



Initiative Measure 59

TO THE LEGISLATURE

Statement for

WHY INITIATIVE 59?

Initiative Measure 59 addresses the question of future development of irrigated farmland in Washington State. Washington has almost 1½ million acres of irrigated land. Prior to 1966 almost all irrigation development occurred in public reclamation projects which provided water to family-size farms. In recent years, large corporations have been withdrawing public water to irrigate thousands of acres of land. Three to 4 million acres are still available for irrigation development in Washington State. Initiative 59 asks: Will these acres be developed in family-size farms for the public good, or in large corporate farms? Ordinary family farm corporations are not affected.

A VOTE FOR INITIATIVE 59 WILL BE A VOTE FOR THE FAMILY FARM

Family farms are the basis of a stable, low cost food supply. Family farms support local communities. Family farm earnings stay in the area, supporting local businesses and creating permanent jobs for area residents. Family farms are the foundation of rural society. Family farms ensure the preservation of churches, schools, civic organizations and traditional rural values.

THE ALTERNATIVE IS LARGE CORPORATE FARMS

Most large corporate farms are governed by boards of directors in distant cities and worked by transient and commuter laborers who have no ties to local communities. Large corporations involved in both the growing and processing of agricultural products can acquire the ability to manipulate and influence prices for food products.

INITIATIVE 59 WILL ENSURE THAT PUBLIC WATER IS USED IN THE PUBLIC'S INTEREST

Initiative 59 will guarantee that the use of public water will benefit the maximum number of people. Initiative 59 will ensure that water available for irrigation will go to family farms.

Official Ballot Title:

Shall new appropriations of public water for non-public agricultural irrigation be limited to farms of 2,000 acres or less?

The Law as it now exists:

Under existing law, the exclusive process available for the establishment of new water rights for commercial agricultural irrigation purposes is the permit system of the water codes of 1917 and 1945. These codes provide that the Department of Ecology shall issue a permit if, after investigation, it finds that there is water

Rebuttal of Statement against

DON'T BE MISLED! Initiative 59 will NOT: restrict development, cost thousands of jobs, or raise food prices. Initiative 59 grants individuals and corporations the *same* water rights.

FACTS: A study by the Senate Select Committee (Arvin-Dinuba) shows that Family Farms create more jobs and businesses than corporate farms. Family Farms provide the base for a stable, low-cost food supply. The independent family farmer has historically produced an abundant food supply.

WE DON'T NEED LARGE CORPORATE FARMS TO HAVE A STRONG AGRICULTURAL ECONOMY!

Voters' Pamphlet Statement Prepared by:

RAY HILL, Grange Committee to Support the Family Farm Water Act; GEORGETTE VALLE, State Representative; NAT WASHINGTON, State Senator.

Advisory Committee: JACK SILVERS, Washington State Grange; JOE DAVIS, Washington State Labor Council, AFL-CIO; NANCY THOMAS, Washington Environmental Council; WENDELL PRATER, Washington State National Farmer Organization; DAMON R. CANFIELD, Former State Senator.

available for use, and the use as proposed in the application will not impair existing rights or be detrimental to the public welfare. Additional general policy directions for processing water right permit applications were given to the Department of Ecology in the Water Resources Act of 1971 and the State Environmental Policy Act of 1971.

Initiative Measure No. 59 was submitted to the Legislature for consideration at its 1977 session. Because the Legislature did not enact the initiative, the State Constitution requires the initiative measure to be submitted to the voters at the 1977 general election for their approval or disapproval.

The effect of Initiative 59, if approved into Law:

Initiative Measure No. 59 contains additional directions to be followed by the Department of Ecology in the issuance of permits authorizing new withdrawals of public waters for irrigation of agricultural lands. If the initiative is approved, the Department of Ecology is directed to issue permits authorizing the use of public waters for agricultural irrigation purposes only in four classifications,

two of which are:

1. "Family farm" permits. Permits of this class shall contain no conditions limiting the period of effectiveness, such as a fifty year term. However, with limited exceptions, these permits shall restrict the holder to the use of public waters to lands constituting not more than one "family farm":

"... a geographic area including not more than two thousand acres of irrigated agricultural lands, whether contiguous or non-contiguous, the controlling interest in which is held by a person having a controlling interest in no more than two thousand acres of irrigated agricultural lands in the state of Washington which are irrigated under rights acquired after the effective date of this act."

2. "Family farm development" permits. These permits may be issued without limitation on the number of acres of land involved. The authorization to use waters is conditioned upon the holder developing the lands into "family farms" and transferring the controlling interest in these farms to persons qualified to hold "family

(continued on page 39)

NOTE: The ballot title and explanatory statement were written by the Attorney General as required by state law. The complete text of Initiative Measure 59 begins on Page 37.

Statement against

LET'S KEEP GROWING WITH OUR INCREASING DEMAND FOR JOBS

Washington needs all the jobs farming can give it. Initiative 59 will cost us thousands of potential jobs by restricting the irrigation development upon which Washington's agricultural industry depends for survival. In one area alone, such irrigation development offers the potential of some 17,000 new jobs, 1,700 new businesses, 108 million dollars in new annual payrolls and a 70-fold increase in the community tax base.

... WITH A STRONG FARMING COMMUNITY IN A FREE ENTERPRISE SYSTEM

Strong, progressive agriculture depends on a free market economy. Initiative 59 attempts to dictate the size of farming operations by granting unlimited water rights to some farmers and denying all water to others. Farms are operated like any other business—government should not be allowed to mandate how large or small a business should be.

... WITH OUR INCREASING NEED FOR FOOD PRODUCTION

The American farmer's ability to provide a plentiful supply of food is unmatched anywhere in the world. Initiative 59 threatens this capability by arbitrarily restricting the water Washington's farmers need to keep on producing.

... WITH OUR NEED FOR ECONOMIC STABILITY BASED ON AGRICULTURE

Agriculture is our state's most important economic factor. Initiative 59 threatens all business and industry which depends on a free, healthy farming industry.

... WITH OUR NEED TO KEEP THE PRICE OF FOOD DOWN

Initiative 59 imposes unfair, unnecessary and burdensome restrictions. It benefits no one and, in the end, the consumer will pay for increased production costs.

Initiative 59 restricts agricultural development by arbitrarily limiting water rights for irrigation to farms of 2,000 acres or less. It is an unjustified proposal which the people of the state of Washington simply cannot afford.

DON'T STOP OUR AGRICULTURAL INDUSTRY—VOTE NO ON INITIATIVE 59!

Rebuttal of Statement for

INITIATIVE 59 DOES NOTHING FOR FAMILY FARMS!

Talking about "family farms" is just a clever attempt to get at public emotions while clouding the real issue: Initiative 59 does nothing more than limit the size of *all* irrigated farms whether they are owned by individuals, families or corporations.

Initiative 59 does nothing for our water resources. It simply dictates that some farmers are to have *unlimited* water while others shall have none at all. This is not only grossly unfair, but it is aimed at artificially restricting the size of certain businesses in this state. Aren't farmers, after all, in the *business* of producing food?

VOTE AGAINST ARBITRARY ECONOMIC RESTRICTIONS — VOTE "NO" INITIATIVE 59.

Voter's Pamphlet Statement Prepared by:

MAX E. BENITZ, State Senator; FRANK "TUB" HANSEN, State Representative; HUBERT F. DONOHUE, State Senator.

Advisory Committee: CHARLES D. KILBURY, State Representative; WILLIAM POLK, State Representative; JIM MATSON, State Senator.

NEW SECTION. Sec. 10. Sections 1 through 9 of this act shall constitute a new chapter in Title 43 RCW.

NEW SECTION. Sec. 11. To carry out the provisions of this act there is appropriated to the Washington state women's commission from the general fund for the biennium ending June 30, 1979, the sum of two thousand dollars, or so much thereof as shall be necessary.

NEW SECTION. Sec. 12. The Washington state women's commission shall cease to exist on June 30, 1983, unless extended by law for an additional fixed period of time.



COMPLETE TEXT OF

Initiative Measure 59

AN ACT Relating to the withdrawal of public waters for use in irrigation of agricultural lands; establishing family farm permits and other water permit classifications; and adding a new chapter to Title 90 RCW.

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

NEW SECTION. Section 1. This chapter shall be known and may be cited as the "Family Farm Water Act".

NEW SECTION. Sec. 2. Nothing in this chapter shall affect any right to withdraw and use public waters if such rights were in effect prior to the effective date of the act, and nothing herein shall modify the priority of any such existing right.

NEW SECTION. Sec. 3. The people of the state of Washington recognize that it is in the public interest to conserve and use wisely the public surface and ground waters of the state in a manner that will assure the maximum benefit to the greatest possible number of its citizens. The maximum benefit to the greatest number of citizens through the use of water for the irrigation of agricultural lands will result from providing for the use of such water on family farms. To assure that future permits issued for the use of public waters for irrigation of agricultural lands will be made on the basis of deriving such maximum benefits, in addition to any other requirements in the law, all permits for the withdrawal of public waters for the purpose of irrigating agricultural lands after the effective date of this act shall be issued in accord with the provisions of this chapter.

NEW SECTION. Sec. 4. For the purposes of this chapter, the following definitions shall be applicable:

(1) "Family farm" means a geographic area including not more than two thousand acres of irrigated agricultural lands, whether contiguous or noncontiguous, the controlling interest in which is held by a person having a controlling interest in no more than two thousand acres of irrigated agricultural lands in the state of Washington which are irrigated under rights acquired after the effective date of this act.

(2) "Person" means any individual, corporation, partnership, limited partnership, organization, or other entity whatsoever, whether public or private. The term "person" shall include as one person all corporate or partnership entities with a common ownership of more than one-half of the assets of each of any number of such entities.

(3) "Controlling interest" means a property interest that can be transferred to another person, the percentage interest so transferred being sufficient to effect a change in control of the landlord's rights and benefits. Ownership of property held in trust shall not be deemed a controlling interest where no part of the trust has been established through expenditure or assignment of assets of the beneficiary of the trust and where the rights of the family farm permit which is a part of the trust cannot be transferred to another by the beneficiary of the trust under terms of the trust. Each trust of a separate donor origin shall be treated as a separate entity and the administration of property under trust shall not represent a controlling interest on the part of the trust officer.

(4) "Department" means the department of ecology of the state of Washington.

(5) "Application", "permit" and "public waters" shall have the meanings attributed to these terms in chapters 90.03 and 90.44 RCW.

(6) "Public water entity" means any public or governmental entity with authority to administer and operate a system to supply water for irrigation of agricultural lands.

NEW SECTION. Sec. 5. After the effective date of this act, all permits issued for the withdrawal of public waters for the purpose of irrigating agricultural lands shall be classified as follows and issued with the conditions set forth

in this chapter:

(1) "Family farm permits". Such permits shall limit the use of water withdrawn for irrigation of agricultural lands to land qualifying as a family farm.

(2) "Family farm development permits". Such permits may be issued to persons without any limit on the number of acres to be irrigated during a specified period of time permitted for the development of such land into family farms and the transfer of the controlling interest of such irrigated lands to persons qualifying for family farm permits. The initial period of time allowed for development and transfer of such lands to family farm status shall not exceed ten years. Such time limit may be extended by the department for not to exceed an additional ten years upon a showing to the department that an additional period of time is needed for orderly development and transfer of controlling interests to persons who can qualify for family farm permits.

(3) "Publicly owned land permits". Such permits shall be issued only to governmental entities permitting the irrigation of publicly owned lands.

(4) "Public water entity permits". Such permits may be issued to public water entities under provisions requiring such public water entity, with respect to delivery of water for use in the irrigation of agricultural lands, to make water deliveries under the same provisions as would apply if separate permits were issued for persons eligible for family farm permits, permits to develop family farms, or for the irrigation of publicly owned land: PROVIDED, HOWEVER, That such provisions shall not apply with respect to water deliveries on federally authorized reclamation projects if such federally authorized projects provide for acreage limitations in water delivery contracts.

NEW SECTION. Sec. 6. (1) The right to withdraw water for use for the irrigation of agricultural lands under authority of a family farm permit shall have no time limit but shall be conditioned upon the land being irrigated complying with the definition of a family farm as defined at the time the permit is issued: PROVIDED, HOWEVER, That if the acquisition by any person of land and water rights by gift, devise, bequest, or by way of bona fide satisfaction of a debt, would otherwise cause land being irrigated pursuant to a family farm permit to lose its status as a family farm, such acquisition shall be deemed to have no effect upon the status of family farm water permits pertaining to land held or acquired by the person acquiring such land and water rights if all lands held or acquired are again in compliance with the definition of a family farm within five years from the date of such acquisition.

(2) If the department determines that water is being withdrawn under a family farm permit for use on land not in conformity with the definition of a family farm, the department shall notify the holder of such family farm permit by personal service of such fact and the permit shall be suspended two years from the date of receipt of notice unless the person having a controlling interest in said land satisfies the department that such land is again in conformity with the definition of a family farm. The department may, upon a showing of good cause and reasonable effort to attain compliance on the part of the person having the controlling interest in such land, extend the two year period prior to suspension. If conformity is not achieved prior to five years from the date of notice the rights of withdrawal shall be canceled.

NEW SECTION. Sec. 7. (1) At any time that the holder of a family farm development permit or a publicly owned land permit shall transfer the controlling interest of all or any portion of the land entitled to water under such permit to a person who can qualify to receive water for irrigation of such land under a family farm permit, the department shall, upon request, issue a family farm permit to such person under the same conditions as would have been applicable if such request had been made at the time of the granting of the original family farm development permit. If the permit under which water is available is held by a public water entity prior to the transfer of the controlling interest to a person who qualifies for a family farm permit, such entity shall continue delivery of water to such land without any restriction on the length of time of delivery not applicable generally to all its water customers.

(2) The issuance of a family farm permit secured through the acquisition of land and water rights from the holder of a family farm development permit, or from the holder of a publicly owned land permit, where water delivery prior to the transfer is from a public water entity, may be conditioned upon the holder of the family farm permit issued continuing to receive water through the facilities of the public water entity.

NEW SECTION. Sec. 8. The department is hereby empowered to promulgate such rules as may be necessary to carry the provisions of this

chapter. Decisions of the department, other than rule making, shall be subject to review in accordance with chapter 43.21B RCW.

NEW SECTION. Sec. 9. This chapter is exempted from the rule of strict construction and it shall be liberally construed to give full effect to the objectives and purposes for which it was enacted.

NEW SECTION. Sec. 10. If any provision of this act, or its application to any person, organization, or circumstance is held invalid or unconstitutional, the remainder of the act, or the application of the provision to other persons, organizations, or circumstances is not affected.

NEW SECTION. Sec. 11. Sections 1 through 10 of this act shall constitute a new chapter in Title 90 RCW.



COMPLETE TEXT OF

Senate Joint Resolution 113

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, amendments to Article IV, section 6, and Article IV, section 10, of the Constitution of the state of Washington, so that said sections shall read as follows:

Article IV, section 6. The superior court shall have original jurisdiction in all cases in equity and in all cases at law which involve the title or possession of real property, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand or the value of the property in controversy amounts to ~~((one))~~ three thousand dollars or as otherwise determined by law, or a lesser sum in excess of the jurisdiction granted to justices of the peace and other inferior courts, and in all criminal cases amounting to felony, and in all cases of misdemeanor not otherwise provided for by law; of actions of forcible entry and detainer; of proceedings in insolvency; of actions to prevent or abate a nuisance; of all matters of probate, of divorce, and for annulment of marriage; and for such special cases and proceedings as are not otherwise provided for. The superior court shall also have original jurisdiction in all cases and of all proceedings in which jurisdiction shall not have been by law vested exclusively in some other court; and said court shall have the power of naturalization and to issue papers therefor. They shall have such appellate jurisdiction in cases arising in justices' and other inferior courts in their respective counties as may be prescribed by law. They shall always be open, except on nonjudicial days, and their process shall extend to all parts of the state. Said courts and their judges shall have power to issue writs of mandamus, quo warranto, review, certiorari, prohibition, and writs of habeas corpus, on petition by or on behalf of any person in actual custody in their respective counties. Injunctions and writs of prohibition and of habeas corpus may be issued and served on legal holidays and nonjudicial days.

Article IV, section 10. The legislature shall determine the number of justices of the peace to be elected and shall prescribe by law the powers, duties and jurisdiction of justices of the peace: PROVIDED, That such jurisdiction granted by the legislature shall not trench upon the jurisdiction of superior or other courts of record, except that justices of the peace may be made police justices of incorporated cities and towns. Justices of the peace shall have original jurisdiction in cases where the demand or value of the property in controversy is less than three hundred dollars or such greater sum, not to exceed ~~((one))~~ three thousand dollars or as otherwise determined by law, as shall be prescribed by the legislature. In incorporated cities or towns having more than five thousand inhabitants, the justices of the peace shall receive such salary as may be provided by law, and shall receive no fees for their own use.

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.



COMPLETE TEXT OF

House Joint Resolution 55

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 XII of the state Constitution by amending section 18 thereof to read as follows:

Article XII, section 18. The legislature ~~((shall))~~ may pass laws establishing reasonable ~~((maximum))~~ rates of charges for the transportation of passengers and freight, and to correct abuses and prevent discrimination and extortion in the rates of freight and passenger tariffs on the different railroads and other common carriers in the state, and shall enforce such laws by adequate penalties. A railroad and transportation commission may be established and its powers and duties fully defined 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.



COMPLETE TEXT OF

House Joint Resolution 56

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 XII of the state Constitution by amending section 15 thereof to read as follows:

Article XII, section 15. No discrimination in charges or facilities for transportation shall be made by any railroad or other transportation company between places or persons, or in the facilities for the transportation of the same classes of freight or passengers within this state, or coming from or going to any other state. ~~((Persons and property transported over any railroad, or by any other transportation company, or individual, shall be delivered at any station, landing or port, at charges not exceeding the charges for the transportation of persons and property of the same class, in the same direction, to any more distant station, port or landing. Excursion and commutation tickets may be issued at special rates.))~~

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.



COMPLETE TEXT OF

House Joint Resolution 57

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 XII of the state Constitution by repealing section 14 thereof in its entirety.

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.