



REFERENDUM BILL 40

CHAPTER 1, LAWS of 1986, 1st EX. SESS.

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Referendum Bill 40 begins on page 16.

Vote cast by the 1986 Legislature on final passage:
HOUSE: Yeas, 91; Nays, 3; Absent or not voting, 4.
SENATE: Yeas, 44; Nays, 3; Absent or not voting, 2.

Statement for

CHALLENGE THE "FEDS" ON THE HANFORD NUCLEAR WASTE SITE

Shall the state of Washington continue its challenge to the U.S. Department of Energy's (USDOE) search for a site for long-term storage of high-level nuclear waste? Vote **yes** to support our state's efforts and to give our congressional delegation the public backing they need to challenge USDOE's process of selecting Hanford.

USDOE ignored the federal law mandating a careful, scientific selection process. Internal USDOE memos show the department bowed to political pressure in its race to find a place to dump high-level nuclear waste.

USDOE DEFIED FEDERAL LAW BY POSTPONING SELECTION OF A SECOND SITE

Our Congress directed USDOE to search for two nuclear waste sites. The department indefinitely postponed its search for a second site without congressional approval, directly violating federal law.

Unless we act immediately, the Hanford site near the Columbia River could, by default, become the *only high-level nuclear waste site in the country.*

YOUR "YES" VOTE IS A VOTE FOR OUR STATE'S FUTURE

Your **yes** vote supports our state's demand that site selection be based on sound scientific principles that take public safety into account. Your **yes** vote insists that USDOE give greater consideration to sites closer to where the waste is produced. Your **yes** vote supports our state's efforts to pursue alliances with Western states affected by the storage and transportation of high-level nuclear wastes.

Official Ballot Title:

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?

The law as it now exists:

Federal law directs the United States Department of Energy to undertake a process for the selection of sites for

USDOE's actions have destroyed the credibility of the site selection process. Let's send a clear message to the federal government and the nuclear waste-producing East Coast that *we are not willing to become the nation's nuclear waste site for the sake of political convenience.*

THIS DECISION WILL AFFECT OUR STATE FOR THOUSANDS OF YEARS

Vote for fairness. Vote **yes** — Referendum 40!

Rebuttal of Statement against

Public safety is not a waste of taxpayer's dollars! State government has an obligation to fight for the long-term safety of Washington residents.

Public safety protections have already been violated. The federal Department of Energy's own reports indicate that political considerations caused Hanford to be selected as a nuclear waste finalist—even though it did not qualify based on the evidence.

If we do not fight this flawed process now, later will be too late!

For additional information, call (206) 223-1964.

Voters Pamphlet Statement Prepared by:

MIKE TODD, State Representative; AL WILLIAMS, State Senator; CLIFF BAILEY, State Senator.

Advisory Committee: RAY HILL, Master, Washington State Grange; LAWRENCE KENNEY, President, Washington State Labor Council, AFL-CIO; DAVID BRICKLIN, President, Washington Environmental Council; GERALD POLLET, Executive Director, Washington Public Interest Research Group (Wash PIRG).

the safe, permanent disposal of high-level nuclear waste. Ultimately, the repository sites are to be selected by the President. A state selected as a site by the President is authorized by federal law to indicate disapproval of the selected site by its Governor or Legislature. Such disapproval by a state can be overridden by Congress.

The effect of Referendum Bill 40, if approved into law:

This measure would not change the existing provisions of federal law. It does, however, direct state officials to use all legal means to suspend the preliminary site selection process under which Hanford, Washington is now one of three candidate sites until the United States Department of Energy complies fully with federal law. Further, if a Washington site is ultimately selected by the President, the Governor is directed to call a special statewide election wherein voters would be asked if they favor a notice of disapproval

of a site in Washington State. If the Governor or the Legislature submits a notice of disapproval to Congress within twenty-one days of the President's recommendation, the Governor would be authorized to cancel the special election.

Statement against

VOTE NO! DO NOT WASTE TAX DOLLARS!

A **no** vote is recommended. A **yes** vote *will not* stop site characterization. A **no** vote will stop your state officials from spending your tax dollars in meaningless court challenges of federal law. Federal law does not provide for voter disapproval of site characterization.

PROCEDURES HAVE BEEN ESTABLISHED AND FOLLOWED

The President of the United States has decided to proceed with full-scale, extensive, at-depth testing and characterization of three sites in three different states, for possible use as a nuclear waste repository, in accordance with the Nuclear Waste Policy Act of 1982. This decision represented the culmination of extensive evaluations of these and other potential sites during the past three years. Work included the compilation of thorough environmental assessments and widespread public comment. Over 20,000 public comments were received and incorporated into the decision.

PUBLIC HEALTH AND SAFETY WILL BE ADDRESSED

Site characterization will cost approximately \$1 billion at each site and take 4 to 5 years to complete. Federal law requires that the impact of a repository on the health and safety of people and the environment must be determined in accordance with Environmental Protection Agency standards and regulations. A final environmental impact statement is required. All steps must be completed before the President may recommend a site to Congress for construction of a repository. The repository is subject to independent licensing by the Nuclear Regulatory Commission.

WASHINGTON STATE IS ALREADY EMPOWERED TO DISAPPROVE A SITE

Federal law provides for disapproval by the Governor or the state Legislature for substantial reasons, subject to override by majority vote of both Houses of Congress, only after the President has recommended a site.

Rebuttal of Statement for

The proponents statement is based on false allegations. The allegations that the sites were not selected on a scientific basis and that USDOE violated federal law by postponing the selection of a second site are false. The scientific evaluation and selection of the three sites took over three years as already discussed. A law that does not apply for at least three more years could not have been violated!

No law at present relates to repository site location; hence, your vote has no effect.

For additional information, call (206) 786-7614 or (509) 946-5562.

Voters Pamphlet Statement Prepared by:

RAYMOND E. ISAACSON, State Representative; MAX E. BENITZ, State Senator; SAM C. GUESS, State Senator.



COMPLETE TEXT OF Referendum Bill 40

AN ACT Relating to the site selection process for a high-level nuclear waste repository; adding a new chapter to Title 29 RCW; adding a new chapter to Title 43 RCW; creating a new section; 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 and the People of the State of Washington find that:

(1) In order to solve the problem of high-level radioactive waste disposal, Congress established a process for selecting two sites for the safe, permanent, and regionally equitable disposal of such waste.

(2) The process of selecting three sites as final candidates, including the Hanford reservation, for a first high-level nuclear waste repository by the United States Department of Energy violated the intent and the mandate of Congress.

(3) The United States Department of Energy has prematurely deferred consideration of numerous potential sites and disposal media that its own research indicates are more appropriate, safer, and less expensive.

(4) Placement of a repository at Hanford without methodical and independently verified scientific evaluation will pose a threat to the health and safety of the people and the environment of this state.

(5) The selection process is flawed and not credible because it did not include independent experts in the selection of the sites and in the review of that selection, as recommended by the National Academy of Sciences.

(6) By postponing indefinitely all site specific work for a second repository, the United States Department of Energy has not complied with the intent of Congress expressed in the Nuclear Waste Policy Act, Public Law 97-425, and the fundamental compromise which enabled its enactment.

NEW SECTION. Sec. 2. In order to achieve complete compliance with federal law and protect the health, safety, and welfare of the People of the State of Washington, the Governor, the Legislature, other state-wide elected officials, and the Nuclear Waste Board shall use all legal means necessary to:

(1) Suspend the preliminary site selection process for a high-level nuclear waste repository, including the process of site characterization, until there is compliance with the intent of the Nuclear Waste Policy Act;

(2) Reverse the Secretary of Energy's decision to postpone indefinitely all site specific work on locating and developing a second repository for high-level nuclear waste;

(3) Insist that the United States Department of Energy's site selection process, when resumed, considers all acceptable geologic media and results in safe, scientifically justified, and regionally and geographically equitable high-level nuclear waste disposal;

(4) Demand that federal budget actions fully and completely follow the intent of the Nuclear Waste Policy Act; and

(5) Continue to pursue alliances with other states and interested parties, particularly with Pacific Northwest governors, legisla-

tures, and other parties, affected by the site selection and transportation of high-level nuclear waste.

NEW SECTION. Sec. 3. (1) The Legislature and the People find that the federal Nuclear Waste Policy Act provides that within sixty days of the President's recommendation of a site for a high-level nuclear waste repository, a state may disapprove the selection of such site in that state.

(2) The Legislature and the People desire, if the Governor and Legislature do not issue a notice of disapproval within twenty-one days of the President's recommendation, that the people of this state have the opportunity to vote upon disapproval.

NEW SECTION. Sec. 4 (1) Within seven days after any recommendation by the President of the United States of a site in the State of Washington to be a high-level nuclear waste repository under 42 U.S.C. Sec. 10136, the Governor shall set the date for a special state-wide election to vote on disapproval of the selection of such site. The special election shall be no more than fifty days after the date of the recommendation of the President of the United States.

(2) If either the Governor or the Legislature submits a notice of disapproval to the United States Congress within twenty-one days of the date of the recommendation by the President of the United States, then the Governor is authorized to cancel the special election pursuant to subsection (1) of this section.

NEW SECTION. Sec. 5. The State of Washington shall assume the costs of any special election called under section 4 of this act in the same manner as provided in RCW 29.13.047 and 29.13.048.

NEW SECTION. Sec. 6. The Secretary of State shall promptly notify the county auditors of the date of the special election and certify to them the text of the ballot title for this special election. The general election laws shall apply to the election required by section 4 of this act to the extent that they are not inconsistent with sections 3 through 8 of this act. Statutory deadlines relating to certification, canvassing, and the voters' pamphlet may be modified for the election held pursuant to section 4 of this act by the Secretary of State through emergency rules adopted under RCW 29.04.080.

NEW SECTION. Sec. 7. The ballot title for the special election called under section 4 of this act shall be "Shall the Governor be required to notify Congress of Washington's disapproval of the President's recommendation of [name of site] as a national high-level nuclear waste repository?"

NEW SECTION. Sec. 8. If the Governor or the Legislature fails to prepare and submit a notice of disapproval to the United States Congress within fifty-five days of the President's recommendation and a majority of the voters in the special election held pursuant to section 4 of this act favored such notice of disapproval, then the vote of the people shall be binding on the Governor. The Governor shall prepare and submit the notice of disapproval to the United States Congress pursuant to 42 U.S.C. Sec. 10136.

NEW SECTION. Sec. 9. Sections 1 and 2 of this act shall constitute a new chapter in Title 43 RCW. Sections 3 through 8 of this act shall constitute a new chapter in Title 29 RCW.

NEW SECTION. Sec. 10. Within ten days of the effective date of this act, the Secretary of State shall transmit copies of this act, including the voter referendum results, to the President of the United States, the United States Department of Energy, the President of the United States Senate, the Speaker of the House of Representatives, each member of Congress, and the Governors and Legislatures of the other forty-nine states.

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