

Initiative No. 208 to the People..

*OFFICIAL BALLOT TITLE

AUTHORIZING JOINT TENANCIES IN PROPERTY

AN ACT Relating to property; authorizing joint tenancies in real and personal property with common law incidents of survivorship and severability; allowing property rights of a deceased joint tenant to pass immediately upon death to the surviving joint tenant; prescribing methods and requirements for the creation of joint tenancies; providing that the transfer of property to surviving joint tenants shall not derogate from the rights of creditors; and repealing existing laws which abolished the right of survivorship as an incident of joint tenancies or tenancy by the entireties.

* As issued by John J. O'Connell, Attorney General.

OFFICIAL ARGUMENT **FOR** INITIATIVE MEASURE NO. 208

46 States Have Joint Tenancy With Right of Survivorship

↙ *But NOT in Washington!*

STOP PROBATE WITH 208

Why Not Have Your Estate Pass Right Down the Family Tree Without Attorney Fees or Court Costs?

208 Covers All Property, Real Estate, Stocks, Bonds, etc.

208 takes nothing away, but gives the right of survivorship for those who care to use it.



VOTE FOR 208

Thomas E. Grady, Washington Supreme Court Judge (Retired) says:

"I feel satisfied 208 will be enacted if the people are truthfully informed of its purpose and effect, and this will make necessary a campaign of education. Lawyers will put forth a lot of 'scare-heads' supposedly for the protection of the public, but the real reason for opposition with many will be loss of probate business."

J. Henry Helser & Co., Investment Managers (resident offices in principal Pacific Coast cities) states:

"Joint tenancy is recognized in most other states and we believe the proposed act is a step forward in eliminating the confusion that exists."

INITIATIVE MEASURE NO. 208 is endorsed and sponsored by the WASHINGTON STATE LABOR COUNCIL (A. F. of L. - C. I. O.); WASHINGTON STATE GRANGE; and by the WASHINGTON STATE FEDERATION OF BUSINESS AND PROFESSIONAL WOMEN'S CLUBS, INC.

COMMITTEE APPOINTED TO COMPOSE ARGUMENT **FOR** INITIATIVE MEASURE NO. 208

ROBERT B. STEWART, Chairman
Citizens Committee to Save Probate
Costs
205 Lebo Boulevard
Bremerton, Washington

DAN CARBONE, Secretary-Treasurer
Citizens Committee to Save Probate
Costs
3212 West 56th
Seattle 7, Washington

A. L. "SLIM" RASMUSSEN
State Representative, 28th District
4031 Pacific Avenue
Tacoma 8, Washington

EXPLANATORY COMMENT ISSUED BY THE ATTORNEY GENERAL AS REQUIRED BY LAW

THE LAW AS IT NOW EXISTS:

A joint tenancy is a form of ownership of property by two or more persons, a principal feature of which is that upon the death of one of the co-owners, the property is then owned solely by the surviving co-owner or owners.

Under present law, joint tenancies are not authorized in this state except in the case of money deposited with certain banks, savings and loan associations, and credit unions, or invested in United States Savings Bonds under certain conditions. In addition, a form of co-ownership of property similar to joint tenancy is presently authorized between a husband and wife. A husband and wife may presently make an agreement respecting their community property whereby such property becomes the separate property of the survivor upon the death of either spouse.

EFFECT OF INITIATIVE MEASURE NO. 208 IF APPROVED INTO LAW:

The act would authorize any two or more persons to become co-owners of any kind of property as joint tenants with rights of survivorship, upon the conveyance of such property to them by a proper written instrument declaring the ownership to be a joint tenancy. Then, upon the death of any one or more, but less than all of the co-owners, the property held in joint tenancy would become owned by the surviving co-owner or owners.

NOTE: Complete text of Initiative Measure No. 208 starts on Page 26.

OFFICIAL ARGUMENT AGAINST INITIATIVE MEASURE NO. 208

1. This initiative is the biggest threat to its extremely progressive community property laws the state has ever faced. It will destroy rights of women, and through them impair rights of children. Community property and joint tenancy are incompatible. No informed woman could reasonably favor the proposal.
2. The law is not needed. Husbands and wives can do everything under present laws that this act proposes to do, without the hazards involved in this act. (See explanation under "The Law as it Now Exists" at top of this page.)
3. The law will increase taxes for most people. A tax advantage now enjoyed by husbands and wives under our community property laws will be lost.
4. This initiative is a dangerously deceptive proposal. It will not "stop probate" as its sponsors claim. Not a single state in the United States has stopped probate, with or without joint tenancy.
5. Despite claims by sponsors, 46 other states do *NOT* have joint tenancy laws similar to this law. Not a single state has a law in such language.
6. Four kinds of research experts: (1) law school teachers, (2) title company men, (3) lawyers, and (4) trust company men have studied the proposed law. Each group of experts says the same thing—this is a bad law which cannot do what its sponsors say it will do. Instead, it will damage and destroy property rights of great value to millions of people in this state.

COMMITTEE APPOINTED TO COMPOSE ARGUMENT **AGAINST** INITIATIVE MEASURE NO. 208

JUSTIN MALONEY, President
Wash. State Bar Association
Empire State Bldg., Spokane

MRS. W. FORREST GOODFELLOW,
Chairman
Women's Committee to Preserve
Community Property Rights
7534 Fairway Drive, Seattle

MRS. ROBERT M. JONES, Chairman
Citizens Committee Against No. 208
512 Newton, Seattle

sonnel Service Fund. Monies from the Department of Personnel Service Fund shall be disbursed by the State Treasurer by warrants or checks on vouchers duly authorized by the Board.

Section 29. Nothing in this act shall be interpreted as changing the provisions of or affecting the conditions of employment for personnel covered by chapter 47.64 RCW.

Section 30. Section 2, chapter 113, Laws of 1947 and RCW 43.66.030 are each amended to read as follows:

The Board may employ such employees as in its judgment are required from time to time.

Section 31. Section 1, chapter 68, Laws of 1929 and RCW 43.17.090 are each amended to read as follows:

The administrative board shall:

(1) From time to time, systematize and unify the administrative duties of the departments of the state government and make such necessary assignments of duties to the departments as it may deem advisable to correlate and coordinate the work thereof;

(2) Fix the amount of bond to be given by each appointive state officer and each employee of the state in all cases where it is not fixed by law;

(3) Require the giving of an additional bond, or a bond in a greater amount than provided by law, in all cases where in its judgment the statutory bond is not sufficient in amount to cover the liabilities of the officer or employee;

(4) Exempt subordinate employees from giving bond when in its judgment their powers and duties are such as not to require a bond.

Section 32. Section 4, chapter 114, Laws of 1947, section 19, chapter 176, Laws of 1935, section 47, chapter 7, Laws of 1921 (heretofore combined and codified as RCW 43.41.020) are each amended to read as follows:

(RCW 43.41.020) The director of budget shall:

(1) Exercise all the powers and perform all the duties prescribed by law with respect to the administration of the state budget law, the pre-auditing of state departments, the approval of purchases of materials and supplies by state departments, and the approval of public printing bills;

(2) Make efficiency surveys of all state departments and institutions, and the administrative and business methods pursued therein, examine into the physical needs and industrial activities thereof, and make confidential reports to the Governor, recommending necessary betterments, repairs, and the installation of improved and more economical administrative methods, and advising such action as will result in a greater measure of self-support and remedies for inefficient functioning;

(3) Compute cost findings of the several farming and industrial operations at the state institutions, and making confidential reports to the Governor of profit and loss.

Section 33. The following sections of the Revised Code of Washington and the following sections of the session laws are each hereby repealed:

- (1) Section 5, chapter 234, Laws of 1951 and RCW 43.19.290;
- (2) Section 6, chapter 234, Laws of 1951 and RCW 43.19.300;
- (3) Section 7, chapter 234, Laws of 1951 and RCW 43.19.310;
- (4) Section 8, chapter 234, Laws of 1951 and RCW 43.19.320;
- (5) Section 9, chapter 234, Laws of 1951 and RCW 43.19.330;
- (6) Section 10, chapter 234, Laws of 1951 and RCW 43.19.340;
- (7) Section 11, chapter 234, Laws of 1951 and RCW 43.19.350;
- (8) Section 12, chapter 234, Laws of 1951 and RCW 43.19.360;
- (9) Section 3, chapter 220, Laws of 1949, as last amended by section 44, chapter 383, Laws of 1955, and RCW 43.27.060;
- (10) Section 42, chapter 35, Laws of 1945, as amended by section 10, chapter 215, Laws of 1947 and RCW 50.12.030;
- (11) Section 3, chapter 216, Laws of 1939, as amended by section 1, chapter 128, Laws of 1941 and RCW 74.04.030.

Section 34. This act shall be referred to as the State Civil Service Law.

Section 35. If any provision of this act or the application thereof is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end any section, sentence, or word is declared to be severable.

STATE OF WASHINGTON—ss.

Filed in the office of the Secretary of State January 13, 1960.

VICTOR A. MEYERS, *Secretary of State.*

COMPLETE TEXT OF Initiative Measure No. 208

AN ACT relating to joint tenancies permitting property to pass to the survivor without the cost or delay of probate proceedings, and protecting rights of creditors, and relating to other property interests, and repealing section 1, page 165, Laws of 1885, section 1, chapter 270, Laws of 1953 and RCW 11.04.070.

Be It Enacted by the People of the State of Washington:

Section 1. Whereas joint tenancy with right of survivorship permits property to pass to the survivor without the cost or delay of probate proceedings, there shall be a form of co-ownership of property, real and personal, known as joint tenancy. A

(Continued on next page)

joint tenancy shall have the incidents of survivorship and severability as at common law. Joint tenancy may be created by written agreement, written transfer, deed, will or other instrument of conveyance, when expressly declared therein to be a joint tenancy, or when granted or devised to executors or trustees as joint tenants: *Provided however*, That such transfer shall not derogate from the rights of creditors.

Section 2. Every interest created in favor of two or more persons in their own right is an interest in common, unless acquired by them in partnership, for partnership purposes, or unless declared in its creation to be a joint tenancy, as provided in section 1, or unless acquired as community property or unless acquired by executors or trustees.

Section 3. The provisions of this act shall not restrict the creation of a joint tenancy in a bank deposit or in other choses in action as heretofore or hereafter provided by law, nor restrict the power of husband and wife to make agreements as provided in RCW 26.16.120.

Section 4. Section 1, page 165, Laws of 1885, section 1, chapter 270, Laws of 1953, and RCW 11.04.070 are each repealed.

STATE OF WASHINGTON—ss.

Filed in the office of the Secretary of State January 13, 1960.

VICTOR A. MEYERS, *Secretary of State.*

COMPLETE TEXT OF Initiative Measure No. 210

AN ACT providing for the uniform observance of daylight saving time in the State of Washington.

Be It Enacted by the People of the State of Washington:

Section 1. That at two o'clock antemeridian Pacific Standard Time of the last Sunday in April each year the time of the State of Washington shall be advanced one hour, and at two o'clock antemeridian Pacific Standard Time of the last Sunday in September in each year the time of the State of Washington shall, by the retarding of one hour, be returned to Pacific Standard Time.

STATE OF WASHINGTON—ss.

Filed in the office of the Secretary of State April 15, 1960.

VICTOR A. MEYERS, *Secretary of State.*

COMPLETE TEXT OF Initiative Measure No. 25 TO THE LEGISLATURE

AN ACT to conserve the state's fishery resources by limiting the powers of any person authorized to construct or operate dams or to appropriate water; defining "person"; and providing a saving clause to preserve the validity of the remainder of this act if other parts are held invalid.

Be It Enacted by the Legislature of the State of Washington:

Section 1. For the purpose of conserving the State's fishery resources the powers of any person authorized to construct or operate dams or to appropriate water in the state are hereby limited in that no such person shall construct, complete or operate, either for himself or as an agent or independent contractor for another, any dam or other obstruction over 25 feet high on any tributary stream of the Columbia River downstream from McNary Dam, including the Cowlitz River and its tributaries, within the migration range of anadromous fish as jointly determined by the Directors of Fisheries and Game, except the north fork of the Lewis River and the White Salmon River (Big White Salmon River), nor shall any such person obtain or use a federal license for such purpose; nor shall any such person divert any water from any such stream in such quantities that will reduce the respective stream flows below the annual average low flow as set forth in existing or future United States Geological reports; *Provided that*, when the flow is below such annual average low flow, then such person may divert water, subject to legal appropriation, only upon the concurrent order of the Directors of Fisheries and Game.

Section 2. The term "person" as used in Section 1 herein shall include any municipal corporation or other political subdivision of this state or another state, any other public or quasi-public corporation, any private corporation or other organization organized under the laws of this state or another state, and any individual or group of individuals.

Section 3. If any section or provision or part thereof of this act shall be held unconstitutional or for any other reason invalid, the invalidity of such section, provision or part thereof shall not affect the validity of the remaining sections, provisions or parts thereof which are not judged to be invalid or unconstitutional.

STATE OF WASHINGTON—ss.

Filed in the office of the Secretary of State April 3, 1958.

VICTOR A. MEYERS, *Secretary of State.*