



INITIATIVE MEASURE 518

TO THE PEOPLE

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Initiative Measure 518 begins on page 17.

Official Ballot Title:

Shall the state minimum wage increase from \$2.30 to \$3.85 (January 1, 1989) and then to \$4.25 (January 1, 1990) and include agricultural workers?

The law as it now exists:

The state minimum wage for employees who are 18 or older is established by statute at \$2.30 per hour. For employees below the age of 18, the minimum wage is established by regulations adopted by the Director of the State Department of Labor and Industries.

There are statutory exemptions to the state minimum wage requirement, of which only two would be changed by Initiative 518 if enacted. Those two exemptions, now under current law, exempt from coverage under the State Minimum Wage Law: (1) individuals employed on a farm for the cultivation, raising or harvesting of agricultural commodities or animals or employed in packaging, packing or grading products, but not commercial canning or commercial freezing; (2) persons employed in domestic service in or about a private home.

The effect of Initiative Measure 518, if approved into law:

If approved, this Initiative would, effective January 1, 1989 increase the state minimum wage to \$3.85 per hour. The minimum wage would the following year, on January 1, 1990, be increased to \$4.25 per hour.

The present exemption from the minimum wage for farm workers would be eliminated and be replaced by a new farm labor exemption. The new farm labor exemption would only apply to

individuals employed as a hand harvest laborer who are paid on a piece rate basis where such payment is customarily recognized, and the worker must commute daily from his or her permanent residence to the farm, and the individual must have been employed in agricultural for less than 13 weeks during the prior calendar year.

The present exemption from the state minimum wage for domestic service in a private home would be repealed and replaced by an exemption for individuals employed as casual laborers in or about a private home.

The State Office of Financial Management would in the future be required to review the state minimum wage and make recommendations to the Legislature and the Governor regarding its increase by January 1 of each odd numbered year.

Statement for

RAISING THE MINIMUM WAGE MAKES GOOD SENSE

People working full-time should be able to support themselves and their families. But in Washington State nearly 50,000 people are working full-time and can't.

Our state minimum wage is an unbelievable \$2.30 an hour. That's \$4,784 per year, or only slightly over half of what a family of three needs to get out of poverty. Seven out of ten poor minimum wage workers are their family's only earner. And 63 percent are not teenagers.

THE STATE MINIMUM WAGE HASN'T CHANGED SINCE 1976

If the state minimum wage had kept pace with inflation, it would be \$4.35 today. Initiative 518 merely restores its value to near what it used to be. (It only affects wages earned by adults; it does *not* affect teenagers' wages or wages earned by seasonal agricultural workers.)

FULL-TIME WORKERS AND THEIR FAMILIES DESERVE MORE THAN POVERTY

Minimum wage jobs force many families to use public assistance programs such as food stamps and medicaid. Currently, someone working full-time at \$2.30 an hour can not support his or her family. Raising the minimum wage will help these people to get off public assistance and become self supporting.

A HIGHER MINIMUM WAGE MAKES GOOD ECONOMIC SENSE

It will give people more money to spend at local businesses in their own communities. A higher minimum wage will allow people to earn a decent living, provide for their families, and become taxpayers.

Please vote yes to give working adults a wage they can live on.

Rebuttal of Statement against

No one was ever hurt by a minimum wage increase. Minimum wage jobs are jobs industries depend on, in services, retail, manufacturing and agriculture. These jobs won't disappear.

While raising the minimum wage will dramatically improve people's lives, past increases show it will have no significant impact on inflation.

The working poor need a wage they can live on, not another government program. Vote YES to give them a decent wage.

For more information about Initiative 518 call (206) 622-3442.

Voters Pamphlet Statement Prepared by:

JENNIFER BELCHER, State Representative; LARRY L. VOGNILD, State Senator; SHIRLEY WINSLEY, State Representative.

Advisory Committee: BOOTH GARDNER, Governor; LARRY KINNEY, Washington State Labor Council; LOREN ARNETT, Washington Association of Churches; TOMAS VILLANUEVA, United Farmworkers of Washington; SUSAN JOHNSON, Washington Women United.

Statement against

WILL HURT THE WORKING POOR

Initiative 518 will reduce jobs, increase inflation and hurt the working poor. Employers recognize that it is almost impossible to keep full-time employees by paying the state or federal minimum wage (even farm workers in Washington average almost \$5 per hour). But a reasonable minimum wage does permit employers to provide entry level and part-time supplemental income jobs which would otherwise be reduced. This year the employer community supported a 40% increase in the state minimum wage but the bill died in the legislative debate.

When the minimum wage is increased, impacted employers reduce working hours, increase mechanization, and reduce service to control costs. They also pass the cost of any wage increase to consumers in the form of inflation.

Tips are considered wages by state and federal law, but this initiative ignores that fact and, as a consequence, employers of tipped workers will be unfairly penalized millions of dollars resulting in higher menu prices and loss of employment opportunities for unskilled job applicants.

MEANS FEWER PART-TIME JOB OPPORTUNITIES

Supporters of the initiative argue that an increase above the federal minimum wage will help heads of larger households. But an initiative *which outlaws any job* that doesn't pay enough to support a family of three, does a great disservice to the vast majority of minimum wage earners who are single, work part-time, and live in households which earn significantly above the poverty income level. For these families the increase means fewer part-time jobs and entry level positions.

We can target programs to help the poor without reducing job opportunities for everyone else.

VOTE "NO" ON 518

Rebuttal of Statement for

Economists don't agree with initiative supporters. As the New York Times acknowledged, "there's a virtual consensus among economists that the minimum wage is an idea whose time has passed. Raising the minimum wage by a substantial amount would price working poor people out of the job market."

For example, seasonal agricultural workers are impacted by Initiative 518. Those unable to produce at a production rate equal to the minimum wage won't be allowed to work.

For more information, call 1-800-521-9325.

Voters Pamphlet Statement Prepared by:

CLIFTON FINCH, Association of Washington Business; ROBERT SEEBER, Restaurant Association of Washington; LINDA MATSON, National Federation of Independent Business.

Advisory Committee: GARY SMITH, Independent Business Association; BILL ROBERTS, Washington State Farm Bureau.

Note: To obtain a copy of the following text for the state measures in larger print, call the Secretary of State's toll-free hotline — 1-800-448-4881.



COMPLETE TEXT OF Initiative to the People 518

AN ACT Relating to the state minimum wage; amending RCW 49.46.010 and 49.46.202; adding a new section to chapter 49.46 RCW; and providing an effective date.

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

Sec. 1. Section 1, chapter 294, Laws of 1959 as last amended by section 364, chapter 7, Laws of 1984 and RCW 49.46.010 are each amended to read as follows:

As used in this chapter:

- (1) "Director" means the director of labor and industries;
- (2) "Wage" means compensation due to an employee by reason of employment, payable in legal tender of the United States or checks on banks convertible into cash on demand at full face value, subject to such deductions, charges, or allowances as may be permitted by regulations of the director;
- (3) "Employ" includes to permit to work;
- (4) "Employer" includes any individual, partnership, association, corporation, business trust, or any person or group of persons acting directly or indirectly in the interest of an employer in relation to an employee;
- (5) "Employee" includes any individual employed by an employer but shall not include:
 - (a) ~~((Any individual employed (i) on a farm, in the employ of any person, in connection with the cultivation of the soil, or in connection with raising or harvesting any agricultural or horticultural commodity, including raising, shearing, feeding, caring for, training, and management of livestock, bees, poultry, and furbearing animals and wildlife, or in the employ of the owner or tenant or other operator of a farm in connection with the operation, management, conservation, improvement, or maintenance of such farm and its tools and equipment or (ii) in packing, packaging, grading, storing or delivering to storage, or to market or to a carrier for transportation to market, any agricultural or horticultural commodity; and the exclusions from the term "employee" provided in this item shall not be deemed applicable with respect to commercial canning, commercial freezing, or any other commercial processing, or with respect to services performed in connection with the cultivation, raising, harvesting, and processing of oysters or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption;~~

~~(b) Any individual employed in domestic service in or about a private home;~~

~~(c) Any individual (i) employed as a hand harvest laborer and paid on a piece rate basis in an operation which has been, and is generally and customarily recognized as having been, paid on a piece rate basis in the region of employment; (ii) who commutes daily from his or her permanent residence to the farm on which he or she is employed; and (iii) who has been employed in agriculture less than thirteen weeks during the preceding calendar year;~~

~~(b) Any individual employed in casual labor in or about a private home, unless performed in the course of the employer's trade, business, or profession;~~

~~(c) Any individual employed in a bona fide executive, administrative, or professional capacity or in the capacity of outside salesman as those terms are defined and delimited by regulations of the director. However, those terms shall be defined and delimited by the state personnel board pursuant to chapter 41.06 RCW and the higher education personnel board pursuant to chapter 283.16 RCW for employees employed under their respective jurisdictions;~~

~~(d) Any individual engaged in the activities of an educational, charitable, religious, state or local governmental body or agency, or nonprofit~~

organization where the employer-employee relationship does not in fact exist or where the services are rendered to such organizations gratuitously. If the individual receives reimbursement in lieu of compensation for normally incurred out-of-pocket expenses or receives a nominal amount of compensation per unit of voluntary service rendered, an employer-employee relationship is deemed not to exist for the purpose of this section or for purposes of membership or qualification in any state, local government or publicly supported retirement system other than that provided under chapter 41.24 RCW;

~~(e) Any individual employed full time by any state or local governmental body or agency who provides voluntary services but only with regard to the provision of the voluntary services. The voluntary services and any compensation therefor shall not affect or add to qualification, entitlement or benefit rights under any state, local government, or publicly supported retirement system other than that provided under Chapter 41.24 RCW;~~

~~(f) Any newspaper vendor or carrier;~~

~~(g) Any carrier subject to regulation by Part 1 of the Interstate Commerce Act;~~

~~(h) Any individual engaged in forest protection and fire prevention activities;~~

~~(i) Any individual employed by any charitable institution charged with child care responsibilities engaged primarily in the development of character or citizenship or promoting health or physical fitness or providing or sponsoring recreational opportunities or facilities for young people or members of the armed forces of the United States;~~

~~(j) Any individual whose duties require that he or she reside or sleep at the place of his or her employment or who otherwise spends a substantial portion of his or her work time subject to call, and not engaged in the performance of active duties;~~

~~(k) Any resident, inmate, or patient of a state, county, or municipal correctional, detention, treatment or rehabilitative institution;~~

~~(l) Any individual who holds a public elective or appointive office of the state, any county, city, town, municipal corporation or quasi municipal corporation, political subdivision, or any instrumentality thereof, or any employee of the state legislature;~~

~~(m) All vessel operating crews of the Washington state ferries operated by the department of transportation;~~

~~(n) Any individual employed as a seaman on a vessel other than an American vessel.~~

~~(6) "Occupation" means any occupation, service, trade, business, industry, or branch or group of industries or employment or class of employment in which employees are gainfully employed.~~

Sec. 2. Section 2, chapter 294, Laws of 1959 as last amended by section 2, chapter 289, Laws of 1975 1st ex. sess. and RCW 49.46.020 are each amended to read as follows:

~~((†)) Every employer shall pay to each of his or her employees who ((have)) has reached the age of eighteen years wages at a rate of not less than ((one dollar)) three dollars and ((sixty)) eighty-five cents per hour except as may be otherwise provided under ((subsections (2) through (7) of this section or as otherwise provided under this chapter. PROVIDED: That beginning the calendar year 1974, the applicable rate under this section shall be one dollar and eighty cents per hour, and beginning with September 1, 1975 the applicable rate under this section shall be two dollars and ten cents an hour, and beginning the calendar year 1976 the applicable rate under this section shall be two dollars and thirty cents an hour)) this section. Beginning January 1, 1990, the state minimum wage shall be four dollars and twenty-five cents per hour. The director shall by regulation establish the minimum wage for employees under the age of eighteen years.~~

~~((2) Any individual eighteen years of age or older, unless exempt under the provisions of section 1(5)(k)(8) of this 1975 amendatory act, employed by the state, any county, city, town, municipal corporation or quasi municipal corporation, political subdivision, or any instrumentality thereof shall be paid wages beginning with September 1, 1975, at a rate of not less than two dollars an hour, and beginning the calendar year 1976 at a rate of not less than two dollars and twenty cents an hour, and beginning the calendar year 1977 at a rate of not less than two dollars and thirty cents an hour.~~

~~(3) Any individual eighteen years of age or older engaged in per-~~

forming services in a nursing home licensed pursuant to chapter 48.54 RCW, shall be paid wages beginning with September 1, 1975, at a rate of not less than two dollars and ten cents an hour, and beginning the calendar year 1976, at a rate of not less than two dollars and twenty cents an hour, and beginning the calendar year 1977, at a rate of not less than two dollars and thirty cents an hour.

(4) Any individual eighteen years of age or older engaged in performing services in a hospital licensed pursuant to chapter 70.41 RCW, or chapter 71.12 RCW, shall be paid wages beginning with September 1, 1975, at a rate of not less than two dollars and ten cents an hour, and beginning the calendar year 1976, at a rate of not less than two dollars and twenty cents an hour, and beginning the calendar year 1977 at a rate of not less than two dollars and thirty cents an hour.

(5) Any individual eighteen years of age or older employed in a retail or service establishment and who is so employed primarily in connection with the preparation or offering of food or beverages for human consumption, either on the premises, or by such services as catering, banquet, box lunch, or curb or counter service, to the public, to employees, or to members or guests of members of clubs shall be paid wages beginning with September 1, 1975, at a rate of not less than two dollars an hour, and beginning the calendar year 1976, at a rate of not less than two dollars and twenty cents an hour, and beginning the calendar year 1977, at a rate of not less than two dollars and thirty cents an hour.)

Sec. 3. Section 15, chapter 16, Laws of 1973 2nd ex. sess. and RCW 49.12.121 are each amended to read as follows:

The committee, or the director, may at any time inquire into wages, hours, and conditions of labor and minors employed in any trade, business or occupation in the state of Washington and may adopt special rules for the protection of the safety, health and welfare of minor employees (i.e. such minimum wages not to exceed the state minimum wage as prescribed in RCW 49.46.020, as now or hereafter amended). The minimum wage for minors shall be as prescribed in RCW 49.46.020. The committee shall issue work permits to employers for the employment of minors, after being assured the proposed employment of a minor meets the standards set forth concerning the health, safety and welfare of minors as set forth in the rules and regulations promulgated by the committee. No minor person shall be employed in any occupation, trade or industry subject to this 1973 amendatory act, unless a work permit has been properly issued, with the consent of the parent, guardian or other person having legal custody of the minor and with the approval of the school which such minor may then be attending.

NEW SECTION. Sec. 4. A new section is added to chapter 49.46 RCW to read as follows:

Beginning January 1, 1991, and prior to January 1 of each odd-numbered year thereafter, the office of financial management shall review the state minimum wage and make recommendations to the legislature and the governor regarding its increase.

NEW SECTION. Sec. 5. This act shall take effect January 1, 1989.



COMPLETE TEXT OF Initiative 97

AN ACT Relating to the environment; amending RCW 43.21B.—; adding a new chapter to Title 70 RCW; adding a new chapter to Title 82 RCW; adding a new section to chapter 70.105 RCW; adding a new section to chapter 70.105A RCW; adding a new section to chapter 90.48 RCW; creating new sections; repealing RCW 90.48.460; prescribing penalties; and providing an effective date.

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

NEW SECTION. Sec. 1. DECLARATION OF POLICY. (1) Each person has a fundamental and inalienable right to a healthful environment, and each person has a responsibility to preserve and enhance that right. The beneficial stewardship of the land, air, and waters of the state is a solemn obligation of the present generation for the benefit of future generations.

(2) A healthful environment is now threatened by the irresponsible use and disposal of hazardous substances. There are hundreds of hazardous waste sites in this state, and more will be created if current waste practices continue. Hazardous waste sites threaten the state's water resources, including those used for public drinking water. Many of our municipal landfills are current or potential hazardous waste sites and present serious threats to human health and environment. The costs of eliminating these threats in many cases are beyond the financial means of our local governments and ratepayers. The main purpose of this act is to raise sufficient funds to clean up all hazardous waste sites and to prevent the creation of future hazards due to improper disposal of toxic wastes into the state's land and waters.

(3) Many farmers and small business owners who have followed the law with respect to their uses of pesticides and other chemicals nonetheless may face devastating economic consequences because their uses have contaminated the environment or the water supplies of their neighbors. With a source of funds, the state may assist these farmers and business owners, as well as those persons who sustain damages, such as the loss of their drinking water supplies, as a result of the contamination.

(4) Because it is often difficult or impossible to allocate responsibility among persons liable for hazardous waste sites and because it is essential that sites be cleaned up well and expeditiously, each responsible person should be liable jointly and severally.

NEW SECTION. Sec. 2. DEFINITIONS. (1) "Department" means the department of ecology.

(2) "Director" means the director of ecology or the director's designee.

(3) "Facility" means (a) any building, structure, installation, equipment, pipe or pipeline (including any pipe into a sewer or publicly owned treatment works), well, pit, pond, lagoon, impoundment, ditch, landfill, storage container, motor vehicle, rolling stock, vessel, or aircraft, or (b) any site or area where a hazardous substance, other than a consumer product in consumer use, has been deposited, stored, disposed of, or placed, or otherwise come to be located.

(4) "Federal cleanup law" means the federal comprehensive environmental response, compensation, and liability act of 1980, 42 U.S.C. Sec. 9601 et seq., as amended by Public Law 99-499.

(5) "Hazardous substance" means:

(a) Any dangerous or extremely hazardous waste as defined in RCW 70.105.010(5) and (6), or any dangerous or extremely dangerous waste designated by rule pursuant to chapter 70.105 RCW;

(b) Any hazardous substance as defined in RCW 70.105.010(14) or any hazardous substance as defined by rule pursuant to chapter 70.105 RCW;

(c) Any substance that, on the effective date of this section, is a hazardous substance under section 101(14) of the federal cleanup law, 42 U.S.C. Sec. 9601(14);

(d) Petroleum or petroleum products; and

(e) Any substance or category of substances, including solid waste decomposition products, determined by the director by rule to present a threat to human health or the environment if released into the environment.

The term hazardous substance does not include any of the following when contained in an underground storage tank from which there is not a release: Crude oil or any fraction thereof or petroleum, if the tank is in compliance with all applicable federal, state, and local law.

(6) "Owner or operator" means:

(a) Any person with any ownership interest in the facility or who exercises any control over the facility; or

(b) In the case of an abandoned facility, any person who had owned, or operated, or exercised control over the facility any time before its abandonment;

The term does not include:

(i) An agency of the state or unit of local government which acquired ownership or control involuntarily through bankruptcy, tax delinquency, abandonment, or circumstances in which the government involuntarily acquires title. This exclusion does not apply to an agency of the state or unit of local government which has caused or contributed to the release or threatened release of a hazardous substance from the facility; or