



INITIATIVE MEASURE 90

TO THE LEGISLATURE

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Initiative Measure 90 begins on page 17.

Official Ballot Title:

Shall sales and use taxes be increased, 1/8 of 1%, to fund comprehensive fish and wildlife conservation and recreation programs?

The law as it now exists:

The Washington State Department of Game is funded by license fees paid by hunters and fishermen, income from vanity plates and miscellaneous sources and some funds from the federal government.

The state sales and use taxes produce general fund revenues which are not earmarked for the financing of any specific programs or agencies.

Committee for Outdoor Recreation for use by state and local agencies, each group being entitled to not less than 40% of these funds.

The effect of Initiative Measure 90, if approved into law:

The state sales and use taxes would be increased by 1/8 of 1% with the revenue from that increase being deposited in the state game fund and the wildlife account. All of those newly produced funds are to be expended in accordance with a comprehensive fish and wildlife plan. The plan to be developed by the Department of Game is to be primarily for fish and wildlife conservation and recreation.

Two-thirds of the funds from this tax increase is to be directly expended by the Department of Game. The remaining one-third is to be administered by the Interagency

Statement for

THE THREAT TO FISH AND WILDLIFE

All of us enjoy our fish and wildlife, but unless we act now, it may be too late. Washington has over 186 wildlife species that are endangered, threatened or vulnerable to extinction.

Why? Because 70% of our wildlife habitat has been drastically changed. Over a 15 year period it is estimated that 1.5 million animals will be lost due to the destruction of habitat.

With Initiative 90 we can turn things around and provide both habitat and economic growth.

THE SOLUTION

Initiative 90 costs one penny on an 8 dollar purchase. These funds are dedicated to:

- save threatened and endangered wildlife,
- purchase and improve wildlife habitat,
- establish healthy populations of fish and wildlife.

THE BENEFITS

One of the most important reasons we enjoy living in Washington is that we all care about our environment, natural areas and wildlife. A **yes** vote on Initiative 90 will keep that heritage alive and well for us all.

Wildlife oriented recreation adds \$864 million to our state economy. Over 42,000 Washington private sector jobs are dependent upon wildlife. This makes it one of the largest employers in our state. A **yes** vote on Initiative 90 will help preserve those jobs and enhance wildlife recreation opportunities.

We cannot afford to wait for other solutions. A **yes** vote on Initiative 90 will protect our wildlife now! For the sake of our threatened wildlife and for our children and their children — please vote **yes** on Initiative 90.

Rebuttal of Statement against

Our wildlife cannot wait — and live. Unless proper habitat is ensured, we will lose an irreplaceable resource.

Initiative 90 asks only about \$1/month from the average family. It will not add up to \$275 million.

The Legislature has failed to fund wildlife needs and to protect threatened species.

Upon passage, Initiative 90 requires comprehensive statewide planning for all species. The plan will address the concerns of everyone by soliciting their input regularly.

For additional information, call (206) 625-0760.

Voters Pamphlet Statement Prepared by:

BRAD OWEN, State Senator; JUNE LEONARD, State Representative; JOHN MC GLENN, Chairman, Coalition for Washington's Fish and Wildlife.

Advisory Committee: CARL CROUSE, President, National Wildlife Federation; PETER GALLOWAY, Washington Wildlife Heritage Foundation; HELEN ENGLE, Board Member, National Audubon Society, Former President, Washington Environmental Council; BILL MAXWELL, President, The Mountaineers, Inc.; VERN ZIEGLER, President, Ziegler Lumber Company.

Statement against

DO WE NEED \$275 MILLION IN TAXES FOR WILDLIFE PROTECTION?

We all agree that wildlife protection is important, but we have not demonstrated a need for \$275 million in additional taxes to be used only for that purpose over the next five years.

ELECTED OFFICIALS NEED FLEXIBILITY IN BUDGET DECISIONS

Our state has many legitimate funding needs, including protection of wildlife. But your elected officials must have the flexibility in the budget to prioritize. Currently, our public schools are underfunded, as are programs to assist the elderly and homeless. This initiative would lock the Legislature into setting aside a large pot of money *whether or not the Game Department needed it*, and the money could only be spent on wildlife programs, even at the expense of public schools or needy seniors. We think you'll agree that you elected your legislators and your Governor to make those decisions, and they shouldn't be made by an appointed commission which cannot be held accountable by the public.

DEPARTMENT OF GAME HAS INADEQUATE PLANS FOR HOW TO USE THE MONEY

Even when requested by the Legislature, the Department has not developed an adequate plan for how they will spend the \$275 million. They currently face an \$11 million deficit, and even though they have known for several years that the deficit was growing, they have not responded to legislative requests to submit contingency plans or to improve management efficiency. Instead, they prefer to raise your taxes!

WILDLIFE WON'T SUFFER IF THE INITIATIVE FAILS

The Legislature is concerned about adequately protecting our natural resources and will make money available to the Department when adequate plans are presented and need is demonstrated.

Rebuttal of Statement for

The Legislature will continue to protect wildlife. It's an important resource. But this "solution" is an irresponsible way to allocate scarce funds. Establishing a dedicated account would limit the Legislature's ability to allocate funds based on priority of need. Replacing the Legislature's deliberative process with the initiative process as a means of solving our financial difficulties will encourage other groups to follow suit and increase the cost of government by allowing expenditures without requiring justification.

For additional information, call (206) 786-7992.

Voters Pamphlet Statement Prepared by:

JENNIFER BELCHER, State Representative; ALAN THOMPSON, State Senator; EUGENE A. PRINCE, State Representative.

NEW SECTION. Sec. 11. This act shall be submitted to the People of the State of Washington 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. The ballot title for this act shall be: "Shall state officials continue challenges to the federal selection process for high-level nuclear waste repositories and shall a means be provided for voter disapproval of any Washington site?"



COMPLETE TEXT OF Initiative Measure 90

AN ACT Relating to fish and wildlife management; amending RCW 82.08.020, 82.12.020, 82.12.045, and 43.99.110; adding a new section I to chapter 43.99 RCW; creating a new section; and providing an effective date.

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

NEW SECTION. Sec. 1. Washington's fish and wildlife resources belong to all residents of the state. We all benefit economically, recreationally, and aesthetically from these resources. Wildlife management should provide for healthy populations of all species. Adequate funding for proper management now, and for future generations, is the responsibility of everyone.

The universal need of wildlife is sufficient and suitable habitat. Other fundamental needs include control of poaching, a comprehensive resource data base, and a well-informed public. Recreational needs include increased public access and properly funded facilities such as fish hatcheries. To meet these critical needs, a stable and sufficient funding source must be secured. License revenues, the traditional funding source for wildlife, are not keeping up with costs.

Reinvesting in these valuable wildlife resources will protect our quality of life, and maintain a three billion-dollar state industry.

Sec. 2. section 1, chapter 32, Laws of 1985 and RCW 82.08.020 are each amended to read as follows:

(1) There is levied and there shall be collected a tax on each retail sale in this state equal to six and five-tenths percent of the selling price.

(2) In addition to the tax imposed under subsection (1) of this section, there is levied and shall be collected on each retail sale in this state an additional tax equal to one-eighth of one percent of the selling price. Moneys collected under this subsection shall be deposited in the state game fund and the wildlife account as provided in section 5 of this 1986 act.

(3) The tax imposed under this chapter shall apply to successive retail sales of the same property.

~~((3))~~ (4) The rates provided in this section (~~(applies)~~) apply to taxes imposed under chapter 82.12 RCW as provided in RCW 82.12.020.

Sec. 3. Section 82.12.020, chapter 15, Laws of 1961 as last amended by section 7, chapter 7, Laws of 1983 and RCW 82.12.020 are each amended to read as follows:

(1) There is hereby levied and there shall be collected from every person in this state a tax or excise for the privilege of using within this state as a consumer any article of tangible personal property purchased at retail, or acquired by lease, gift, repossession,

or bailment, or extracted or produced or manufactured by the person so using the same, or otherwise furnished to a person engaged in any business taxable under RCW 82.04.280, subsections (2) or (7). This tax will not apply with respect to the use of any article of tangible personal property purchased, extracted, produced or manufactured outside this state until the transportation of such article has finally ended or until such article has become commingled with the general mass of property in this state. This tax shall apply to the use of every article of tangible personal property, including property acquired at a casual or isolated sale, and including byproducts used by the manufacturer thereof, except as hereinafter provided, irrespective of whether the article or similar articles are manufactured or are available for purchase within this state. Except as provided in RCW 82.12.0252, payment by one purchaser or user of tangible personal property of the tax imposed by chapter 82.08 or 82.12 RCW shall not have the effect of exempting any other purchaser or user of the same property from the taxes imposed by such chapters. The tax shall be levied and collected in an amount equal to the value of the article used by the taxpayer multiplied by the rate in effect for the retail sales tax under RCW 82.08.020, as now or hereafter amended, in the county in which the article is used.

(2) The moneys collected under this section which result from a rate of one-eighth of one percent of the value of the article used shall be deposited in the state game fund and the wildlife account as provided in section 5 of this 1986 act.

Sec. 4. Section 82.12.045, chapter 15, Laws of 1961 as last amended by section 2, chapter 77, Laws of 1983 and RCW 82.12.045 are each amended to read as follows:

In the collection of the use tax on motor vehicles, the department of revenue may designate the county auditors of the several counties of the state as its collecting agents. Upon such designation, it shall be the duty of each county auditor to collect the tax at the time an applicant applies for the registration of, and transfer of title to, the motor vehicle, except in the following instances: (1) Where the applicant exhibits a dealer's report of sale showing that the retail sales tax has been collected by the dealer; (2) where the application is for the renewal of registration; (3) where the applicant presents a written statement signed by the department of revenue, or its duly authorized agent showing that no use tax is legally due; or (4) where the applicant presents satisfactory evidence showing that the retail sales tax or the use tax has been paid by him on the vehicle in question. The term "motor vehicle," as used in this section means and includes all motor vehicles, trailers and semitrailers used, or of a type designed primarily to be used, upon the public streets and highways, for the convenience or pleasure of the owner, or for the conveyance, for hire or otherwise, of persons or property, including fixed loads, facilities for human habitation, and vehicles carrying exempt licenses. It shall be the duty of every applicant for registration and transfer of certificate of title who is subject to payment of tax under this section to declare upon his application the value of the vehicle for which application is made, which shall consist of the consideration paid or contracted to be paid therefor. Any person wilfully misrepresenting, or failing or refusing to declare upon his application, such value shall be guilty of a gross misdemeanor.

Each county auditor who acts as agent of the department of revenue shall at the time of remitting license fee receipts on motor vehicles subject to the provisions of this section pay over and account to the state treasurer for all use tax revenue collected under this section, after first deducting as his collection fee the sum of two dollars for each motor vehicle upon which the tax has been collected. Except as provided in RCW 82.12.020, all revenue received

by the state treasurer under this section shall be credited to the general fund. The auditor's collection fee shall be deposited in the county current expense fund. A duplicate of the county auditor's transmittal report to the state treasurer shall be forwarded forthwith to the department of revenue.

Any applicant who has paid use tax to a county auditor under this section may apply to the department of revenue for refund thereof if he has reason to believe that such tax was not legally due and owing. No refund shall be allowed unless application therefor is received by the department of revenue within two years after payment of the tax. Upon receipt of an application for refund the department of revenue shall consider the same and issue its order either granting or denying it and if refund is denied the taxpayer shall have the right of appeal as provided in RCW 82.32.170, 82.32.180 and 82.32.190.

The provisions of this section shall be construed as cumulative of other methods prescribed in chapters 82.04 to 82.32 RCW, inclusive, for the collection of the tax imposed by this chapter. The department of revenue shall have power to promulgate such rules and regulations as may be necessary to administer the provisions of this section. Any duties required by this section to be performed by the county auditor may be performed by the director of licensing but no collection fee shall be deductible by said director in remitting use tax revenue to the state treasurer.

NEW SECTION. Sec. 5. A new section is added to chapter 43.99 RCW to read as follows:

(1) Two-thirds of the moneys collected under RCW 82.08.020(2) and 82.12.020(2) shall be deposited in the state game fund.

(2) One-third of the moneys collected under RCW 82.08.020(2) and 82.12.020(2) shall be deposited in the wildlife account hereby created in the state treasury. The wildlife account shall be administered by the interagency committee for outdoor recreation and shall be used for programs and projects related to fish and wildlife conservation and recreation. Moneys in the wildlife account shall be divided as follows:

(a) Not less than forty percent to state agencies, upon application, for eligible programs and projects. "State agencies" include the Washington departments of fisheries, game, natural resources, and ecology, the state parks and recreation commission, and the office of the superintendent of public instruction.

(b) Not less than forty percent to local agencies, upon application, for eligible programs and projects. "Local agencies" means those public bodies defined in RCW 43.99.020(2).

The interagency committee for outdoor recreation shall adopt rules for the distribution of funds from the wildlife account in accordance with the comprehensive plan under subsection (3) of this section. Multiple use projects and cooperative programs between agencies are encouraged as long as they are consistent with the comprehensive plan.

(3) All funds shall be allocated according to a new comprehensive fish and wildlife management plan. The plan shall be developed by the department of game, in consultation with the public and agencies eligible to receive a portion of these funds. Habitat protection and enhancement shall be the primary consideration in development of the comprehensive plan. Other considerations shall include public access, wildlife enforcement, conservation education, population enhancement, and research. The purpose of the plan shall be to establish long-range goals; modern, integrated data collection and management systems; and methods for determining and managing trends for all elements of the resource. The planning and monitoring shall be ongoing and continuous efforts.

Sec. 6. Section 84, chapter 287, Laws of 1984 as amended by section 1, chapter 77, Laws of 1985 and RCW 43.99.110 are each amended to read as follows:

There is created the interagency committee for outdoor recreation consisting of the commissioner of public lands, the director of parks and recreation, the director of game, the director of fisheries, or their designees, and, by appointment of the governor with the advice and consent of the senate, five members from the public at large who have a demonstrated interest in and a general knowledge of outdoor recreation and wildlife in the state. The terms of members appointed from the public at large shall commence on January 1st of the year of appointment and shall be for three years or until a successor is appointed, except in the case of appointments to fill vacancies which shall be for the remainder of the unexpired term; provided the first such members shall be appointed for terms as follows: One member for one year, two members for two years, and two members for three years. The governor shall appoint one of the members from the public at large to serve as chairman of the committee for the duration of the member's term. Members employed by the state shall serve without additional pay and participation in the work of the committee shall be deemed performance of their employment. Members from the public at large shall be compensated in accordance with RCW 43.03.240 and shall be entitled to reimbursement individually for travel expenses incurred in performance of their duties as members of the committee in accordance with RCW 43.03.050 and 43.03.060.

NEW SECTION. Sec. 7. This act shall take effect January 1, 1987.



COMPLETE TEXT OF Senate Joint Resolution 136

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 31 of the Constitution of the state of Washington to read as follows:

Article IV, section 31. There shall be a ((*judicial qualifications*)) commission on judicial conduct consisting of a judge selected by and from the court of appeals judges, a judge selected by and from the superior court judges, a judge selected by and from the district court judges, two persons admitted to the practice of law in this state selected by the state bar association, and ((*two*)) four persons who are not attorneys appointed by the governor and confirmed by the senate.

The supreme court may censure, suspend, or remove a judge or justice for violating a rule of judicial conduct and may retire a judge or justice for disability which is permanent or is likely to become permanent and which seriously interferes with the performance of judicial duties. The office of a judge or justice retired or removed by the supreme court becomes vacant, and that person is ineligible for judicial office until eligibility is reinstated by the supreme court. The salary of a removed judge or justice shall cease.