



SENATE JOINT RESOLUTION 8207

PROPOSED CONSTITUTIONAL AMENDMENT

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Senate Joint Resolution 8207 begins on page 16.

Vote cast by the 1987 Legislature on final passage:
HOUSE: Yeas, 92; Nays, 3; Absent or not voting, 3.
SENATE: Yeas, 45; Nays, 2; Absent or not voting, 2.

Official Ballot Title:

Shall the constitution empower superior court judges, after retirement, to complete pending cases in which they had made discretionary rulings?

The law as it now exists:

When a superior court judge leaves office for retirement or any other reason, the former judge is no longer authorized or empowered to function as a superior court judge. If the parties to a case agree, and the court approves, such a former

judge or any member of the bar can preside as a judge pro tem for the case.

By statute a party to litigation has one opportunity, as a matter of right, prior to a discretionary ruling being made by a superior court judge to have that judge removed from handling a specific case.

The effect of SJR 8207, if approved into law:

The constitution would be amended to specifically empower previously elected superior court judges upon retirement to continue to handle those pending cases in which the judge had made discretionary rulings prior to retirement. No agreement would be required by the parties for a retired judge to so function.

Statement for

This change would be of great benefit to the entire judiciary and most particularly those judicial districts with few judges serving the district. There is often a great problem of transition between an outgoing judge and an incoming judge on pending cases. This particularly applies in instances where there are complicated and complex matters. This resolution would allow judges to clear up the caseload of those complicated cases which the judge had been hearing prior to retirement. Many of these cases have been before the court for many years. This would help the incoming judge to assume the regular caseload without pending cases to consume the limited time available.

Superior Court Judges often retire leaving unfinished cases. SJR 8207 would allow such a judge to complete a pending case without written agreement of the litigants. This is an efficient and economical means of continuing a case when a judge retires. A judge's ability after retirement to continue to sit on that case without obtaining consent of the litigants would result in considerable savings to the county, the state and to the parties.

These retiring judges were elected by the people and the parties have already agreed to this judge. In long and complex cases, it would be very difficult and time consuming for the succeeding judge to catch up with the case. The parties would experience delay, and the parties may try to change prior rulings.

Rebuttal of Statement against

SJR 8207 would authorize assigning a retiring elected judge to continue hearing an unfinished complicated case which would be difficult and costly for a new judge to assume. Although this would seldom be done, when needed, it would save time and money for the county and litigants.

Article V, Sec. 2 of our Constitution, prohibits an impeached judge from continuing on any case. Active and retired judges continue to be subject to the supervision of the courts and impeachment laws.

Voters' Pamphlet Statement Prepared by:

IRV NEWHOUSE, State Senator; DENNIS DELLWO, State Representative.

Advisory Committee: PHIL TALMADGE, State Senator; RON MEYERS, State Representative; JACK DEAN, President, Washington State Bar Association; WALTER A. STAUFFACHER, Superior Court Judge, Superior Court Judges Association.

Statement against

SJR 8207 DESTROYS THE ELECTED JUDICIARY

Every citizen who appears in court should be entitled to have his or her case heard by an elected judge—one subject to voter approval every four years. This constitutional amendment destroys that principle.

SJR 8207 CREATES A SPECIAL JUDICIAL "ELITE"

If approved by the voters, this measure would create a special category of "elite" unelected judges on the Superior Court bench in any county. Judges under this constitutional amendment could retire from the bench and still sit on cases of their own choosing. There would be no recourse by voters to examine their performance or express their objections through the election process.

SJR 8207 WOULD PROTECT IMPEACHED JUDGES

No definition of a retired judge is included in this special amendment for privileged judges. A "retired" judge could have reached such status by impeachment for malfeasance or misfeasance in office, but this measure makes no distinction and would not bar an impeached jurist from continuing to serve on the bench.

SJR 8207 BREAKS JUDICIAL AGE PROVISION

Superior Court judges now reach retirement age at 75 and must step down from active duty on the bench, a provision designed to keep our courts from becoming a haven for older jurists. If this constitutional amendment is adopted, a judge could keep serving on a case for life.

SJR 8207 would raise judicial costs. Keeping a Superior Court judge on the bench costs each county and the state up to \$250,000 a year. This additional cost for an "elite" class of judges, who are retired and non-elected, would have to be borne by all of the taxpayers.

Rebuttal of Statement for

As established in our legal history, judges are required to rule on the "law," not on their own personal opinion. A judge who succeeds to another's case has this same duty.

A matter of "convenience" shouldn't override a bench where judge's decisions are subject to voter review at the ballot box. Nor should we breach the judicial retirement age of 75, or create additional costs to maintain an "elite" corps of jurists at taxpayer expense.

Voters' Pamphlet Statement Prepared by:

A.L. "SLIM" RASMUSSEN, State Senator; KENT PULLEN, State Senator.

Advisory Committee: LLOYD GARDNER, Washington Taxpayers Association; GLADYS E. EDWARDS, Property Owners Protection Association, Seattle; WILLIAM FOSBRE, Thurston County Chapter, Overtaxed.



COMPLETE TEXT OF Referendum Bill 41

AN ACT Relating to the federal reserve system; creating new sections; 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. (1) A sound money system is absolutely vital to a free people. Symptoms of an unsound money system abound: Budget deficits, recurring recession cycles, farm foreclosures, business bankruptcies, bank, savings and loan, and insurance company failures, trade deficits, and dramatic fluctuations in interest rates, inflation levels, and unemployment statistics. These represent a clear and present danger to the people and to the government of the state of Washington and the United States of America.

(2) The Federal Reserve Act of 1913, and other acts of Congress, purport to delegate the nation's monetary authority to the Federal Reserve System, with no oversight or control by any elected body or official. The Federal Reserve Board is assumed to have the power to create money and thus exercise absolute control over the economic activity of this nation, whereas the United States Constitution nowhere authorizes Congress to delegate such power.

(3) The Federal Reserve Act of 1913, and other acts of Congress, purport to delegate authority, without oversight or control, under which large, private United States multinational banks have made unrestricted loans all over the world which, now in danger of default, threaten the United States of America with a collapse of its whole banking structure.

NEW SECTION. Sec 2. It is hereby the declared intent of the state of Washington, and the counsel appointed by the legislature is hereby directed, to cause to be filed in the original jurisdiction of the supreme court of the United States: (1) An action challenging the constitutionality of the delegation to the federal reserve system of the power to create money, and thus the power to exercise absolute control over the economic activity of this nation, and (2) An action challenging the delegation of authority without oversight, under which large, private multinational banks have made unrestricted foreign loans which, if they default, threaten the United States of America with a collapse of its whole banking structure.

NEW SECTION. Sec. 3. 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.

(a) Charge, collect, or attempt to collect for medical services provided to any patient eligible for medical insurance benefits for the aged and disabled under the federal medicare program, part B of Title XVIII of the federal social security act, any amount in excess of the reasonable charge for such services as determined under part B of Title XVIII of the federal social security act;

(b) Fail to enroll at the earliest possible time, or fail to continue, as a participating physician under the supplementary medical insurance benefits for the aged and disabled part of the federal medicare program, part B of Title XVIII of the federal social security act; and

(c) Fail to post in a conspicuous place in his or her place of business a summary of the provisions of this section in accordance with such rules adopted by the attorney general to assure that patients are given reasonable notice of their rights under this section.

(2) This section does not apply to a physician who certifies in writing to the attorney general of the state of Washington that he or she does not and will not provide medical services covered under the supplementary medical insurance benefits for the aged and disabled part B of the federal medicare program to persons eligible for such benefits except in emergency situations or when such treatment would otherwise be required by the standards of the profession.

(3) For the purposes of this section the terms used in this section shall be defined consistently with the definitions for such terms contained in Title XVIII of the federal social security act.

NEW SECTION. Sec.2. 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.



COMPLETE TEXT OF Senate Joint Resolution 8207

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

Article IV, section 7. The judge of any superior court may hold a superior court in any county at the request of the judge of the superior court thereof, and upon the request of the governor it shall be his duty to do so. A case in the superior court may be tried by a judge, pro tempore, who must be a member of the bar, agreed upon in writing by the parties litigant, or their attorneys of record, approved by the court and sworn to try the case. However, if a previously elected judge of the superior court retires leaving a pending case in which the judge has made discretionary rulings, the judge is entitled to hear the pending case as a judge pro tempore without any written agreement.

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 Initiative Measure 92

AN ACT Relating to the consumer protection act; and adding a new section to chapter 19.86 RCW.

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

NEW SECTION. Sec. 1. A new section is added to chapter 19.86 RCW to read as follows:

(1) It shall be an unfair or deceptive act or practice or unfair method of competition in the conduct of trade or commerce under RCW 19.86.020 for any physician to: