



INITIATIVE MEASURE 102

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 102 begins on page 12.

Statement for

THE CHILDREN'S INITIATIVE WILL PROTECT ALL CHILDREN

We must do more to protect *all* children from drugs, crime and abuse. *All* children need a good basic education and safe schools. Drug education and child abuse prevention work. Smaller classes work, and early childhood education works.

WASHINGTON'S CHILDREN CAN'T WAIT

Cases of child abuse and neglect have doubled since 1979; sexual abuse cases have increased fivefold. One in four students drops out of school, and half our prisoners are dropouts. 80,000 youths need help for alcohol or drug abuse; and nearly one-third of the babies born in our major hospitals are addicted to drugs. 93 percent of mentally ill children never receive treatment. One-third of the children living in poverty are under 5.

THE CHILDREN'S INITIATIVE IS AN INVESTMENT IN PREVENTION

Every penny we spend on children now will save thousands of dollars later for adult social services, welfare or imprisonment. It costs \$2,851 per year to educate a child -- but \$21,969 to house a prisoner.

Health care during pregnancy costs far less than treating sick babies. Help for a child failing in school costs one-fifth as much as repeating a grade.

Official Ballot Title:

Shall the State support of children and family services and K-12 education programs be increased by \$360,000,000 in new taxes?

The law as it now exists:

The State Constitution, as interpreted by the State Supreme Court, requires that the State adequately fund basic education in the K-12 public schools. Some State taxes and revenues are identified by the Constitution and statutes to be for school purposes. The

ALL CHILDREN NEED PROTECTION

Adults who prey on vulnerable children are not born predators. Drugs, gangs, abuse and neglect can turn a happy, healthy child into a dangerous adult. One child at risk today can put a whole community at risk tomorrow.

The Children's Initiative, endorsed by thousands of nurses, doctors, teachers, police officers and church groups, will fund programs that protect children and help them succeed in school. How well our children are protected depends on you, the voter. Please vote YES on Initiative 102.

Rebuttal of Statement against

I-102 doesn't require a sales tax increase. The opposition's statement is very misleading. I-102 gives the Legislature other options -- including closing existing tax loopholes.

I-102 *forces* the Legislature to fund programs to promote quality basic education, fight drug abuse and directly protect all children.

I-102 won't change the Legislature's clear authority to cut bad programs.

Without the Children's Initiative, there is no guarantee that additional money to protect children will be available in the future.

For more information, call (206) 682-7424.

Voters Pamphlet Statement Prepared by:

CLIFF BAILEY, State Senator; JOE KING, State Representative; SUE LILE, Chairman of the Board, Children's Hospital and Medical Center.

Advisory Committee: BOOTH GARDNER, Governor; GARY L. LENTZ, SR., President, Washington State Council of Police Officers; FRANK N. MORRIS, President, Puget Sound Council of Senior Citizens; CAROL MASON, Director, Washington Association of Child Abuse Councils; WANDA HAAS, President, League of Women Voters of Washington.

amount authorized to be spent for the K-12 education program is established by the Legislature. The funding of children's services is also as established by the Legislature, there are no statutes earmarking revenues for those purposes.

The effect of Initiative Measure 102, if approved into law:

This Initiative would, if enacted, declare a State commitment to increase the funding for children's needs including but not limited to treatment of abuse and neglect, health care, nutrition, rehabilitation, aid for families with dependent children, prenatal care, child care and education. The measure would not affect the State's responsibility to adequately fund basic education under the K-12 program.

If the Legislature fails to enact new or increased taxes sufficient to raise at least \$360,000,000 during the fiscal year July 1, 1990 through June 30, 1991, then the rate of the State sales and use taxes will be increased 0.9 percent. Those tax revenues are directed to be equally divided between children's services and the K-12 education programs. These funds are to be in addition to previously approved legislative appropriations.

Children's services include prevention and early intervention

services, services for abused and neglected children, maternal and child health services, early childhood education, child care, family support services, out-of-home placements, children mental health services, developmentally disabled services, prevention and treatment of substance abuse, juvenile rehabilitation, nutrition programs for women, infants and children, emergency services for homeless children, increased availability of prenatal delivery and post-natal care for pregnant women and infants, health care for children, increased payment standards for aid to families with dependent children and other programs that promote health, protection and welfare and education of children and their families.

The education funds are to be expended for reducing class sizes, especially in elementary grades, basic skills learning assistance programs, programs for handicapped children, programs for at-risk children and children from economically disadvantaged and minority backgrounds, in-service training for instructional staff and other programs and purposes which promote high-quality education for children.

A Children's Initiative Fund Oversight Committee would be created consisting of eleven persons appointed by the Governor and four by the Legislature. The committee is to analyze needs and make annual reports to assist in determining which programs and purposes should be supported by the children's fund appropriation.

Statement against

A 14% TAX INCREASE

Initiative 102 will raise our sales tax by 14%. I-102 will take at least \$360 million each year from working families -- some struggling just to get by -- and give that money to an expanded bureaucracy.

None of the money will go directly to children. No one knows exactly how the money will be spent *except for an 8% increase in welfare payments*. Most of the money will go to state agencies to be spent as *they see fit*.

BIGGER GOVERNMENT

Under I-102, *no government program may be cut or eliminated -- even programs that don't work -- to provide more funds for children's programs*. We could only make government bigger, never smaller.

I-102 creates a new layer of government, an "Oversight Committee," to tell the Legislature how to spend the money. Half the members of the committee will be state workers from the agencies receiving the new tax money.

MORE IS NEVER ENOUGH

This year the Legislature increased state spending by 20% and provided an *additional \$1.2 billion* for the very programs I-102 would fund including prenatal care, family services and K-12 education.

To the people who are backing I-102 -- the state teachers' union, social service agencies and others who would benefit from a tax increase -- this is not enough. To them, more is *never* enough.

MORE GOVERNMENT WON'T MAKE HEALTHIER, SAFER CHILDREN

A 14% tax increase won't stop abusive parents. A bigger bureaucracy won't stop children from turning to drugs or alcohol.

Parents earning decent wages to provide good homes *will* help. Don't take more money from working families to give to the bureaucracy. Vote *NO* on I-102.

Rebuttal of Statement for

Claim: Initiative 102 "...will fund programs that protect children...". What programs? *Fact: Only guarantee is 8% increase in welfare payments.*

Claim: Initiative 102 is "...investment in prevention."
Fact: Legislature just added \$1.2 billion for specific preventative programs -- education, prenatal care, family services. Fact: 14% sales tax increase with no spending controls. \$360 million will be allocated this year and every year. No program can be cut.

Don't give bureaucrats a blank check. Vote *NO* on Initiative 102.

For more information, call (206) 354-6035.

Voters Pamphlet Statement Prepared by:

LINDA SMITH, State Senator; MIKE PADDEN, State Representative; CATHY MICKELS, Chairwoman, Mothers' Campaign For Family.

Advisory Committee: BOB WILLIAMS, Research Director, Washington Institute for Public Policy Studies; JIM HARGROVE, State Representative; JOHN CARLSON, President, Washington Institute for Public Policy Studies; GRETCHEN OSTROM, Co-Chair, Mother's Campaign For Family.



COMPLETE TEXT OF Initiative 102

AN ACT Relating to children, youth, and family programs and education programs; adding a new chapter to Title 74 RCW; adding a new section to chapter 82.08 RCW; adding a new section to chapter 82.12 RCW; creating new sections; making an appropriation; and providing an effective date.

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

NEW SECTION. Sec. 1. DECLARATION OF PUBLIC POLICY. The purpose of this chapter, to be known as the children's initiative act, is to increase our state's commitment to addressing the needs of children for prevention, early detection, and treatment of abuse and neglect, for adequate nutrition and support, for access to necessary health care, for treatment of developmental disabilities, mental illness, and substance abuse, for affordable child care, for necessary social services, for a high quality education from early childhood through the twelfth grade, and for other services essential for their survival and well-being. It is the further purpose of this chapter to address these needs in an efficient and effective manner which minimizes administrative costs.

NEW SECTION. Sec. 2. CHILDREN'S INITIATIVE FUND. (1) There is created in the state treasury a fund to be known as the children's initiative fund.

(2) The children's initiative fund shall consist of the following two accounts:

(a) The children's services and support account; and

(b) The K-12 education account.

(3) Of the moneys deposited in the children's initiative fund, fifty percent shall be credited to the children's service and support account and fifty percent shall be credited to the K-12 education account.

(4) Except for unanticipated receipts under RCW 43.79.260 through 43.79.282, moneys in the children's initiative fund may be spent only after appropriation by statute.

(5) All earnings from investment of balances in the children's initiative fund, except as provided in RCW 43.84.090, shall be deposited in the children's initiative fund.

NEW SECTION. Sec. 3. LIMITATION OF USES OF CHILDREN'S INITIATIVE FUND MONEYS. (1) Moneys in the children's services and support account of the children's initiative fund may be appropriated by the legislature only to the department of social and health services, the department of community development, and other state agencies that provide services and support for children and their families for the following programs and purposes:

- (a) Prevention and early intervention services;
- (b) Services for abused and neglected children;
- (c) Maternal and child health services;
- (d) Early childhood education;
- (e) Child care;
- (f) Family support services;

- (g) Out-of-home placements;
- (h) Children's mental health services;
- (i) Developmental disabilities services;
- (j) Prevention and treatment of substance

abuse;

- (k) Juvenile rehabilitation;
- (l) The women, infant, and children nutrition

program;

- (m) Emergency services for homeless children;
- (n) Increasing the availability of prenatal, delivery, and postnatal care for pregnant women and infants and the availability of health care for children;

(o) Increasing the payment standard for aid to families with dependent children; and

(p) Other programs that promote the health, protection, welfare, and education of children and their families, including the children's initiative fund oversight committee, except for programs eligible for funding under subsection (2) of this section.

(2) Moneys in the K-12 education account of the children's initiative fund may be appropriated by the legislature only to the superintendent of public instruction for the following common schools programs and purposes:

(a) Reducing class sizes, especially in elementary grades;

(b) Basic skills learning assistance programs;

(c) Programs for handicapped children;

(d) Programs for at-risk children and children from economically disadvantaged and minority backgrounds;

(e) In-service training for instructional staff; and

(f) Other programs and purposes which promote high quality education for children in kindergarten through the twelfth grade, including the children's initiative fund oversight committee.

Funds appropriated from the K-12 education account shall not be considered levy reduction funds as defined in RCW 84.52.0531 (7).

NEW SECTION. Sec. 4. LIMITATION ON USE OF CHILDREN'S SERVICE AND SUPPORT ACCOUNT FUNDS IN THE BIENNIUM ENDING JUNE 30, 1991. From the children's service and support account of the children's initiative fund, there is appropriated \$50,000,000, or so much thereof as may be necessary, for the fiscal year beginning July 1, 1990, and ending June 30, 1991, to the department of social and health services, not more than \$25,000,000 of which is to be used to increase the payment standard for aid to families with dependent children by eight percent over the level of such payment standard as of July 1, 1988, which increase shall be added to any other increases in the payment standard in the biennium ending June 30, 1991, and, to the extent of the remaining available funds from this appropriation, to increase the availability of prenatal, delivery, and postnatal care for pregnant women and infants up to one year of age, and the availability of health care for children up to eight years of age, by expanding eligibility for medical assistance for categorically needy pregnant women and infants up to one year of age, and for children up to eight years of age, to the highest income and age levels for which federal financial participation is available under Title XIX of the federal social security act.

NEW SECTION. Sec. 5. INTENT TO PROHIBIT SUPPLANTING OF CURRENT PROGRAM FUNDING. Moneys may be appropriated from the children's initiative fund only to provide support and services in addition to such support and services as would be provided if the

support and service levels of the programs eligible for funds from the children's initiative fund for the biennium ending June 30, 1989, adjusted in future biennia to reflect the impact of population change and inflation in the state, were fully funded in the biennium ending June 30, 1991, and in subsequent biennia. Nothing in this chapter shall prohibit additional funding from other sources of the agencies, programs, and purposes eligible for funds under this chapter.

NEW SECTION. Sec. 6. CHILDREN'S INITIATIVE FUND OVERSIGHT COMMITTEE. (1) To assist the governor and the legislature in determining which programs and purposes should be supported with appropriations from the children's initiative fund and whether children's initiative fund moneys are being spent in an efficient and effective manner that minimizes administrative costs, an oversight committee, to be known as the children's initiative fund oversight committee, is established. The committee shall have the authority to analyze the current and emerging needs of children in the state and to review and evaluate the efficiency and effectiveness of programs supported by the children's initiative fund in meeting these needs.

(2) All agency reports concerning program performance, including administrative review, quality control, and other internal audit or performance reports, which are requested by the committee, shall be furnished by the agency requested to provide such report.

(3) The committee shall annually report to the governor and the legislature. The committee's annual report shall include findings and recommendations on matters relating to the committee's purposes as defined in this section.

(4) The committee shall consist of fifteen members. Eleven of the members shall be appointed by the governor, six of whom shall be experienced authorities on the programs eligible for funding by the children's initiative fund and five of whom shall be representatives of the general public. One member of the committee shall be selected by the two largest political caucuses in each house of the state legislature. The chair of the committee shall be designated by the governor from among the representatives of the general public.

(5) The initial members shall be appointed within sixty days of the effective date of this section. Of the initial members, four nonlegislative members and one legislative member shall be appointed for three years, four nonlegislative members and two legislative members shall be appointed for two years, and three nonlegislative members and one legislative member shall be appointed for one year. A legislative member shall serve as long as he or she is a member of the caucus from which he or she was appointed. Successors to the initial members shall serve for a term of three years, except that any member appointed to fill a vacancy occurring prior to the expiration of the term for which the predecessor was appointed shall be appointed for the remainder of such term. Vacancies shall be filled within sixty days of their occurrence.

(6) Nonlegislative members of the committee shall receive reimbursement for travel expenses in accordance with RCW 43.03.050 and 43.03.060. Legislative members shall be reimbursed pursuant to RCW 44.04.120.

NEW SECTION. Sec. 7. INTENT ON SOURCE OF MONEYS FOR CHILDREN'S INITIATIVE FUND. (1) It is the intent of this chapter that the raising of revenues for the purposes of this chapter, as well as the raising of revenues for all other purposes of state government, shall be done in a fashion which fairly and equitably distributes

the burdens of taxation among the state's taxpayers, protects those with the lowest incomes, promotes business development and economic growth in the state, and assures a stable funding base for state services that is sufficient to meet the needs of state government, including the purposes of this chapter. No cause of action may lie to enforce this subsection.

(2) The source of moneys for the children's initiative fund shall be new or increased taxes, which means one or more of the following:

(a) An increase in the rate of any tax which was in effect as of July 1, 1988;

(b) An increase in the base of any tax which was in effect as of July 1, 1988; or

(c) Any tax which was not in effect as of July 1, 1988.

Funding from sources other than the children's initiative fund for the activities of state government, including those eligible for support from the children's initiative fund, shall not be reduced in order to provide moneys for the children's initiative fund.

(3) The tax increases specified in sections 8 and 9 of this act are imposed only for the purpose of making this chapter legally enforceable in the event the legislature fails to impose new or increased taxes which meet the specifications of subsection (1) of this section in order to provide sufficient moneys for the purposes of this chapter. It is the intent of this chapter that if the tax increases specified in sections 8 and 9 of this act are imposed, such increases will be repealed as soon as possible and replaced with taxes that meet the specifications of subsection (1) of this section, and that provide support for the children's initiative fund comparable to that provided by the tax increases imposed in sections 8 and 9 of this act.

NEW SECTION. Sec. 8. ALTERNATIVE ADDITIONAL TAX. A new section is added to chapter 82.08 RCW to read as follows:

Prior to June 1, 1990, if new or increased taxes sufficient to generate at least \$360,000,000 during the fiscal year beginning July 1, 1990, and ending June 30, 1991, have not been imposed and if at least \$360,000,000 of the proceeds of such new or increased taxes have not been directed to be deposited in the children's initiative fund during such fiscal year, there is levied and shall be collected, as of June 1, 1990, an additional tax on each retail sale in this state equal to nine-tenths of one percent of the selling price. The moneys collected as a result of the increases specified in this section shall be deposited in the general fund for transfer to the children's initiative fund.

NEW SECTION. Sec. 9. ALTERNATIVE ADDITIONAL TAX. A new section is added to chapter 82.12 RCW to read as follows:

Prior to June 1, 1990, if new or increased taxes sufficient to generate at least \$360,000,000 during the fiscal year beginning July 1, 1990, and ending June 30, 1991, have not been imposed and if at least \$360,000,000 of the proceeds of such new or increased taxes have not been directed to be deposited in the children's initiative fund during such fiscal year, there is levied and shall be collected, as of June 1, 1990, an additional tax on each use by any person of property subject to tax under RCW 82.12.020 equal to nine-tenths of one percent of the value of the article used by the taxpayer. For purposes of computing the tax under this chapter, the rate of this additional tax shall be added to the rate in effect for the retail sales tax under RCW 82.08.020, in the county in

which the article is used. The moneys collected as a result of the increase specified in this section shall be deposited in the general fund for transfer to the children's initiative fund.

NEW SECTION. Sec. 10. IMPLEMENTATION OF INCREASED TAXES. The director of revenue shall immediately take all necessary steps, within the authority granted to the director under RCW 82.01.060, to ensure that any new or increased taxes imposed to carry out the purposes of this act are assessed and collected on the applicable effective date of such tax increases.

NEW SECTION. Sec. 11. SEVERABILITY. 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.

NEW SECTION. Sec. 12. CONSTRUCTION. The provisions of this act are to be liberally construed to effectuate the policies and purposes of this act. In the event of conflict between the provisions of this act and any other act, the provisions of this act shall govern.

NEW SECTION. Sec. 13. CAPTIONS. As used in this act, captions constitute no part of the law.

NEW SECTION. Sec. 14. SHORT TITLE. This act shall be known as the children's initiative act.

NEW SECTION. Sec. 15. LEGISLATIVE DIRECTIVE. Sections 1 through 3 and 5 through 7 of this act shall constitute a new chapter in Title 74 RCW.

NEW SECTION. Sec. 16. EFFECTIVE DATE. This act shall take effect June 1, 1990.



COMPLETE TEXT OF Senate Joint Resolution No. 8200

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 I, section -- of the Constitution of the state of Washington to read as follows:

Article I, section --. Effective law enforcement depends on cooperation from victims of crime. To ensure victims a meaningful role in the criminal justice system and to accord them due dignity and respect, victims of crime are hereby granted the following basic and fundamental rights.

Upon notifying the prosecuting attorney, a victim of a crime charged as a felony shall have the right to be informed of and, subject to the discretion of the individual presiding over the trial or court proceedings, attend trial and all other court proceedings the defendant has the right to attend, and to make a statement at sentencing and at any proceeding where the defendant's release is considered, subject to the same rules of procedure which govern the defendant's rights. In the event the victim is deceased, incompetent, a minor, or otherwise unavailable, the prosecuting attorney may identify a representa-

tive to appear to exercise the victim's rights. This provision shall not constitute a basis for error in favor of a defendant in a criminal proceeding nor a basis for providing a victim or the victim's representative with court appointed counsel.

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 Senate Joint Resolution No. 8202

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 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 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. The supreme court shall specify the effect upon salary when disciplinary action other than removal is taken. The supreme court may not discipline or retire a judge or justice until the commission on judicial conduct recommends after notice and hearing that action be taken and the supreme court conducts a hearing, after notice, to review commission proceedings and findings against a judge or justice.~~

~~Whenever the commission receives a complaint against a judge or justice, it shall first conduct proceedings for the purpose of determining whether sufficient reason exists for conducting a hearing or hearings to deal with the accusations. These initial proceedings shall be confidential, unless confidentiality is waived by the judge or justice, but all subsequent hearings conducted by the commission shall be open to members of the public.~~

~~Whenever the commission adopts a recommendation that a judge or justice be removed, the judge or justice shall be suspended immediately, with salary, from his or her judicial position until a final determination is made by the supreme court.~~

~~The legislature shall provide for commissioners' terms of office and compensation. The commission shall establish rules of procedure for commission proceedings including due process and confidentiality of proceedings.)~~