. A representative authorized in writing by the Governor of the state, or his designee, shall have the right to inspect, in the accompaniment of a designated tribal representative, all tribal Class III gaming facilities and all tribal records related to Class III gaming, subject to the following conditions:

(i) For public areas, the representative may inspect at any time without prior notice;

(ii) For private areas not accessible to the public, the representative may inspect at any time during normal business hours, with twelve hours prior written notice; and

(iii) For inspection and copying of all tribal records relating to Class III gaming, the representative must give 48 hours, not including weekends, prior written notice to the Chairman of the tribe and specifically identify the records to be inspected and copied. However, the state shall pay for all reasonable costs related to the inspection and copying, and the tribe may prohibit the state from copying materials if the state is unable to maintain the confidentiality of the materials.

(c) **State Oversight & Consulting Services.** The state may provide additional oversight or consulting services by entering into a separate Memorandum of Agreement with the tribe providing for the services. In such an event, however, the fees charged by the state must not exceed fair and reasonable costs for providing the services.

### PART V. DISPUTE RESOLUTION

(1). **Disputes Between Tribe and State** -Tribe or state may invoke the following dispute procedure if either believes the other government has failed to comply with a any requirement of the compact.

(a) **Notice.** The party asserting noncompliance must serve written notice to the Chairman of the tribe and the Governor of the state. The notice must identify the specific provision of the compact alleged to have been violated and must specify the factual basis for the alleged noncompliance.

(b) **Negotiated Resolution.** Within thirty (30) days of Notice under subsection (a) the tribe and state shall meet and make every good faith effort to resolve the dispute amicably, through direct





## COMPLETE TEXT OF Initiative Measure 651 (cont.)

negotiation. If the direct negotiation is futile or unsuccessful, the tribe and state agree to seek an independent mediator, the selection of which must be mutually agreed upon. Such mediator shall attempt to find a mutually acceptable resolution to the dispute.

(c) **Formal Mediation.** A controversy or claim arising out of or relating to this compact, or the breach of this compact, wherein negotiated resolution pursuant to subsection (1) (b) of this Part V is unsuccessful, the dispute must be submitted to formal mediation supervised and administered by Judicial Arbitration and Mediation Services, through its Seattle office. The mediator must be selected by Judicial Arbitration and Mediation Services unless otherwise agreed to by tribe and state. The mediator shall have at a minimum, three years experience as a federal magistrate, federal district court or appellate judge, with specific experience involving Indian tribes as litigants. The mediation is not binding on the parties, unless prior to mediation, both parties agree, in writing, to be bound by the mediator's decision. The tribe and state shall each bear its own legal fees and expenses unless, in the opinion of the mediator, the position of one party is meritless, in which event the losing party shall reimburse the prevailing party for such fees and expenses. If the preferential use of Judicial Arbitration and Mediation Services violates any law, or is otherwise not available, the government seeking relief is deemed to have exhausted their remedies and may proceed to federal court as set forth in section (2) of this Part V.

(2). **Consent to Jurisdiction of Federal Court.** If significant disputes arise from this compact that cannot be resolved by negotiated resolution or mediation, tribe and state agree to submit the issues to federal court for determination.

(a) **Tribe's Limited Waiver of Sovereign Immunity.** By this agreement, the tribe does not waive, limit, or modify its sovereign immunity from suit except as provided in this section. The tribe expressly waives in a limited manner its immunity from suit and consents to be sued in the United States District Court for either district of Washington, or in the District Court for the District of Columbia. The state must exhaust the remedies under this Part V before pursuing any action in federal court. This waiver is expressly limited to permit judgments or awards only to the extent of prospective equitable relief that the tribe comply with the court's interpretation of the compact.

(b) **State's Limited Waiver of Sovereign Immunity.** By this agreement, the state does not waive, limit, or modify its sovereign immunity from suit except as provided in this section. State expressly waives in a limited manner its immunity from suit, including any immunity protected by the Eleventh Amendment to the Constitution of the United States, and consents to be sued in the United States District Court for either district of Washington, or for the District Court for the District of Columbia. The tribe must exhaust the remedies under this Part V before pursuing any action in federal court.

### PART VI. MISCELLANEOUS

(1). **Complete Agreement.** This compact is the entire agreement between the governments and supersedes all prior agree-

ments, whether written or oral, with respect to the subject matter of this compact.

(2). **Severability.** In the event that any section or provision of this compact is held invalid by any court of competent jurisdiction, it is the intent of the parties that the remaining sections or provisions of this compact continue in full force and effect. If the Department of Interior, on behalf of the United States, determines that changes in this compact are necessary to be consistent with federal law, this Compact is deemed modified to the extent necessary to conform to federal law.

(3). **Jurisdiction.** Nothing in this compact may be interpreted to alter jurisdiction that the state might currently have on Indian lands of a Washington tribe. This compact may not be interpreted to preclude a subsequent retrocession agreement, crossdeputization agreement, or other intergovernmental agreement affecting jurisdiction.

### PLEASE NOTE:

In the preceding and following measures, all words in double parentheses with a line through them are in the State Law at the present time and are being taken out by the measure. All words underlined do not appear in the State Law as it is now written but will be put in if the measure is adopted.

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



## COMPLETE TEXT OF Referendum Measure 48

AN ACT Relating to regulation of private property; adding a new chapter to Title 64 RCW.

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

**NEW SECTION. Sec. 1.** This act is intended to provide remedies to property owners in addition to any constitutional rights under the state and/or federal constitutions and is not intended to restrict or replace any constitutional rights.

**NEW SECTION. Sec. 2.** This act shall be known as the private property regulatory fairness act.

**NEW SECTION. Sec. 3.** A regulation of private property or restraint of land use by a governmental entity is prohibited unless a statement containing a full analysis of the total economic impact in private property of such regulation or restraint is prepared by the entity and made available to the public at least thirty days prior to adoption of the regulation or imposition of the restraint. Such



## COMPLETE TEXT OF Referendum Measure 48 (cont.)

statement shall identify the manner in which the proposed action will substantially advance the purpose of protecting public health and safety against identified public health or safety risks created by the use of private property, and analyze the economic impact of all reasonable alternatives to the regulation or restraint. Should the governmental entity choose to adopt a proposed regulation or restraint on the use private property, the governmental entity shall adopt the regulation or restraint that has the least possible impact on private property and still accomplishes the necessary public purpose.

**NEW SECTION. Sec. 4.** (1) A portion or parcel of private property shall be considered to have been taken for general public use when:

(a) a governmental entity regulates or imposes a restraint of land use on such portion or parcel of property for public benefit including wetlands, fish or wildlife habitat, buffer zone, or other public benefit designations; and

(b) no public nuisance will be created absent the regulation; and

(2) When private property is taken for general public use, the regulating agency or jurisdiction shall pay full compensation of reduction in value to the owner, or the use of the land by the owner may not be restricted because of the regulation or restraint. The jurisdiction may not require waiving this compensation as a condition of approval of use or another permit, nor as a condition for subdivision of land.

(3) Compensation must be paid to the owner of a private property within three months of the adoption of a regulation or restraint which results in a taking for general public use.

(4) A governmental entity may not deflate the value of property by suggesting or threatening a designation to avoid full compensation to the owner.

(5) A governmental entity that places restrictions on the use of public or private property which deprive a landowner of access to his or her property must also provide alternative access to the property at the governmental entity's expense, or purchase the inaccessible property.

(6) The assessor shall adjust property valuation for tax purposes and notify the owner of the new tax valuation, which must be reflected and identified in the next tax assessment notice.

(7) The state is responsible for the compensation liability of other governmental entities for any action which restricts the use of

property when such action is mandated by state law or any state agency.

(8) Claims for compensation as a result of a taking of private property under this act must be brought within the time period specified in RCW 4.16.020.

**NEW SECTION. Sec. 6.** No governmental entity may require any private property owner to provide or pay for any studies, maps, plans, or reports used in decisions to consider restricting the use of private property for public use.

**NEW SECTION. Sec. 7.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Full compensation" means the reduction in the fair market value of the portion or parcel of property taken for general public use which is attributable to the regulation or restraint. Such reduction shall be measured as of the date of adoption of the regulation or imposition of restraint on the use of private property.

(2) "Governmental entity" means Washington state, state agencies, agencies and commissions funded fully or partially by the state, counties, cities, and other political subdivisions.

(3) "Private property" means -

(a) land;

(b) any interest in land or improvements thereon;

(c) any proprietary water right;

(d) Any crops, forest products, or resources capable of being harvested or extracted that is owned by a non-governmental entity and is protected by either the Fifth or Fourteenth Amendments to the U.S. Constitution or the Washington State Constitution.

(4) "Restraint of land use" means any action, requirement, or restriction by a governmental entity, other than actions to prevent or abate public nuisances, that limits the use or development or private property.

**NEW SECTION. Sec. 8** This act may be enforced in Superior Court against any governmental entity which fails to comply with the provisions of this act by any owner of property subject to the jurisdiction of such entity. Any prevailing plaintiff is entitled to recover the costs of litigation, including reasonable attorney's fees.

**NEW SECTION. Sec. 9.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

**NEW SECTION. Sec. 10.** Sections 1 through 8 of this act shall constitute a new chapter in Title 64 RCW.

## PROJECT VOTE SMART

Information about federal office holders is available free to Washington voters from Project Vote Smart, a national, nonpartisan program started in 1992. This includes information about voting records, campaign finances, past and current position statements and performance evaluations. Voters can telephone Project Vote Smart at 1-800-622-7627. World wide web address is: <http://www.vote-smart.org>





## COMPLETE TEXT OF Referendum Bill 45

AN ACT Relating to the role of the state commission on fish and wildlife as recommended by the commission on fish and wildlife; amending RCW 77.04.040, 77.04.055, 77.04.080, 75.08.011, 75.08.025, 75.08.055, 75.08.058, 75.08.070, 75.08.080, 75.08.090, 75.08.110, 75.08.120, 75.08.274, 75.08.285, 75.08.295, 75.08.460, 75.40.020, 75.40.040, 75.40.060, 75.08.014, 75.08.040, 75.08.045, 75.12.010, 75.12.015, 75.20.110, 75.24.030, 75.24.100, 75.24.130, 75.25.095, 75.30.060, 75.50.010, 75.50.020, 75.50.030, 75.50.040, 75.50.050, 75.50.070, 75.50.110, 75.50.130, 75.52.050, and 77.16.135; reenacting and amending RCW 43.17.020 and 75.50.100; creating new sections; providing an effective date; and providing for submission of this act to a vote of the people.

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

**NEW SECTION. Sec. 1.** The legislature supports the recommendations of the state fish and wildlife commission with regard to the commission's responsibilities in the merged department of fish and wildlife. It is the intent of the legislature that, beginning July 1, 1996, the commission assume regulatory authority for food fish and shellfish in addition to its existing authority for game fish and wildlife. It is also the intent of the legislature to provide to the commission the authority to review and approve department agreements, to review and approve the department's budget proposals, to adopt rules for the department, and to select commission staff and the director of the department.

The legislature finds that all fish, shellfish, and wildlife species should be managed under a single comprehensive set of goals, policies, and objectives, and that the decision-making authority should rest with the fish and wildlife commission. The commission acts in an open and deliberative process that encourages public involvement and increases public confidence in department decision-making.

**Sec. 2.** RCW 43.17.020 and 1993 sp.s. c 2 s 17, 1993 c 472 s 18, and 1993 c 280 s 19 are each reenacted and amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fish and wildlife, (6) the secretary of transportation, (7) the director of licensing, (8) the director of general administration, (9) the director of community, trade, and economic development, (10) the director of veterans affairs, (11) the director of revenue, (12) the director of retirement systems, (13) the secretary of corrections, and (14) the secretary of health, and (15) the director of financial institutions.

Such officers, except the secretary of transportation and the director of fish and wildlife, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. The secretary of transportation shall be appointed by the transportation commission as prescribed by RCW 47.01.041. The director of fish and wildlife shall be appointed by the fish and wildlife commission as prescribed by RCW 77.04.055.

**Sec. 3.** RCW 77.04.040 and 1993 sp.s. c 2 s 61 are each amended to read as follows:

Persons eligible for appointment as members of the commission shall have general knowledge of the habits and distribution of ((game)) fish and wildlife and shall not hold another state, county, or municipal elective or appointive office. In making these appointments, the governor shall seek to maintain a balance reflecting all aspects of ((game)) fish and wildlife, including representation recommended by organized groups representing sportfishers, commercial fishers, hunters, private landowners, and environmentalists. Persons eligible for appointment as fish and wildlife commissioners shall ((not have a monetary interest in any private business that is involved with consumptive or nonconsumptive use of game fish or wildlife)) comply with the provisions of chapters 42.52 and 42.17 RCW.

**Sec. 4.** RCW 77.04.055 and 1993 sp.s. c 2 s 62 are each amended to read as follows:

(1) In establishing policies to preserve, protect, and perpetuate wildlife, ((game)) fish, and wildlife and ((game)) fish habitat, the commission shall meet annually with the governor to:

(a) Review and prescribe basic goals and objectives related to those policies; and

(b) Review the performance of the department in implementing ((game)) fish and wildlife policies.

The commission shall maximize ((game fish)) fishing, hunting, and outdoor recreational opportunities compatible with healthy and diverse fish and wildlife populations.

(2) The commission shall establish hunting, trapping, and fishing seasons and prescribe the time, place, manner, and methods that may be used to harvest or enjoy game fish and wildlife.

(3) The commission shall establish provisions regulating food fish and shellfish as provided in RCW 75.08.080.

(4) The commission shall have final approval authority for tribal, interstate, international, and any other department agreements relating to fish and wildlife.

(5) The commission shall adopt rules to implement the state's fish and wildlife laws.

(6) The commission shall have final approval authority for the department's budget proposals.

(7) The commission shall select its own staff and shall appoint the director of the department. The director and commission staff shall serve at the pleasure of the commission.

**Sec. 5.** RCW 77.04.080 and 1993 sp.s. c 2 s 64 are each amended to read as follows:

Persons eligible for appointment ((by the governor)) as director shall have practical knowledge of the habits and distribution of fish and wildlife. ~~((The governor shall seek recommendations from the commission on the qualifications, skills, and experience necessary to discharge the duties of the position. When considering and selecting the director, the governor shall consult with and be advised by the commission.))~~ The director shall receive the salary fixed by the governor under RCW 43.03.040.

The director is the ex officio secretary of the commission and shall attend its meetings and keep a record of its business.

The director may appoint and employ necessary departmental personnel. The director may delegate to department personnel the duties and powers necessary for efficient operation and administration of the department. ~~((The department shall provide staff for the commission.))~~



## COMPLETE TEXT OF Referendum Bill 45 (cont.)

**Sec. 6.** RCW 75.08.011 and 1994 c 255 s 2 are each amended to read as follows:

As used in this title or rules of the director, unless the context clearly requires otherwise:

- ((1)) (1) "Commission" means the fish and wildlife commission.
- ((2)) (2) "Director" means the director of fish and wildlife.
- ((3)) (3) "Department" means the department of fish and wildlife.
- ((4)) (4) "Person" means an individual or a public or private entity or organization. The term "person" includes local, state, and federal government agencies, and all business organizations, including corporations and partnerships.
- ((5)) (5) "Fisheries patrol officer" means a person appointed and commissioned by the ((director)) commission, with authority to enforce this title, rules of the director, and other statutes as prescribed by the legislature. Fisheries patrol officers are peace officers.
- ((6)) (6) "Ex officio fisheries patrol officer" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fisheries patrol officer" also includes wildlife agents, special agents of the national marine fisheries service, United States fish and wildlife special agents, state parks commissioned officers, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.
- ((7)) (7) "To fish," "to harvest," and "to take" and their derivatives mean an effort to kill, injure, harass, or catch food fish or shellfish.
- ((8)) (8) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.
- ((9)) (9) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.
- ((10)) (10) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.
- ((11)) (11) "Resident" means a person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an intent to continue residing within the state, and who is not licensed to hunt or fish as a resident in another state.
- ((12)) (12) "Nonresident" means a person who has not fulfilled the qualifications of a resident.
- ((13)) (13) "Food fish" means those species of the classes Osteichthyes, Agnatha, and Chondrichthyes that have been classified and that shall not be fished for except as authorized by rule of the ((director)) commission. The term "food fish" includes all stages of development and the bodily parts of food fish species.
- ((14)) (14) "Shellfish" means those species of marine and fresh-water invertebrates that have been classified and that shall not be taken except as authorized by rule of the ((director)) commission. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.
- ((15)) (15) "Salmon" means all species of the genus

*Oncorhynchus*, except those classified as game fish in Title 77 RCW, and includes:

Scientific Name	Common Name
<i>Oncorhynchus tshawytscha</i>	Chinook salmon
<i>Oncorhynchus kisutch</i>	Coho salmon
<i>Oncorhynchus keta</i>	Chum salmon
<i>Oncorhynchus gorbuscha</i>	Pink salmon
<i>Oncorhynchus nerka</i>	Sockeye salmon

((16)) (16) "Commercial" means related to or connected with buying, selling, or bartering. Fishing for food fish or shellfish with gear unlawful for fishing for personal use, or possessing food fish or shellfish in excess of the limits permitted for personal use are commercial activities.

((17)) (17) "To process" and its derivatives mean preparing or preserving food fish or shellfish.

((18)) (18) "Personal use" means for the private use of the individual taking the food fish or shellfish and not for sale or barter.

((19)) (19) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel.

((20)) (20) "Open season" means those times, manners of taking, and places or waters established by rule of the ((director)) commission for the lawful fishing, taking, or possession of food fish or shellfish. "Open season" includes the first and last days of the established time.

((21)) (21) "Fishery" means the taking of one or more particular species of food fish or shellfish with particular gear in a particular geographical area.

((22)) (22) "Limited-entry license" means a license subject to a license limitation program established in chapter 75.30 RCW.

((23)) (23) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

**Sec. 7.** RCW 75.08.025 and 1983 1st ex.s. c 46 s 8 are each amended to read as follows:

The ((director)) commission may negotiate agreements with the United States department of defense to coordinate fishing in state waters over which the department of defense has assumed control.

**Sec. 8.** RCW 75.08.055 and 1993 sp.s. c 2 s 23 are each amended to read as follows:

(1) The ((director)) commission may enter into agreements with and receive funds from the United States for the construction, maintenance, and operation of fish cultural stations, laboratories, and devices in the Columbia River basin for improvement of feeding and spawning conditions for fish, for the protection of migratory fish from irrigation projects and for facilitating free migration of fish over obstructions.

(2) The ((director)) commission and the department may acquire by gift, purchase, lease, easement, or condemnation the use of lands where the construction or improvement is to be carried on by the United States.

**Sec. 9.** RCW 75.08.058 and 1993 sp.s. c 2 s 99 are each amended to read as follows:





## COMPLETE TEXT OF Referendum Bill 45 (cont.)

The ((department)) commission may adopt rules pertaining to harvest of fish and wildlife in the federal exclusive economic zone by vessels or individuals registered or licensed under the laws of this state.

**Sec. 10.** RCW 75.08.070 and 1989 c 130 s 1 are each amended to read as follows:

Consistent with federal law, the ((director's)) commission's authority extends to all areas and waters within the territorial boundaries of the state, to the offshore waters, and to the concurrent waters of the Columbia river.

Consistent with federal law, the ((director's)) commission's authority extends to fishing in offshore waters by residents of this state.

The ((director)) commission may adopt rules consistent with the regulations adopted by the United States department of commerce for the offshore waters. The ((director)) commission may adopt rules consistent with the recommendations or regulations of the Pacific marine fisheries commission, Columbia river compact, the Pacific salmon commission as provided in chapter 75.40 RCW, or the international Pacific halibut commission.

**Sec. 11.** RCW 75.08.080 and 1993 c 117 s 1 are each amended to read as follows:

(1) The ((director)) commission may adopt, amend, or repeal rules as follows:

(a) Specifying the times when the taking of food fish or shellfish is lawful or unlawful.

(b) Specifying the areas and waters in which the taking and possession of food fish or shellfish is lawful or unlawful.

(c) Specifying and defining the gear, appliances, or other equipment and methods that may be used to take food fish or shellfish, and specifying the times, places, and manner in which the equipment may be used or possessed.

(d) Regulating the possession, disposal, landing, and sale of food fish or shellfish within the state, whether acquired within or without the state.

(e) Regulating the prevention and suppression of diseases and pests affecting food fish or shellfish.

(f) Regulating the size, sex, species, and quantities of food fish or shellfish that may be taken, possessed, sold, or disposed of.

(g) Specifying the statistical and biological reports required from fishermen, dealers, boathouses, or processors of food fish or shellfish.

(h) Classifying species of marine and freshwater life as food fish or shellfish.

(i) Classifying the species of food fish and shellfish that may be used for purposes other than human consumption.

(j) Other rules necessary to carry out this title and the purposes and duties of the department.

(2) Subsections (1) (a), (b), (c), (d), and (f) of this section do not apply to private tideland owners and lessees and the immediate family members of the owners or lessees of state tidelands, when they take or possess oysters, clams, cockles, borers, or mussels, excluding razor clams, produced on their own private tidelands or their leased state tidelands for personal use.

"Immediate family member" for the purposes of this section means a spouse, brother, sister, grandparent, parent, child, or grandchild.

(3) Except for subsection (1) (g) of this section, this section does not apply to private sector cultured aquatic products as defined in RCW 15.85.020. Subsection (1) (g) of this section does apply to such products.

**Sec. 12.** RCW 75.08.090 and 1983 1st ex.s. c 46 s 16 are each amended to read as follows:

(1) Rules of the ((director)) commission shall be adopted by the ((director)) commission or a designee in accordance with chapter 34.05 RCW.

(2) Rules of the ((director)) commission shall be admitted as evidence in the courts of the state when accompanied by an affidavit from the ((director)) commission or a designee certifying that the rule has been lawfully adopted and the affidavit is prima facie evidence of the adoption of the rule.

(3) The ((director)) commission may designate department employees to act on the ((director's)) commission's behalf in the adoption and certification of rules.

**Sec. 13.** RCW 75.08.110 and 1983 1st ex.s. c 46 s 17 are each amended to read as follows:

Provisions of this title or rules of the ((director)) commission shall not be printed in a pamphlet unless the pamphlet is clearly marked as an unofficial version. This section does not apply to printings approved by the ((director)) commission.

**Sec. 14.** RCW 75.08.120 and 1983 1st ex.s. c 46 s 18 are each amended to read as follows:

The ((director)) commission may designate the boundaries of fishing areas by driving piling or by establishing monuments or by description of landmarks or section lines and directional headings.

**Sec. 15.** RCW 75.08.274 and 1983 1st ex.s. c 46 s 28 are each amended to read as follows:

Except by permit of the ((director)) commission, it is unlawful to take food fish or shellfish for propagation or scientific purposes within state waters.

**Sec. 16.** RCW 75.08.285 and 1983 1st ex.s. c 46 s 29 are each amended to read as follows:

The ((director)) commission may prohibit the introduction, transportation or transplanting of food fish, shellfish, organisms, material, or other equipment which in the ((director's)) commission's judgment may transmit any disease or pests affecting food fish or shellfish.

**Sec. 17.** RCW 75.08.295 and 1983 1st ex.s. c 46 s 30 are each amended to read as follows:

Except by permit of the ((director)) commission, it is unlawful to release, plant, or place food fish or shellfish in state waters.

**Sec. 18.** RCW 75.08.460 and 1990 c 91 s 2 are each amended to read as follows:

The ((director)) commission shall report to the governor and the appropriate legislative committees regarding its progress on the recreational fishery enhancement plan giving the following minimum information:

(1) By July 1, 1990, and by July 1st each succeeding year a report shall include:



## COMPLETE TEXT OF Referendum Bill 45 (cont.)

(a) Progress on all programs within the plan that are referred to as already underway; and

(b) Specific anticipated needs for additional FTE's, additional capital funds or other needed resources, including whether or not current budgetary dollars are sufficient.

(2) By November 1, 1990, and by November 1st each succeeding year a report shall provide the many specificities omitted from the recreational fishery enhancement plan. They include but are not limited to the following:

(a) The name of the person assigned the responsibility and accountability for over-all management of the recreational fishery enhancement plan.

(b) The name of the person responsible and accountable for management of each regional program.

(c) The anticipated yearly costs related to each regional program.

(d) The specific dates relative to attainment of the recreational fishery enhancement plan goals, including a time-line program by region.

(e) Criteria used for measurement of the successful attainment of the recreational fishery enhancement plan.

**Sec. 19.** RCW 75.40.020 and 1983 1st ex.s. c 46 s 150 are each amended to read as follows:

The ~~((director))~~ commission may give to the state of Oregon such consent and approbation of the state of Washington as is necessary under the compact set out in RCW 75.40.010. For the purposes of RCW 75.40.010, the states of Washington and Oregon have concurrent jurisdiction in the concurrent waters of the Columbia river as defined in RCW 75.08.011.

**Sec. 20.** RCW 75.40.040 and 1983 1st ex.s. c 46 s 152 are each amended to read as follows:

~~((The director))~~ A member selected by or a designee of the fish and wildlife commission, ex officio, and two appointees of the governor representing the fishing industry shall act as the representatives of this state on the Pacific Marine Fisheries Commission. The appointees of the governor are subject to confirmation by the state senate.

**Sec. 21.** RCW 75.40.060 and 1989 c 130 s 2 are each amended to read as follows:

The ~~((director))~~ commission may adopt and enforce the provisions of the treaty between the government of the United States and the government of Canada concerning Pacific salmon, treaty document number 99-2, entered into force March 18, 1985, at Quebec City, Canada, and the regulations of the commission adopted under authority of the treaty.

**Sec. 22.** RCW 75.08.014 and 1993 sp.s. c 2 s 21 are each amended to read as follows:

The director shall supervise the administration and operation of the department and perform the duties prescribed by law and delegated by the commission. The director may appoint and employ necessary personnel. The director may delegate, in writing, to department personnel the duties and powers necessary for efficient

operation and administration of the department.

Only persons having general knowledge of the fisheries and wildlife resources and of the commercial and recreational fishing industry in this state are eligible for appointment as director. The director shall not have a financial interest in the fishing industry or a directly related industry.

**Sec. 23.** RCW 75.08.040 and 1983 1st ex.s. c 46 s 9 are each amended to read as follows:

The ~~((director))~~ commission may acquire by gift, easement, purchase, lease, or condemnation lands, water rights, and rights of way, and construct and maintain necessary facilities for purposes consistent with this title.

The ~~((director))~~ commission may sell, lease, convey, or grant concessions upon real or personal property under the control of the department.

**Sec. 24.** RCW 75.08.045 and 1983 1st ex.s. c 46 s 11 are each amended to read as follows:

The ~~((director))~~ commission may accept money or real property from persons under conditions requiring the use of the property or money for the protection, rehabilitation, preservation, or conservation of the state food fish and shellfish resources, or in settlement of claims for damages to food fish and shellfish resources. The ~~((director))~~ commission shall only accept real property useful for the protection, rehabilitation, preservation, or conservation of these fisheries resources.

**Sec. 25.** RCW 75.12.010 and 1983 1st ex.s. c 46 s 46 are each amended to read as follows:

(1) Except as provided in this section, it is unlawful to fish commercially for salmon within the waters described in subsection (2) of this section.

(2) All waters east and south of a line commencing at a concrete monument on Angeles Point in Clallam county near the mouth of the Elwha River on which is inscribed "Angeles Point Monument" (latitude 48° 9' 3" north, longitude 123° 33' 01" west of Greenwich Meridian); thence running east on a line 81° 30' true across the flashlight and bell buoy off Partridge Point and thence continued to longitude 122° 40' west; thence north to the southerly shore of Sinclair Island; thence along the southerly shore of the island to the most easterly point of the island; thence 46° true to Carter Point, the most southerly point of Lummi Island; thence northwesterly along the westerly shore line of Lummi Island to where the shore line intersects line of longitude 122° 40' west; thence north to the mainland, including: The southerly portion of Hale Passage, Bellingham Bay, Padilla Bay, Fidalgo Bay, Guemes Channel, Skagit Bay, Similk Bay, Saratoga Passage, Holmes Harbor, Possession Sound, Admiralty Inlet, Hood Canal, Puget Sound, and their inlets, passages, waters, waterways, and tributaries.

(3) The ~~((director))~~ commission may authorize commercial fishing for sockeye salmon within the waters described in subsection (2) of this section during the period June 10 to July 25 and for other salmon from the second Monday of September through November 30, except during the hours between 4:00 p.m. of Friday and 4:00 p.m. of the following Sunday.

(4) The ~~((director))~~ commission may authorize commercial fishing for salmon with gill net gear prior to the second Monday in September within the waters of Hale Passage, Bellingham Bay, Samish Bay, Padilla Bay, Fidalgo Bay, Guemes Channel, Skagit Bay, and Similk Bay, to wit: Those waters northerly and easterly of a line





## COMPLETE TEXT OF Referendum Bill 45 (cont.)

commencing at Stanwood, thence along the south shore of Skagit Bay to Rocky Point on Camano Island; thence northerly to Polnell Point on Whidbey Island.

(5) Whenever the ((director)) commission determines that a stock or run of salmon cannot be harvested in the usual manner, and that the stock or run of salmon may be in danger of being wasted and surplus to natural or artificial spawning requirements, the ((director)) commission may authorize units of gill net and purse seine gear in any number or equivalents, by time and area, to fully utilize the harvestable portions of these salmon runs for the economic well being of the citizens of this state. Gill net and purse seine gear other than emergency and test gear authorized by the director shall not be used in Lake Washington.

(6) The ((director)) commission may authorize commercial fishing for pink salmon in each odd-numbered year from August 1 through September 1 in the waters lying inside of a line commencing at the most easterly point of Dungeness Spit and thence projected to Point Partridge on Whidbey Island and a line commencing at Olele Point and thence projected easterly to Bush Point on Whidbey Island.

**Sec. 26.** RCW 75.12.015 and 1983 1st ex.s. c 46 s 48 are each amended to read as follows:

Except as provided in this section, it is unlawful to fish commercially for chinook or coho salmon in the Pacific Ocean and the Straits of Juan de Fuca.

(1) The ((director)) commission may authorize commercial fishing for coho salmon from June 16 through October 31.

(2) The ((director)) commission may authorize commercial fishing for chinook salmon from March 15 through October 31.

**Sec. 27.** RCW 75.20.110 and 1993 sp.s. c 2 s 36 are each amended to read as follows:

(1) Except for the north fork of the Lewis river and the White Salmon river, all streams and rivers tributary to the Columbia river downstream from McNary dam are established as an anadromous fish sanctuary. This sanctuary is created to preserve and develop the food fish and game fish resources in these streams and rivers and to protect them against undue industrial encroachment.

(2) Within the sanctuary area:

(a) It is unlawful to construct a dam greater than twenty-five feet high within the migration range of anadromous fish as determined by the ((director)) commission.

(b) Except by order of the ((director)) commission, it is unlawful to divert water from rivers and streams in quantities that will reduce the respective stream flow below the annual average low flow, based upon data published in United States geological survey reports.

(3) The ((director)) commission may acquire and abate a dam or other obstruction, or acquire any water right vested on a sanctuary stream or river, which is in conflict with the provisions of subsection (2) of this section.

(4) Subsection (2) (a) of this section does not apply to the sediment retention structure to be built on the North Fork Toutle river by the United States army corps of engineers.

**Sec. 28.** RCW 75.24.030 and 1983 1st ex.s. c 46 s 79 are each

amended to read as follows:

Only upon recommendation of the ((director)) commission may the state oyster reserves be sold, leased, or otherwise disposed of by the department of natural resources.

**Sec. 29.** RCW 75.24.100 and 1993 c 340 s 51 are each amended to read as follows:

(1) It is unlawful to take geoduck clams for commercial purposes outside the harvest area designated in a current department of natural resources geoduck harvesting agreement issued under RCW 79.96.080. It is unlawful to commercially harvest geoduck clams from bottoms that are shallower than eighteen feet below mean lower low water (0.0 ft.), or that lie in an area bounded by the line of ordinary high tide (mean high tide) and a line two hundred yards seaward from and parallel to the line of ordinary high tide. This section does not apply to the harvest of private sector cultured aquatic products as defined in RCW 15.85.020.

(2) Commercial geoduck harvesting shall be done with a hand-held, manually operated water jet or suction device guided and controlled from under water by a diver. Periodically, the ((director)) commission shall determine the effect of each type or unit of gear upon the geoduck population or the substrate they inhabit. The ((director)) commission may require modification of the gear or stop its use if it is being operated in a wasteful or destructive manner or if its operation may cause permanent damage to the bottom or adjacent shellfish populations.

**Sec. 30.** RCW 75.24.130 and 1983 1st ex.s. c 46 s 89 are each amended to read as follows:

The ((director)) commission may examine the clam, mussel, and oyster beds located on aquatic lands belonging to the state and request the commissioner of public lands to withdraw these lands from sale and lease for the purpose of establishing reserves or public beaches. The ((director)) commission shall conserve, protect, and develop these reserves and the oyster, shrimp, clam, and mussel beds on state lands.

**Sec. 31.** RCW 75.25.095 and 1990 c 34 s 2 are each amended to read as follows:

((Notwithstanding RCW 75.25.090;)) The ((director)) commission may adopt rules designating times and places for the purposes of family fishing days when a recreational fishing license is not required to fish for food fish or shellfish. All other applicable laws and rules shall remain in effect.

**Sec. 32.** RCW 75.30.060 and 1983 1st ex.s. c 46 s 139 are each amended to read as follows:

A person aggrieved by a decision of the department under this chapter may request administrative review under the informal procedure established by this section.

In an informal hearing before a review board, the rules of evidence do not apply. A record of the proceeding shall be kept as provided by chapter 34.05 RCW. After hearing the case the review board shall notify in writing the ((director)) commission and the initiating party whether the review board agrees or disagrees with the department's decision and the reasons for the board's findings. Upon receipt of the board's findings the ((director)) commission may order such relief as the ((director)) commission deems appropriate under the circumstances.

Nothing in this section: (1) Impairs an aggrieved person's right to proceed under chapter 34.05 RCW; or (2) imposes a liability on members of a review board for their actions under this section.



## COMPLETE TEXT OF Referendum Bill 45 (cont.)

**Sec. 33.** RCW 75.50.010 and 1993 sp.s. c 2 s 45 are each amended to read as follows:

Currently, many of the salmon stocks of Washington state are critically reduced from their sustainable level. The best interests of all fishing groups and the citizens as a whole are served by a stable and productive salmon resource. Immediate action is needed to reverse the severe decline of the resource and to insure its very survival. The legislature finds a state of emergency exists and that immediate action is required to restore its fishery.

Disagreement and strife have dominated the salmon fisheries for many years. Conflicts among the various fishing interests have only served to erode the resource. It is time for the state of Washington to make a major commitment to increasing productivity of the resource and to move forward with an effective rehabilitation and enhancement program. The ~~((department))~~ commission is directed to dedicate its efforts and the efforts of the department to seek resolution to the many conflicts that involve the resource.

Success of the enhancement program can only occur if projects efficiently produce salmon or restore habitat. The expectation of the program is to optimize the efficient use of funding on projects that will increase artificially and naturally produced salmon, restore and improve habitat, or identify ways to increase the survival of salmon. The full utilization of state resources and cooperative efforts with interested groups are essential to the success of the program.

**Sec. 34.** RCW 75.50.020 and 1985 c 458 s 2 are each amended to read as follows:

(1) The ~~((director))~~ commission shall develop long-term regional policy statements regarding the salmon fishery resources before December 1, 1985. The ~~((director))~~ commission shall consider the following in formulating and updating regional policy statements:

- (a) Existing resource needs;
- (b) Potential for creation of new resources;
- (c) Successful existing programs, both within and outside the state;
- (d) Balanced utilization of natural and hatchery production;
- (e) Desires of the fishing interest;
- (f) Need for additional data or research;
- (g) Federal court orders; and
- (h) Salmon advisory council recommendations.

(2) The ~~((director))~~ commission shall review and update each policy statement at least once each year.

**Sec. 35.** RCW 75.50.030 and 1985 c 458 s 3 are each amended to read as follows:

(1) The ~~((director))~~ commission shall develop a detailed salmon enhancement plan with proposed enhancement projects. The plan and the regional policy statements shall be submitted to the secretary of the senate and chief clerk of the house of representatives for legislative distribution by June 30, 1986. The enhancement plan and regional policy statements shall be provided by June 30, 1986, to the natural resources committees of the house of representatives and the senate. The ~~((director))~~ commission shall provide a maximum opportunity for the public to participate in the development of

the salmon enhancement plan. To insure full participation by all interested parties, the ~~((director))~~ commission shall solicit and consider enhancement project proposals from Indian tribes, sports fishermen, commercial fishermen, private aquaculturists, and other interested groups or individuals for potential inclusion in the salmon enhancement plan. Joint or cooperative enhancement projects shall be considered for funding.

(2) The following criteria shall be used by the ~~((director))~~ commission in formulating the project proposals:

- (a) Compatibility with the long-term policy statement;
- (b) Benefit/cost analysis;
- (c) Needs of all fishing interests;
- (d) Compatibility with regional plans, including harvest management plans;
- (e) Likely increase in resource productivity;
- (f) Direct applicability of any research;
- (g) Salmon advisory council recommendations;
- (h) Compatibility with federal court orders;
- (i) Coordination with the salmon and steelhead advisory commission program;
- (j) Economic impact to the state;
- (k) Technical feasibility; and
- (l) Preservation of native salmon runs.

(3) The ~~((director))~~ commission shall not approve projects that serve as replacement funding for projects that exist prior to May 21, 1985, unless no other sources of funds are available.

(4) The ~~((director))~~ commission shall prioritize various projects and establish a recommended implementation time schedule.

**Sec. 36.** RCW 75.50.040 and 1985 c 458 s 4 are each amended to read as follows:

Upon approval by the legislature of funds for its implementation, the ~~((director))~~ commission shall monitor the progress of projects detailed in the salmon enhancement plan.

The ~~((director))~~ commission shall be responsible for establishing criteria which shall be used to measure the success of each project in the salmon enhancement plan.

**Sec. 37.** RCW 75.50.050 and 1987 c 505 s 72 are each amended to read as follows:

The ~~((director))~~ commission shall report to the legislature on or before October 30th of each year ~~((through 1991))~~ on the progress and performance of each project. The report shall contain an analysis of the successes and failures of the program to enable optimum development of the program. The report shall include estimates of funding levels necessary to operate the projects in future years.

The ~~((director))~~ commission shall submit the reports and any additional recommendations to the chairs of the committees on ways and means and the committees on natural resources of the senate and house of representatives.

**Sec. 38.** RCW 75.50.070 and 1993 sp.s. c 2 s 46 are each amended to read as follows:

The legislature finds that it is in the best interest of the salmon resource of the state to encourage the development of regional fisheries enhancement groups. The accomplishments of one existing group, the Grays Harbor fisheries enhancement task force, have been widely recognized as being exemplary. The legislature recognizes the potential benefits to the state that would occur if each region of the state had a similar group of dedicated citizens working





## COMPLETE TEXT OF Referendum Bill 45 (cont.)

to enhance the salmon resource.

The legislature authorizes the formation of regional fisheries enhancement groups. These groups shall be eligible for state financial support and shall be actively supported by the commission and the department. The regional groups shall be operated on a strictly nonprofit basis, and shall seek to maximize the efforts of volunteer and private donations to improve the salmon resource for all citizens of the state.

**Sec. 39.** RCW 75.50.100 and 1993 sp.s. c 17 s 11 and 1993 c 340 s 53 are each reenacted and amended to read as follows:

The dedicated regional fisheries enhancement group account is created in the custody of the state treasurer. Only the ((director)) commission or the ((director's)) commission's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

A surcharge of one dollar shall be collected on each recreational personal use food fish license sold in the state. A surcharge of one hundred dollars shall be collected on each commercial salmon fishery license, each salmon delivery license, and each salmon charter license sold in the state. The department shall study methods for collecting and making available, an annual list, including names and addresses, of all persons who obtain recreational and commercial salmon fishing licenses. This list may be used to assist formation of the regional fisheries enhancement groups and allow the broadest participation of license holders in enhancement efforts. The results of the study shall be reported to the house of representatives fisheries and wildlife committee and the senate environment and natural resources committee by October 1, 1990. All receipts shall be placed in the regional fisheries enhancement group account and shall be used exclusively for regional fisheries enhancement group projects for the purposes of RCW 75.50.110. Funds from the regional fisheries enhancement group account shall not serve as replacement funding for department operated salmon projects that exist on January 1, 1991.

All revenue from the department's sale of salmon carcasses and eggs that return to group facilities shall be deposited in the regional fisheries enhancement group account for use by the regional fisheries enhancement group that produced the surplus. The ((director)) commission shall adopt rules to implement this section pursuant to chapter 34.05 RCW.

**Sec. 40.** RCW 75.50.110 and 1990 c 58 s 4 are each amended to read as follows:

A regional fisheries enhancement group advisory board is established to make recommendations to the ((director)) commission. The advisory board shall make recommendations regarding regional enhancement group rearing project proposals and funding of those proposals. The members shall be appointed by the ((director)) commission and consist of two commercial fishing representatives, two recreational fishing representatives, and three at-large positions. The advisory board membership shall include two members serving ex officio to be nominated, one through the Northwest Indian fisheries commission, and one through the Columbia river intertribal

fish commission.

The department may use account funds to provide agency assistance to the groups. The level of account funds used by the department shall be determined by the ((director)) commission after review and recommendation by the regional fisheries enhancement group advisory board and shall not exceed twenty percent of annual contributions to the account.

**Sec. 41.** RCW 75.50.130 and 1993 sp.s. c 2 s 48 are each amended to read as follows:

The ((director)) commission shall prepare a salmon recovery plan for the Skagit river. The plan shall include strategies for employing displaced timber workers to conduct salmon restoration and other tasks identified in the plan. The plan shall incorporate the best available technology in order to achieve maximum restoration of depressed salmon stocks. The plan must encourage the restoration of natural spawning areas and natural rearing of salmon but must not preclude the development of an active hatchery program.

**Sec. 42.** RCW 75.52.050 and 1984 c 72 s 5 are each amended to read as follows:

The ((director of each department)) commission shall establish by rule:

(1) The procedure for entering a cooperative agreement and the application forms for a permit to release fish or wildlife required by RCW 75.08.295 or 77.16.150. The procedure shall indicate the information required from the volunteer group as well as the process of review by the department. The process of review shall include the means to coordinate with other agencies and Indian tribes when appropriate and to coordinate the review of any necessary hydraulic permit approval applications.

(2) The procedure for providing within forty-five days of receipt of a proposal a written response to the volunteer group indicating the date by which an acceptance or rejection of the proposal can be expected, the reason why the date was selected, and a written summary of the process of review. The response should also include any suggested modifications to the proposal which would increase its likelihood of approval and the date by which such modified proposal could be expected to be accepted. If the proposal is rejected, the department must provide in writing the reasons for rejection. The volunteer group may request the director or the director's designee to review information provided in the response.

(3) The priority of the uses to which eggs, seed, juveniles, or brood stock are put. Use by cooperative projects shall be second in priority only to the needs of programs of the department or of other public agencies within the territorial boundaries of the state. Sales of eggs, seed, juveniles, or brood stock have a lower priority than use for cooperative projects.

(4) The procedure for notice in writing to a volunteer group of cause to revoke the agreement for the project and the procedure for revocation. Revocation shall be documented in writing to the volunteer group. Cause for revocation may include: (a) The unavailability of adequate biological or financial resources; (b) the development of unacceptable biological or resource management conflicts; or (c) a violation of agreement provisions. Notice of cause to revoke for a violation of agreement provisions may specify a reasonable period of time within which the volunteer group must comply with any violated provisions of the agreement.

(5) An appropriate method of distributing among volunteer groups fish, bird, or animal food or other supplies available for the program.



## COMPLETE TEXT OF Referendum Bill 45 (cont.)

**Sec. 43.** RCW 77.16.135 and 1993 sp.s. c 2 s 74 are each amended to read as follows:

(1) The ~~((director))~~ commission shall revoke all licenses and privileges extended under Title 77 RCW of a person convicted of assault on a state wildlife agent or other law enforcement officer provided that:

(a) The wildlife agent or other law enforcement officer was on duty at the time of the assault; and

(b) The wildlife agent or other law enforcement officer was enforcing the provisions of Title 77 RCW.

(2) For the purposes of this section, the definition of assault includes:

(a) RCW 9A.32.030; murder in the first degree;

(b) RCW 9A.32.050; murder in the second degree;

(c) RCW 9A.32.060; manslaughter in the first degree;

(d) RCW 9A.32.070; manslaughter in the second degree;

(e) RCW 9A.36.011; assault in the first degree;

(f) RCW 9A.36.021; assault in the second degree; and

(g) RCW 9A.36.031; assault in the third degree.

(3) For the purposes of this section, a conviction includes:

(a) A determination of guilt by the court;

(b) The entering of a guilty plea to the charge or charges by the accused;

(c) A forfeiture of bail or a vacation of bail posted to the court; or

(d) The imposition of a deferred or suspended sentence by the court.

(4) No license described under Title 77 RCW shall be reissued to a person violating this section for a minimum of ten years, at which time a person may petition the director for a reinstatement of his or her license or licenses. The ten-year period shall be tolled during any time the convicted person is incarcerated in any state or local correctional or penal institution, in community supervision, or home detention for an offense under this section. Upon review by the director, and if all provisions of the court that imposed sentencing have been completed, the director may reinstate in whole or in part the licenses and privileges under Title 77 RCW.

**NEW SECTION. Sec. 44.** By July 1, 1996, the fish and wildlife commission shall submit to the committees on natural resources of the house of representatives and the senate a report identifying other statutory changes necessary for implementation of the commission's recommendations regarding its responsibilities in the department of fish and wildlife.

**NEW SECTION. Sec. 45.** Sections 2 through 43 of this act shall take effect July 1, 1996.

**NEW SECTION. Sec. 46.** This act shall be submitted to the people for their adoption and ratification, or rejection, at the next succeeding general election to be held in this state, in accordance with Article II, section 1 of the state Constitution, as amended, and the laws adopted to facilitate the operation thereof.



## COMPLETE TEXT OF Substitute Senate Joint Resolution 8210

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

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article IV, section 3 of the Constitution of the state of Washington to read as follows:

Article IV, section 3. The judges of the supreme court shall be elected by the qualified electors of the state at large at the general state election at the times and places at which state officers are elected, unless some other time be provided by the legislature. The first election of judges of the supreme court shall be at the election which shall be held upon the adoption of this Constitution and the judges elected thereat shall be classified by lot, so that two shall hold their office for the term of three years, two for the term of five years, and one for the term of seven years. The lot shall be drawn by the judges who shall for that purpose assemble at the seat of government, and they shall cause the result thereof to be certified to the secretary of state, and filed in his office. ~~The ((judge having the shortest term to serve not holding his office by appointment or election to fill a vacancy, shall be))~~ supreme court shall select a chief justice from its own membership to serve for a four-year term at the pleasure of a majority of the court as prescribed by supreme court rule. The chief justice((-and)) shall preside at all sessions of the supreme court((-and in case there shall be two judges having in like manner the same short term, the other judges of the supreme court shall determine which of them shall be chief justice)). In case of the absence of the chief justice, the ~~((judge having in like manner the shortest or next shortest term to serve shall preside))~~ majority of the remaining court shall select one of their members to serve as acting chief justice. After the first election the terms of judges elected shall be six years from and after the second Monday in January next succeeding their election. If a vacancy occur in the office of a judge of the supreme court the governor shall only appoint a person to ensure the number of judges as specified by the legislature, to hold the office until the election and qualification of a judge to fill the vacancy, which election shall take place at the next succeeding general election, and the judge so elected shall hold the office for the remainder of the unexpired term. The term of office of the judges of the supreme court, first elected, shall commence as soon as the state shall have been admitted into the Union, and continue for the term herein provided, and until their successors are elected and qualified. The sessions of the supreme court shall be held at the seat of government until otherwise provided by law.

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



## THE 1996 WASHINGTON PRESIDENTIAL PRIMARY

Washington's Presidential Primary, which gives citizens the opportunity to cast a vote for the nomination of presidential candidates, will be held March 26, 1996. It is the second such primary in Washington since a citizen-sponsored measure was approved by the Legislature in 1989. Any person who is a registered voter in Washington is eligible to vote in the presidential primary. The adoption of a presidential primary has not eliminated the precinct caucus system, which continues to have an important role in the state's process for nominating presidential candidates.

The 1996 Presidential Primary will reflect two important changes made since the first presidential primary in 1992. First, the upcoming primary is scheduled about two months earlier than before, giving Washington voters more nationwide impact. Second, in addition to the Republican and Democrat ballots, an "unaffiliated" ballot will be available for voters who do not wish to participate in the nominating process of either party. All of the candidates listed on the party ballots will appear on this new independent ballot.

Voters are not required to register with a political party to vote in the presidential primary. They may sign a declaration specifying that they want to receive a particular party's ballot and participate in that party's presidential primary. This request, which pertains only to the presidential primary, will be recorded, but does not constitute a political party registration or a declaration of party membership.

You may vote in the presidential primary by absentee ballot. Absentee ballot requests will be available from your county auditor (or in King County, the Division of Records & Elections) prior to the presidential primary. For more information about the 1996 Presidential Primary, please call the state voter hotline at 1-800-448-4881.

## CAMPAIGN DISCLOSURE REQUIREMENTS

**Contributions to Candidates and Political Committees:** An individual may not give more than: a) \$500 in the primary election and \$500 in the general election to a legislative candidate; and b) \$1,000 in the primary and \$1,000 in the general to a candidate for Governor, Lieutenant Governor or the other statewide executive offices. Individuals may give an unlimited amount to a political party, ballot issue committee or other political committee. During the 21 days before the general election, however, a person may contribute no more than \$5,000 to a local or judicial office candidate, political party or committee.

**Reporting by Candidates and Political Committees:** Most candidates running for public office must file a personal financial affairs statement. Many candidates and political committees also have to file periodic reports showing the source and amount of campaign contributions and a listing of campaign expenditures. These reports are open to the public. Copies are available at the Public Disclosure Commission office in Olympia or at the county elections office in the county where the candidate or committee treasurer lives.

**Independent Expenditures:** Anyone making expenditures totaling \$100 or more in support of or opposition to a state or local candidate or ballot measure (not including contributions made to these recipients) must file a report with the Public Disclosure Commission within five days. Forms are available from PDC or the county elections office. Also, all political advertising must identify the person paying for the ad.

For additional information, contact the Public Disclosure Commission, 711 Capitol Way, Room 403, P.O. Box 40908, Olympia, WA 98504-0908, (360) 753-1111.

## FEDERAL INCOME TAX CREDITS & DEDUCTIONS FOR CONTRIBUTIONS

**Political Contributions Tax Credit:** The Federal Tax Reform Act of 1986 eliminated the personal tax credit previously allowed for political contributions.

As in the past, contributions or gifts made to political parties or candidates may not be deducted as a business expense. In addition, expenses paid or incurred to take part in any political campaign on behalf of a candidate for public office are not deductible as a business expense. Finally, indirect political contributions, such as advertising for a political party or admission to a program with proceeds going to a political party or candidate, may not be deducted as a business expense.

**Presidential Election Campaign Fund Checkoff:** Individuals, however, may make a deductible contribution to the Presidential Election Campaign Fund Checkoff. This fund was established to help pay for presidential election campaigns. \$3 may be taken (\$6 on a joint return) from an individual's taxes to go to a general fund, not for any specific party, to meet the expenses of the 1996 presidential election. The contribution will not increase your tax or reduce your refund.

# Justice of the Supreme Court

## Position 1



### Richard B. SANDERS

#### Nonpartisan

Campaign Address:  
Sanders for Supreme Court  
4122 128th Avenue S.E., Suite 301  
Bellevue, WA 98006  
Telephone: (206) 957-7330  
E-mail: CourtVote@aol.com

#### Isn't It Time Our Courts Protected The People?

We need experienced, independent-minded judges with a track record protecting the rights of ordinary people. Richard Sanders has that record.

**Most Experienced** - Richard Sanders is a citizen lawyer whose landmark cases helped shape constitutional law in Washington for 26 years. His trial and appellate work will make him one of the most experienced justices on the Court.

**City Hall Not Above Law** - Sanders challenges government for abusing its citizens. When courts found the City of Seattle in contempt for enforcing an unconstitutional law against property owners, the Seattle Times editorialized: Sanders' successful action "makes an important point: City Hall is not above the law."

**A Voice for Families, Victims** - Increasingly, government tramples individual and family rights. Richard's statewide support comes from ordinary people, not just incumbent officials and judges. He's not beholden to government, but to citizens, whose rights an independent judiciary must protect.

**Opposes Lowry Appointee** - Sanders' opponent is a career judge, appointed three times by Democrat Governors. Richard comes to public service from the private sector. A UW graduate, he and his attorney wife, Kathleen, practice law together. They live in Bellevue with their three children.



### Rosselle PEKELIS

#### Nonpartisan

Campaign Address:  
Committee to Retain  
Justice Rosselle Pekelis  
P.O. Box 22546  
Seattle, WA 98122  
Telephone: (206) 722-0659

Justice Rosselle Pekelis of the Washington Supreme Court is one of our state's outstanding judges with a strong, 14-year judicial record of integrity, hard work and fairness.

**Common Sense Approach** — As a mother of four, grandmother, past PTA President, and active Little League Board member, Rosselle Pekelis brings a common sense approach to justice, understanding the law's impact on the lives of real people. She has earned the support of the Washington State Council of Police Officers, the Washington State Labor Council, every Justice on the Supreme Court, and countless citizens across the state.

**A Judge, Not a Politician** — Justice Pekelis is an experienced judge who has served on the Superior Court, the Court of Appeals, and now on the Supreme Court. She has been named Washington State Trial Lawyer's "Judge of the Year" and is rated "Exceptionally Well-Qualified" by every major statewide bar association that makes endorsements. Rosselle is not a politician pushing a narrow political agenda. *She is a judge.*

**Strong Statewide Support** — Rosselle Pekelis is endorsed by Democrats, Republicans, and Independents; former Governors Albert Rosellini, John Spellman and Booth Gardner; Attorney General Christine Gregoire; Pierce County Prosecutor John Ladenburg; and King County Prosecutor Norm Maleng.

NOTE: Candidate information was not available at the time of this publication for the Spokane County Superior Court positions that became vacant after the September primary. Information provided by candidates for these positions to the Office of the Secretary of State will be available by telephoning the state's toll-free voter hotline at 1-800-448-4881.





# State Representative

## Fourth Legislative District

(Part of Spokane County)

P  
O  
S  
I  
T  
I  
O  
N  
  
1



### Mary "Chey" AUSTIN

#### Democrat

Campaign Address:  
Mary "Chey" Austin  
Campaign  
12707 E. 11th  
Spokane, WA 99216  
Telephone: (509) 921-9616

LET'S KEEP THE BASICS  
BUT, IT'S TIME FOR REFORM

- LET'S KEEP THE BASIC PUBLIC EDUCATION ACT
- LET'S KEEP OUR STREETS SAFE
- LET'S REFORM WELFARE
- LET'S REFORM GROWTH MANAGEMENT



### Mark STERK

#### Republican

Campaign Address:  
Citizens for Mark Sterk  
1719 S. Burns  
Veradale, WA 99037  
Telephone: (509) 921-0757

Mark is a twenty-year police veteran with the Spokane Police Department and currently the Assistant Director of Training at the Spokane Police Academy. Mark serves on the Law and Justice Committee and the Child and Family Services Committee.

Crime, Taxes and Education are concerns that Mark shares with the people of the 4th District. Mark has already crafted new laws that take violent criminals and sex offenders off our streets and keep them off. Mark does not believe in a "tax more and spend more" government. Downsizing government is imperative to the future of our children.

# State Senator

## Eighteenth Legislative District

(Part of Clark, Cowlitz, and Lewis Counties)



### Jim SPRINGER

#### Democrat

Campaign Address:  
Citizens for Springer  
P.O. Box 1100  
Kalama, WA 98625  
Telephone: (360) 414-0229  
E-mail: jspringr@teleport

Moderation — that's what this election is all about. It's about electing a state senator who understands the value of listening, of keeping an open mind. Of bringing people together and finding common ground.

A business owner in this community since 1979 — Jim Springer understands the need to create a more efficient and accountable state government. Jim Springer knows the bottom line.

But most importantly, Jim Springer recognizes the need for balance, for pragmatic, reasoned, and responsible change — not radical extremism.

We need to streamline the regulatory process — not gut it. We need to insist on personal responsibility — not government mandated morality. We need to improve our public schools, defend law enforcement, and recognize that we must support and respect the values of working men and women of this community.

Jim Springer has the experience to make a difference. He offers a voice of moderation. A voice of reason.



### Joseph ZARELLI

#### Republican

Campaign Address:  
Zarelli for Senafe  
2809 N.W. 100th Street  
Vancouver, WA 98685  
Telephone: (360) 576-5194  
Fax: (360) 576-5632  
E-mail: zman@pacifier.com  
Internet Homepage: <http://www.brigadoon.com/img/joe>

I am running for this Senate seat because I care very much about southwest Washington.

I am the father of four children and two grandchildren who remind me every day of the need for a safer community. That's why I am devoted to reducing crime through tough sentencing laws and by holding criminals responsible for their actions.

As a father, I understand your frustration at our education system. Schools have gotten away from the basics, failing to give our kids the training they need to succeed. As your senator, I will fight for strong schools that meet the highest standards.

I pledge to continue the tax reduction fight that Linda Smith began, working for tax laws that are friendly to families and small businesses. As a lifelong resident of Washington, I am committed to making sure our children have good-paying jobs right here at home.

Above all, I vow to serve you with complete honesty and integrity — without exception. I have had the good fortune to serve my country in the U.S. Navy... now I want to serve my home state as your representative in Olympia. For this, I pledge to you my very best.

Thank you for your support.





## State Senator

### Twentieth Legislative District

(Part of Lewis, Pierce, and Thurston Counties)



**Lois  
LOPEZ**

**Democrat**

Campaign Address:  
Citizens for Lois Lopez,  
Democrat  
417 N. Pearl Street  
Centralia, WA 98531  
Telephone: (360) 330-5006

The citizens of the 20th District should have someone to represent *their* concerns and values. I am not a politician. I am just like you; a hard-working individual concerned for the future. We need to be committed to our children, stimulate economic opportunities - especially in rural communities, and to protect our environment with balance and forethought.

I have lived in the 20th District nearly all my adult life. I worked 5 years in a sawmill, owned a small dairy, and was employed as a secretary for many years. I have been active in regulatory reform working on the Growth Management requirements for Thurston County. For nearly 4 years I have been an advocate for private citizens concerned with land-use and the environment. I have a strong civic background as I worked 3 1/2 years as an Administrative Assistant for the Secretary of State, and have followed the Legislature, testifying on bills of interest.

My opponent was not elected by the people; he was appointed. I feel that I can reflect the issues of the 20th District. After all, I'm just like you; hard-working, making ends meet, and wanting a strong future for my 5 grandchildren.



**Dan  
SWECKER**

**Republican**

Campaign Address:  
Dan Swecker for Senate  
Campaign  
P.O. Box 428  
Rochester, WA 98579  
Telephone: (360) 273-7435  
Fax: (360) 273-6577

Dan Swecker is a man of common sense and uncommon decency. He draws his strength from his family and his faith and understands the things that made this country great. When called, Dan served in Vietnam, flying over 100 combat missions as a helicopter gun ship pilot.

He cares about his neighbors and his community. He has served as a volunteer fireman, a board member of his church, Chairman of the Board of Centralia Christian School, and as a member of the Steering Committee of the Washington Water Policy Alliance.

Dan and his wife, Debby, were pioneers in the fish farming industry - starting Washington's first salmon smolt rearing operation. The tribulations of being a small business owner, trying to fight his way through government regulations and red tape, was one of the most instructive experiences of Dan's life. As our State Senator, Dan will work to reduce government over-regulation and to bring common sense to the permitting process.

Dan believes it is wrong that retired people on fixed incomes may be forced from their homes by ever increasing property taxes. He has introduced legislation that will cut all property taxes by 1/3 and limit increases on residential property.

## MAJOR POLITICAL PARTY CAUCUS AND CONVENTION PROCEDURES

In the state of Washington, candidates for most of the offices which appear on the state general election ballot are nominated at the state primary in September. The office of President is an important exception to this procedure. The candidates for President are nominated by the political parties at their national conventions -- based on the results of either the presidential primary, their own caucuses and conventions, or both.

The delegates to the national conventions are selected by the parties through the precinct caucuses, county or district conventions, and state conventions. Under national or state party rules, these national convention delegates may be bound or pledged to a particular candidate based on the number of votes that candidate receives at the presidential primary in this state. The following information is provided to familiarize Washington citizens with these essential caucus and convention procedures.

Delegates to the national nominating conventions of the major political parties from Washington are selected through a system of precinct caucuses, county or legislative district conventions, and finally, a state convention. The first step in this process is the precinct caucus, a neighborhood-level meeting open to all members of a particular political party. Precinct caucuses are held in each precinct of the state in the early spring of each presidential year. Individuals are elected from each precinct to attend the legislative district or county convention where the delegates to the state convention are chosen. The state conventions of the major political parties will, in turn, choose delegates for the national conventions at which the Presidential and Vice Presidential nominees are selected. Political parties may choose to base the allocation of delegates in whole or in part on the results of the presidential preference primary.

In addition to the selection of delegates, those persons attending party caucuses and conventions have the opportunity to determine the party platform, vote on resolutions and meet party candidates for a variety of local, state and national offices.

### DATES OF PRECINCT CAUCUSES AND CONVENTIONS

	<b>Democrats</b>	<b>Republican</b>
Precinct caucuses	March 5, 1996	March 5, 1996
County conventions	April 13, 1996	March-May 1996*
District conventions	April 20, 1996	March-May 1996*
State convention	June 1, 1996	May 30-June 1, 1996
Location of state convention	Seattle	Bellevue

\*Information was not complete at the time this publication was prepared.

### RULES AND PROCEDURES

Each political party has the authority under the United States Constitution and state law to adopt rules to govern the delegate selection process and other party activities which occur in conjunction with the caucuses and conventions. These party rules specify the number of delegates from each precinct to the county or legislative district convention, the number of delegates from each legislative district or county convention to the state convention, and the procedural rules for conducting the caucuses and conventions. A copy of the rules of either party should be available from the state committee of that party in advance of the time precinct caucuses are held.

### ADDITIONAL INFORMATION

The dates and locations of all party caucuses and conventions receive advance press coverage and are generally advertised by the parties. Specific questions you have about any aspect of the nominating procedure may be directed to the state committee of the respective party. They may be able to respond to your inquiry directly or they may refer you to either your precinct committee person or your county or district chairperson. The addresses and telephone numbers of the state committees are as follows:

Washington State Democratic Central Committee  
P.O. Box 4027  
Seattle WA 98104  
(206) 583-0664

Washington State Republican Party  
16400 Southcenter Parkway, Suite 200  
Seattle WA 98188  
(206) 575-2900



## INDEPENDENT CANDIDATE AND MINOR PARTY NOMINATING PROCEDURES

This summary of the procedures governing the nomination of independent and minor party candidates is **NOT** meant to be inclusive. Persons interested in this procedure should review Chapter 29.24 of the Revised Code of Washington or obtain more detailed information from the Office of the Secretary of State, 1007 S. Washington Street, P.O. Box 40237, Olympia, WA 98504-0237 or their county auditor.

### NOMINATING CONVENTION

Any nomination of a candidate for partisan political office other than by a major political party must be made by a convention held not earlier than the last Saturday in June and not later than the first Saturday in July. Notice of the intention to hold a nominating convention must be published in a newspaper of general circulation within the county in which the convention is held at least ten days before the date of the convention. To be valid, a convention must be attended by at least twenty-five (25) registered voters. In order to nominate candidates for the offices of President and Vice President of the United States, United States Senator, or any statewide office, the parties holding the nominating convention must obtain and submit the signatures of at least two hundred (200) registered voters of the state of Washington. In order to nominate candidates for any other office the parties holding the nominating convention must obtain and submit the signatures of at least twenty-five (25) persons who are registered to vote in the jurisdiction of the office for which nominations are being made.

### CERTIFICATE OF NOMINATION

The signatures and addresses of the registered voters who attended the convention and a record of the proceedings of the convention must be submitted to the appropriate filing officer no later than one week following the adjournment of the convention at which the nominations were made. Any candidate except for President and Vice President who is nominated at an independent or minor party convention, must file a declaration of candidacy and pay the filing fee required for the office sought during the regular filing period established for major political parties. (A nominating petition containing signatures of registered voters equal to the dollar amount of the filing fee is permitted for those candidates without sufficient assets or income to pay the filing fee.) The names of all of the candidates who have been nominated by convention except for President and Vice President will be printed on the primary ballot together with the major party candidates for their respective offices. Candidates for President and Vice President will only appear on the general election ballot. No other candidate's name may be printed on the general election ballot unless he or she receives at least one percent of the total votes cast for the office in the partisan primary and a majority of the votes cast for candidates of that party for that office. Independent candidates need only meet the one percent threshold in order to qualify for placement on the general election ballot.

### WHERE FILINGS ARE MADE

When the candidacy is for:

A federal or statewide office, with the Secretary of State;

A legislative office that includes territory from more than one county, with the Secretary of State;

A county office or legislative office which lies entirely within a single county, with the County Auditor.

If a minor party or independent candidate convention nominates *any* candidate for office in a jurisdiction where voters from more than one county vote upon the office, *all* nominating petitions and the convention certificates are to be filed with the Office of the Secretary of 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

In the state of Washington, you do not have to register by political party or declare political party membership to vote in the state's regular primaries or general elections.

## Registration deadlines

You may register to vote at any time, but you must be registered at least **30 days** in advance of an election if you wish to vote **at a polling place** on election day.

You may also register between 30 and 15 days before an election, but you must do so at a location designated by the county elections officer, and you will be required to vote by absentee ballot.

## How to register

Washington citizens have access to several convenient methods of signing up to vote, including registration by mail and "Motor Voter" registration.

Mail-in registration forms are available from your county auditor or county elections department as well as many public libraries, schools and other government offices. You may also request a form by filling out the box at the right and mailing it to the Secretary of State.

"Motor Voter" registration is offered when you renew or apply for your driver's license. In most instances, a motor voter registration takes less than a minute to complete.

## Change of residence

If you move to a **new** county, you must complete a new voter registration.

If you move within the **same** county, you do not need to re-register, but you must request a transfer of your registration. This can be done by calling or writing your county elections department, or by using a mail-in voter registration form.

**NOTE:** You must re-register or transfer your registration at least **30 days** before the election to be eligible to vote in your new precinct.

## Absentee ballots

You may request an absentee ballot as early as 45 days before an election. (No absentee ballots are issued on election day except to hospitalized voters.)

Absentee ballots may be requested either by phone or by mail from the county elections officer. You may also apply — in writing — to automatically receive an absentee ballot before each election.

**NOTE:** Absentee ballots must be signed and postmarked or delivered to the county elections officer **on or before election day**.

## Election dates and poll hours

State primaries are generally held on the third Tuesday in September. The presidential primary, conducted once every four years, will be held on March 26, 1996.

General elections are held on the Tuesday after the first Monday in November. Polling hours for all primaries and elections are **7:00 a.m. to 8:00 p.m.**

## Voter information

If you need assistance with registration and voting, contact your county auditor or elections department.

## Special services

The Office of the Secretary of State provides a toll-free voter information service to residents within the state of Washington. This service will be operated Monday through Friday from 9:00 a.m. to 8:00 p.m., beginning October 16, and continuing through the day of the election, November 7. In many instances, assistance can be provided to those who have difficulty reading this pamphlet because their primary language is not English.

Voters may also call to request any of the following special Voters Pamphlet versions: Tape-cassette, Braille, Spanish-language or Chinese-language.

For more information, call the Secretary of State Voter Information Hotline at 1-800-448-4881.

### Request for Mail-in Voter Registration Form (Please Print)

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

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

City: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Telephone: \_\_\_\_\_ No. of forms requested: \_\_\_\_\_

**MAIL TO: Office of the Secretary of State  
Voter Registration Services  
P.O. Box 40230 • Olympia, WA 98504-0230**



# VOTING BY ABSENTEE BALLOT

**INSTRUCTIONS:** Any registered voter may apply for an absentee ballot. Once you receive your absentee/special ballot, vote it. Please do not attempt to vote at the poll site also. Contact your county auditor or elections department for further information. For your convenience, addresses and telephone numbers are listed below.

**NOTE:** Also listed below are phone numbers for the hearing impaired using Telecommunications Device for the Deaf (TDD) service. The Office of the Secretary of State also provides a toll-free voter information service for the hearing impaired: **TOLL-FREE HEARING IMPAIRED VOTER INFORMATION 1-800-422-8683**. If you are using an "800 number" for TDD service, you must be prepared to give the relay service operator the number for your county.

COUNTY	ADDRESS	CITY	ZIP	TELEPHONE NUMBER	HEARING IMPAIRED TDD SERVICE
Adams	210 West Broadway	Ritzville	99169	(509) 659-0090 Ext 203	(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) 783-1310 Ext 5618	(509) 736-3063
Chelan	P.O. Box 400	Wenatchee	98801	(509) 664-5431	1-800-833-6388
Clallam	P.O. Box 3030	Port Angeles	98362	(360) 417-2221	1-800-833-6388
Clark	P.O. Box 9812	Vancouver	98666-9812	(360) 699-2345	(360) 737-6032
Columbia	341 East Main St.	Dayton	99328	(509) 382-4541	(509) 382-4541
Cowlitz	207 North 4th	Kelso	98626	(360) 577-3005	1-800-833-6388
Douglas	P.O. Box 456	Waterville	98858	(509) 884-9403	(509) 884-9477
Ferry	P.O. Box 498	Republic	99166	(509) 775-5208	1-800-833-6388
Franklin	P.O. Box 1451	Pasco	99301	(509) 545-3538	1-800-344-4358
Garfield	P.O. Box 278	Pomeroy	99347	(509) 843-1411	1-800-344-4358
Grant	P.O. Box 37	Ephrata	98823	(509) 754-2011 Ext 377	(509) 754-4646
Grays Harbor	P.O. Box 751	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 1-800-831-2678	1-800-833-6388
King	500 4th Avenue	Seattle	98104	(206) 296-8683	(206) 296-0109
Kitsap	614 Division St.	Port Orchard	98366	(360) 876-7128	1-800-833-6388
Kittitas	205 W. 5th	Ellensburg	98926	(509) 962-7503	1-800-833-6388
Klickitat	205 S. Columbus	Goldendale	98620	(509) 773-4001	1-800-833-6388
Lewis	P.O. Box 29	Chehalis	98532-0029	(360) 740-1164	(360) 740-1480
Lincoln	P.O. Box 366	Davenport	99122	(509) 725-4971	1-800-833-6388
Mason	P.O. Box 400	Shelton	98584	(360) 427-9670 Ext 470	1-800-344-4358
Okanogan	P.O. Box 1010	Okanogan	98840	(509) 422-7240	1-800-855-1155
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.	Tacoma	98409-7484	(206) 591-7430 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	Stevenson	98648	(509) 427-9420	1-800-833-6388
Snohomish	3000 Rockefeller Avenue	Everett	98201	(206) 259-4726 1-800-562-4367	(206) 388-3700
Spokane	W. 1116 Broadway	Spokane	99260-0020	(509) 456-2320	(509) 456-2333
Stevens	P.O. Box 189	Colville	99114	(509) 684-7514	1-800-833-6388
Thurston	2000 Lakeridge Dr. S.W.	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	P.O. Box 398	Bellingham	98227	(360) 676-6745	(360) 738-4555
Whitman	P.O. Box 350	Colfax	99111	(509) 397-6270	1-800-833-6388
Yakima	128 N. 2nd St. #117	Yakima	98901	(509) 575-4044	(509) 575-4078

# ABSENTEE BALLOT REQUEST

TO BE FILLED OUT BY APPLICANT

I HEREBY DECLARE THAT I AM A REGISTERED VOTER

PLEASE PRINT IN INK

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

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

City \_\_\_\_\_ Zip \_\_\_\_\_

Telephone: (Day) \_\_\_\_\_ (Evening) \_\_\_\_\_

For identification purposes only:

(Optional)

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

TO BE VALID, YOUR SIGNATURE MUST BE INCLUDED

Date \_\_\_\_\_

SIGNATURE 

SEND MY BALLOT TO THE FOLLOWING ADDRESS:

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

City \_\_\_\_\_

State \_\_\_\_\_

Zip \_\_\_\_\_ Country \_\_\_\_\_

THIS APPLICATION IS FOR:

General Election Only

November 7, 1995

☐

Permanent Request

All Future Elections

☐


FOR OFFICE USE ONLY:

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

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

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

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

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

# ABSENTEE BALLOT REQUEST

TO BE FILLED OUT BY APPLICANT

I HEREBY DECLARE THAT I AM A REGISTERED VOTER

PLEASE PRINT IN INK

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

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

City \_\_\_\_\_ Zip \_\_\_\_\_

Telephone: (Day) \_\_\_\_\_ (Evening) \_\_\_\_\_

For identification purposes only:

(Optional)

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

TO BE VALID, YOUR SIGNATURE MUST BE INCLUDED

Date \_\_\_\_\_

SIGNATURE 

SEND MY BALLOT TO THE FOLLOWING ADDRESS:

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

City \_\_\_\_\_

State \_\_\_\_\_

Zip \_\_\_\_\_ Country \_\_\_\_\_

THIS APPLICATION IS FOR:

General Election Only

November 7, 1995

☐

Permanent Request

All Future Elections

☐

FOR OFFICE USE ONLY:

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

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

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

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

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



W A S H I N G T O N S T A T E

# VOTERS PAMPHLET

STATE GENERAL ELECTION

NOVEMBER 7, 1995



EDITION 2B

PUBLISHED BY THE OFFICE OF THE SECRETARY OF STATE

The Office of the Secretary of State is grateful to Richard A. Wilson, Manager, Customer Service Support, and all the members of the U. S. Postal Service team for their tireless efforts to ensure the timely distribution of this publication.

NON PROFIT ORG.  
U.S. POSTAGE  
**PAID**  
Seattle, WA  
Permit No. 1216

Car Rt. Presort/MS

Postmaster please deliver upon  
receipt

RESIDENTIAL CUSTOMER, LOCAL

EDITION 2B