

REFERENDUM BILL 45

PROPOSED TO THE PEOPLE BY THE LEGISLATURE
CHAPTER 2, LAWS OF 1995, 1st SPECIAL SESSION

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Referendum Bill 45 begins on page 21.

Vote cast by the 1995 Legislature on final passage:
HOUSE: Yeas, 73; Nays, 24; Absent, 0; Excused, 1.
SENATE: Yeas, 30; Nays, 14; Absent, 0; Excused, 5.

Official Ballot Title:

Shall the fish and wildlife commission, rather than the governor, appoint the department's director and regulate food fish and shellfish?

The law as it now exists:

By a law passed in 1993, the legislature merged the former department of fisheries and department of wildlife into a single department of fish and wildlife. The director of

Statement for

YES: REFERENDUM 45 WILL TAKE POLITICS OUT OF ENHANCING OUR FISH AND WILDLIFE

Until 1987, Washington's abundant wildlife resources were managed by an independent commission that worked openly to enhance our fish and wildlife for all citizens to enjoy. Today, decisions are made in secret, by politicians and their appointees. The result? Decimated fish runs, shorter seasons and less access than ever — for all of us.

YES: REFERENDUM 45 WILL PUT US - NOT POLITICIANS - IN CHARGE OF NATURAL RESOURCES

An independent commission will:

- Represent the concerns of sportsfishing, the environment, commercial fishing, hunting and private property rights, and ensure public input in policymaking;
- Enhance and regulate use of fish, shellfish and wildlife;
- Protect access to fish for all, including recreational and commercial users;
- Authorize equitable tribal, interstate and international agreements;
- Have authority to hire and fire the Director of the Department of Fish and Wildlife, oversee department rules and regulations and approve the agency's budget.

YES: REFERENDUM 45 WILL HELP SAVE OUR SALMON, SHELLFISH AND WILDLIFE

Thirty-two states — including Idaho and Oregon — manage fish and wildlife independently, with commissions instead of politicians. They know decisions to improve natural resources are best made in public, by people with first-hand knowledge of fish and wildlife who will be accountable to all of us — not to politicians.

YES: REFERENDUM 45 WILL HELP US END "FIGHTING OVER THE LAST SALMON"

The politicians and special interests who oppose public, independent resource management are the same people who now waste time and tax dollars fighting over the right to what's left of our once-great salmon runs. Let's stop this political infighting and start fighting for the return of the salmon. Voting "yes" for Referendum 45 will bring new urgency to enhancing fish and wildlife, and place our interests ahead of special interests.

For more information, call (206) 869-8898 or (509) 534-6550.

Rebuttal of Statement against

Washington voters placed trust in citizen-commissioners to protect our fisheries for over 50 years. We've trusted citizen commissions to oversee our election financing process, our transportation systems and our state's elected officials — because commissions serve the *public* interest, not *special interests*. Fish and wildlife — managed by diverse citizens committed to open meetings and public input — can thrive again. Where political management has failed, citizen management will save our fish and wildlife. Please vote YES.

Voters Pamphlet Statement Prepared by:

DAN McDONALD, Senate Minority Leader, Member, Ecology and Parks Committee; DEAN SUTHERLAND, Chairman, Senate Select Committee on Water Policy; DALE FOREMAN, House Majority Leader.

Advisory Committee: BOB PANTHER, Executive Director, Inland Northwest Wildlife Council; TRISH BOTTCHER, Vice-President, Westside, Washington State Federation of Fly Fishers; JIM WILCOX, Trout Unlimited; KEN JACOBSEN, State Representative, Board of Directors, Seattle Audubon Society; MARTHA JORDAN, Trumpeter Swan Society.

the merged agency is appointed by the governor and serves at the governor's pleasure. The director has regulatory authority over shellfish, salmon and all fish species designated as "food fish." The director is authorized to enter into certain federal-state, tribal, interstate, and other agreements on behalf of the agency. The director has responsibility to manage the department and to implement programs which fulfill the agency's goals, policies, and objectives.

The fish and wildlife commission consists of nine members appointed by the governor for six-year terms and removable only for cause. The commission has responsibility to set goals, policies, and objectives to preserve, protect and perpetuate wildlife and "game fish" and the habitat associated with these species. The commission classifies wildlife and fish other than "food fish" and shellfish, and regulates hunting, trapping, recreational fishing and other recreational use of wildlife.

The effect of Referendum Bill 45, if approved into law:

If the proposal is enacted, the fish and wildlife commission will assume many responsibilities now assigned elsewhere. The commission rather than the governor would appoint the director. The director and the commission staff would serve at the commission's pleasure. In addition to its existing responsibilities for policy-making on wildlife and game fish, the commission would make policy and regulate fishing for shellfish and food fish, and would act for the state in negotiating certain federal-state, interstate, and state-tribal agreements. These changes would take effect July 1, 1996.

Statement against

VOTE NO—ON THIS REACH FOR POWER

Washington's fish and wildlife belong to *all* citizens. Recognizing this, existing law puts responsibility for managing this resource on the state's chief elected official, the governor, so *all* citizens will be heard.

This measure, however, turns over control of salmon, shellfish, eagles—in fact *all* fish and wildlife—to nine unelected, part-time political appointees, representing narrow interests. With overlapping six-year terms and no term limits, they're accountable only to themselves.

VOTE NO—ON MORE BUREAUCRACY AND COST

This measure *radically* changes how we protect fish and wildlife. Right now, a director named by the governor and confirmed by the state Senate manages the Department of Fish and Wildlife in an international setting that often requires instant decisions to save fish and wildlife.

This measure hands over fish and wildlife management to a part-time commission — a new layer of bureaucracy — whose members' conflicting interests will clash, bog things down and generate litigation as they argue how to apportion fish and wildlife and protect our precious heritage.

Worse, this commission would take over *all* of the state's negotiations on fish and wildlife with Canada, the White House, tribes and Alaska, Oregon, Idaho and Montana. The President of the United States answers phone calls from a governor when international salmon negotiations are in a crisis. Is that likely if an unknown commissioner telephones? No!

VOTE NO—ON MINORITY RULE

Amazingly, under this measure the minority can rule with only four of the nine making a decision binding on all of us!

VOTE NO—ON SILENCING THE VOTERS

A governor *must* listen to voters. A commission doesn't need to.

Rebuttal of Statement for

This law *for the first time in our state's history* allows those profiting from the killing of fish and wildlife — fish packers, trappers, guides, others — to manage fish and wildlife.

Call this independence? No! It's disguised special-interest politics aimed at wresting control of fish and wildlife from the state's voters.

Salmon are endangered, disappearing, in California, Oregon and Idaho, while commissioners squabble.

Vote No! on Referendum 45. Put fish and wildlife above special interests.

Voters Pamphlet Statement Prepared by:

KAREN FRASER, Chair, Senate Committee on Ecology and Parks; BOB BASICH, House Ranking Minority Member, Natural Resources Committee.

Advisory Committee: DAN EVANS, Former Governor, State of Washington, Former U.S. Senator; BOOTH GARDNER, Former Governor, State of Washington.



COMPLETE TEXT OF Referendum Measure 48 (cont.)

(7) The state is responsible for the compensation liability of other governmental entities for any action which restricts the use of property when such action is mandated by state law or any state agency.

(8) Claims for compensation as a result of a taking of private property under this act must be brought within the time period specified in RCW 4.16.020.

NEW SECTION. Sec. 6. No governmental entity may require any private property owner to provide or pay for any studies, maps, plans, or reports used in decisions to consider restricting the use of private property for public use.

NEW SECTION. Sec. 7. Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Full compensation" means the reduction in the fair market value of the portion or parcel of property taken for general public use which is attributable to the regulation or restraint. Such reduction shall be measured as of the date of adoption of the regulation or imposition of restraint on the use of private property.

(2) "Governmental entity" means Washington state, state agencies, agencies and commissions funded fully or partially by the state, counties, cities, and other political subdivisions.

(3) "Private property" means -

- (a) land;
- (b) any interest in land or improvements thereon;
- (c) any proprietary water right;
- (d) Any crops, forest products, or resources capable of

being harvested or extracted that is owned by a non-governmental entity and is protected by either the Fifth or Fourteenth Amendments to the U.S. Constitution or the Washington State Constitution.

(4) "Restraint of land use" means any action, requirement, or restriction by a governmental entity, other than actions to prevent or abate public nuisances, that limits the use or development or private property.

NEW SECTION. Sec. 8 This act may be enforced in Superior Court against any governmental entity which fails to comply with the provisions of this act by any owner of property subject to the jurisdiction of such entity. Any prevailing plaintiff is entitled to recover the costs of litigation, including reasonable attorney's fees.

NEW SECTION. Sec. 9. 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. 10. Sections 1 through 8 of this act shall constitute a new chapter in Title 64 RCW.



COMPLETE TEXT OF Referendum Bill 45

AN ACT Relating to the role of the state commission on fish and wildlife as recommended by the commission on fish and wildlife; amending RCW 77.04.040, 77.04.055, 77.04.080, 75.08.011, 75.08.025, 75.08.055, 75.08.058, 75.08.070, 75.08.080, 75.08.090, 75.08.110, 75.08.120, 75.08.274, 75.08.285, 75.08.295, 75.08.460, 75.40.020, 75.40.040, 75.40.060, 75.08.014, 75.08.040, 75.08.045, 75.12.010, 75.12.015, 75.20.110, 75.24.030, 75.24.100, 75.24.130, 75.25.095, 75.30.060, 75.50.010, 75.50.020, 75.50.030, 75.50.040, 75.50.050, 75.50.070, 75.50.110, 75.50.130, 75.52.050, and 77.16.135; reenacting and amending RCW 43.17.020 and 75.50.100; creating new sections; providing an effective date; 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 supports the recommendations of the state fish and wildlife commission with regard to the commission's responsibilities in the merged department of fish and wildlife. It is the intent of the legislature that, beginning July 1, 1996, the commission assume regulatory authority for food fish and shellfish in addition to its existing authority for game fish and wildlife. It is also the intent of the legislature to provide to the commission the authority to review and approve department agreements, to review and approve the department's budget proposals, to adopt rules for the department, and to select commission staff and the director of the department.

The legislature finds that all fish, shellfish, and wildlife species should be managed under a single comprehensive set of goals, policies, and objectives, and that the decision-making authority should rest with the fish and wildlife commission. The commission acts in an open and deliberative process that encourages public involvement and increases public confidence in department decision-making.

Sec. 2. RCW 43.17.020 and 1993 sp.s. c 2 s 17, 1993 c 472 s 18, and 1993 c 280 s 19 are each reenacted and amended to read as follows:

There shall be a chief executive officer of each department to be known as: (1) The secretary of social and health services, (2) the director of ecology, (3) the director of labor and industries, (4) the director of agriculture, (5) the director of fish and wildlife, (6) the secretary of transportation, (7) the director of licensing, (8) the director of general administration, (9) the director of community, trade, and economic development, (10) the director of veterans affairs, (11) the director of revenue, (12) the director of retirement systems, (13) the secretary of corrections, and (14) the secretary of health, and (15) the director of financial institutions.

Such officers, except the secretary of transportation and the director of fish and wildlife, shall be appointed by the governor, with the consent of the senate, and hold office at the pleasure of the governor. The secretary of transportation shall be appointed by the transportation commission as prescribed by RCW 47.01.041. The director of fish and wildlife shall be appointed by the fish and wildlife commission as prescribed by RCW 77.04.055.

Sec. 3. RCW 77.04.040 and 1993 sp.s. c 2 s 61 are each amended to read as follows:

Persons eligible for appointment as members of the commission



COMPLETE TEXT OF Referendum Bill 45 (cont.)

shall have general knowledge of the habits and distribution of ((game)) fish and wildlife and shall not hold another state, county, or municipal elective or appointive office. In making these appointments, the governor shall seek to maintain a balance reflecting all aspects of ((game)) fish and wildlife, including representation recommended by organized groups representing sportfishers, commercial fishers, hunters, private landowners, and environmentalists. Persons eligible for appointment as fish and wildlife commissioners shall ~~((not have a monetary interest in any private business that is involved with consumptive or nonconsumptive use of game fish or wildlife))~~ comply with the provisions of chapters 42.52 and 42.17 RCW.

Sec. 4. RCW 77.04.055 and 1993 sp.s. c 2 s 62 are each amended to read as follows:

(1) In establishing policies to preserve, protect, and perpetuate wildlife, ((game)) fish, and wildlife and ((game)) fish habitat, the commission shall meet annually with the governor to:

(a) Review and prescribe basic goals and objectives related to those policies; and

(b) Review the performance of the department in implementing ((game)) fish and wildlife policies.

The commission shall maximize ((game fish)) fishing, hunting, and outdoor recreational opportunities compatible with healthy and diverse fish and wildlife populations.

(2) The commission shall establish hunting, trapping, and fishing seasons and prescribe the time, place, manner, and methods that may be used to harvest or enjoy game fish and wildlife.

(3) The commission shall establish provisions regulating food fish and shellfish as provided in RCW 75.08.080.

(4) The commission shall have final approval authority for tribal, interstate, international, and any other department agreements relating to fish and wildlife.

(5) The commission shall adopt rules to implement the state's fish and wildlife laws.

(6) The commission shall have final approval authority for the department's budget proposals.

(7) The commission shall select its own staff and shall appoint the director of the department. The director and commission staff shall serve at the pleasure of the commission.

Sec. 5. RCW 77.04.080 and 1993 sp.s. c 2 s 64 are each amended to read as follows:

Persons eligible for appointment ((by the governor)) as director shall have practical knowledge of the habits and distribution of fish and wildlife. ~~((The governor shall seek recommendations from the commission on the qualifications, skills, and experience necessary to discharge the duties of the position. When considering and selecting the director, the governor shall consult with and be advised by the commission.))~~ The director shall receive the salary fixed by the governor under RCW 43.03.040.

The director is the ex officio secretary of the commission and shall attend its meetings and keep a record of its business.

The director may appoint and employ necessary departmental personnel. The director may delegate to department personnel the duties and powers necessary for efficient operation and administration of the department. ~~((The department shall provide staff for the commission.))~~

Sec. 6. RCW 75.08.011 and 1994 c 255 s 2 are each amended to read as follows:

As used in this title or rules of the director, unless the context clearly requires otherwise:

(1) "Commission" means the fish and wildlife commission.

(2) "Director" means the director of fish and wildlife.

~~((2))~~ (3) "Department" means the department of fish and wildlife.

~~((3))~~ (4) "Person" means an individual or a public or private entity or organization. The term "person" includes local, state, and federal government agencies, and all business organizations, including corporations and partnerships.

~~((4))~~ (5) "Fisheries patrol officer" means a person appointed and commissioned by the ~~((director))~~ commission, with authority to enforce this title, rules of the director, and other statutes as prescribed by the legislature. Fisheries patrol officers are peace officers.

~~((5))~~ (6) "Ex officio fisheries patrol officer" means a commissioned officer of a municipal, county, state, or federal agency having as its primary function the enforcement of criminal laws in general, while the officer is in the appropriate jurisdiction. The term "ex officio fisheries patrol officer" also includes wildlife agents, special agents of the national marine fisheries service, United States fish and wildlife special agents, state parks commissioned officers, department of natural resources enforcement officers, and United States forest service officers, while the agents and officers are within their respective jurisdictions.

~~((6))~~ (7) "To fish," "to harvest," and "to take" and their derivatives mean an effort to kill, injure, harass, or catch food fish or shellfish.

~~((7))~~ (8) "State waters" means all marine waters and fresh waters within ordinary high water lines and within the territorial boundaries of the state.

~~((8))~~ (9) "Offshore waters" means marine waters of the Pacific Ocean outside the territorial boundaries of the state, including the marine waters of other states and countries.

~~((9))~~ (10) "Concurrent waters of the Columbia river" means those waters of the Columbia river that coincide with the Washington-Oregon state boundary.

~~((10))~~ (11) "Resident" means a person who has maintained a permanent place of abode within the state for at least ninety days immediately preceding an application for a license, has established by formal evidence an intent to continue residing within the state, and who is not licensed to hunt or fish as a resident in another state.

~~((11))~~ (12) "Nonresident" means a person who has not fulfilled the qualifications of a resident.

~~((12))~~ (13) "Food fish" means those species of the classes Osteichthyes, Agnatha, and Chondrichthyes that have been classified and that shall not be fished for except as authorized by rule of the ~~((director))~~ commission. The term "food fish" includes all stages of development and the bodily parts of food fish species.

~~((13))~~ (14) "Shellfish" means those species of marine and fresh-water invertebrates that have been classified and that shall not be taken except as authorized by rule of the ~~((director))~~ commission. The term "shellfish" includes all stages of development and the bodily parts of shellfish species.

~~((14))~~ (15) "Salmon" means all species of the genus *Oncorhynchus*, except those classified as game fish in Title 77 RCW, and includes:

Scientific Name	Common Name
<i>Oncorhynchus tshawytscha</i>	Chinook salmon
<i>Oncorhynchus kisutch</i>	Coho salmon
<i>Oncorhynchus keta</i>	Chum salmon
<i>Oncorhynchus gorbuscha</i>	Pink salmon
<i>Oncorhynchus nerka</i>	Sockeye salmon



COMPLETE TEXT OF Referendum Bill 45 (cont.)

~~((15))~~ (16) "Commercial" means related to or connected with buying, selling, or bartering. Fishing for food fish or shellfish with gear unlawful for fishing for personal use, or possessing food fish or shellfish in excess of the limits permitted for personal use are commercial activities.

~~((16))~~ (17) "To process" and its derivatives mean preparing or preserving food fish or shellfish.

~~((17))~~ (18) "Personal use" means for the private use of the individual taking the food fish or shellfish and not for sale or barter.

~~((18))~~ (19) "Angling gear" means a line attached to a rod and reel capable of being held in hand while landing the fish or a hand-held line operated without rod or reel.

~~((19))~~ (20) "Open season" means those times, manners of taking, and places or waters established by rule of the ~~((director))~~ commission for the lawful fishing, taking, or possession of food fish or shellfish. "Open season" includes the first and last days of the established time.

~~((20))~~ (21) "Fishery" means the taking of one or more particular species of food fish or shellfish with particular gear in a particular geographical area.

~~((21))~~ (22) "Limited-entry license" means a license subject to a license limitation program established in chapter 75.30 RCW.

~~((22))~~ (23) "Seaweed" means marine aquatic plant species that are dependent upon the marine aquatic or tidal environment, and exist in either an attached or free floating form, and includes but is not limited to marine aquatic plants in the classes Chlorophyta, Phaeophyta, and Rhodophyta.

Sec. 7. RCW 75.08.025 and 1983 1st ex.s. c 46 s 8 are each amended to read as follows:

The ~~((director))~~ commission may negotiate agreements with the United States department of defense to coordinate fishing in state waters over which the department of defense has assumed control.

Sec. 8. RCW 75.08.055 and 1993 sp.s. c 2 s 23 are each amended to read as follows:

(1) The ~~((director))~~ commission may enter into agreements with and receive funds from the United States for the construction, maintenance, and operation of fish cultural stations, laboratories, and devices in the Columbia River basin for improvement of feeding and spawning conditions for fish, for the protection of migratory fish from irrigation projects and for facilitating free migration of fish over obstructions.

(2) The ~~((director))~~ commission and the department may acquire by gift, purchase, lease, easement, or condemnation the use of lands where the construction or improvement is to be carried on by the United States.

Sec. 9. RCW 75.08.058 and 1993 sp.s. c 2 s 99 are each amended to read as follows:

The ~~((department))~~ commission may adopt rules pertaining to harvest of fish and wildlife in the federal exclusive economic zone by vessels or individuals registered or licensed under the laws of this state.

Sec. 10. RCW 75.08.070 and 1989 c 130 s 1 are each amended to read as follows:

Consistent with federal law, the ~~((director's))~~ commission's authority extends to all areas and waters within the territorial boundaries of

the state, to the offshore waters, and to the concurrent waters of the Columbia river.

Consistent with federal law, the ~~((director's))~~ commission's authority extends to fishing in offshore waters by residents of this state.

The ~~((director))~~ commission may adopt rules consistent with the regulations adopted by the United States department of commerce for the offshore waters. The ~~((director))~~ commission may adopt rules consistent with the recommendations or regulations of the Pacific marine fisheries commission, Columbia river compact, the Pacific salmon commission as provided in chapter 75.40 RCW, or the international Pacific halibut commission.

Sec. 11. RCW 75.08.080 and 1993 c 117 s 1 are each amended to read as follows:

(1) The ~~((director))~~ commission may adopt, amend, or repeal rules as follows:

(a) Specifying the times when the taking of food fish or shellfish is lawful or unlawful.

(b) Specifying the areas and waters in which the taking and possession of food fish or shellfish is lawful or unlawful.

(c) Specifying and defining the gear, appliances, or other equipment and methods that may be used to take food fish or shellfish, and specifying the times, places, and manner in which the equipment may be used or possessed.

(d) Regulating the possession, disposal, landing, and sale of food fish or shellfish within the state, whether acquired within or without the state.

(e) Regulating the prevention and suppression of diseases and pests affecting food fish or shellfish.

(f) Regulating the size, sex, species, and quantities of food fish or shellfish that may be taken, possessed, sold, or disposed of.

(g) Specifying the statistical and biological reports required from fishermen, dealers, boathouses, or processors of food fish or shellfish.

(h) Classifying species of marine and freshwater life as food fish or shellfish.

(i) Classifying the species of food fish and shellfish that may be used for purposes other than human consumption.

(j) Other rules necessary to carry out this title and the purposes and duties of the department.

(2) Subsections (1) (a), (b), (c), (d), and (f) of this section do not apply to private tideland owners and lessees and the immediate family members of the owners or lessees of state tidelands, when they take or possess oysters, clams, cockles, borers, or mussels, excluding razor clams, produced on their own private tidelands or their leased state tidelands for personal use.

"Immediate family member" for the purposes of this section means a spouse, brother, sister, grandparent, parent, child, or grandchild.

(3) Except for subsection (1) (g) of this section, this section does not apply to private sector cultured aquatic products as defined in RCW 15.85.020. Subsection (1) (g) of this section does apply to such products.

Sec. 12. RCW 75.08.090 and 1983 1st ex.s. c 46 s 16 are each amended to read as follows:

(1) Rules of the ~~((director))~~ commission shall be adopted by the ~~((director))~~ commission or a designee in accordance with chapter 34.05 RCW.

(2) Rules of the ~~((director))~~ commission shall be admitted as evidence in the courts of the state when accompanied by an affidavit from the ~~((director))~~ commission or a designee certifying that the rule has been lawfully adopted and the affidavit is prima facie evidence of the adoption of the rule.

(3) The ~~((director))~~ commission may designate department employees to act on the ~~((director's))~~ commission's behalf in the



COMPLETE TEXT OF Referendum Bill 45 (cont.)

adoption and certification of rules.

Sec. 13. RCW 75.08.110 and 1983 1st ex.s. c 46 s 17 are each amended to read as follows:

Provisions of this title or rules of the ((director)) commission shall not be printed in a pamphlet unless the pamphlet is clearly marked as an unofficial version. This section does not apply to printings approved by the ((director)) commission.

Sec. 14. RCW 75.08.120 and 1983 1st ex.s. c 46 s 18 are each amended to read as follows:

The ((director)) commission may designate the boundaries of fishing areas by driving piling or by establishing monuments or by description of landmarks or section lines and directional headings.

Sec. 15. RCW 75.08.274 and 1983 1st ex.s. c 46 s 28 are each amended to read as follows:

Except by permit of the ((director)) commission, it is unlawful to take food fish or shellfish for propagation or scientific purposes within state waters.

Sec. 16. RCW 75.08.285 and 1983 1st ex.s. c 46 s 29 are each amended to read as follows:

The ((director)) commission may prohibit the introduction, transportation or transplanting of food fish, shellfish, organisms, material, or other equipment which in the ((director's)) commission's judgment may transmit any disease or pests affecting food fish or shellfish.

Sec. 17. RCW 75.08.295 and 1983 1st ex.s. c 46 s 30 are each amended to read as follows:

Except by permit of the ((director)) commission, it is unlawful to release, plant, or place food fish or shellfish in state waters.

Sec. 18. RCW 75.08.460 and 1990 c 91 s 2 are each amended to read as follows:

The ((director)) commission shall report to the governor and the appropriate legislative committees regarding its progress on the recreational fishery enhancement plan giving the following minimum information:

(1) By July 1, 1990, and by July 1st each succeeding year a report shall include:

(a) Progress on all programs within the plan that are referred to as already underway; and

(b) Specific anticipated needs for additional FTE's, additional capital funds or other needed resources, including whether or not current budgetary dollars are sufficient.

(2) By November 1, 1990, and by November 1st each succeeding year a report shall provide the many specificities omitted from the recreational fishery enhancement plan. They include but are not limited to the following:

(a) The name of the person assigned the responsibility and accountability for over-all management of the recreational fishery enhancement plan.

(b) The name of the person responsible and accountable for management of each regional program.

(c) The anticipated yearly costs related to each regional program.

(d) The specific dates relative to attainment of the recreational fishery enhancement plan goals, including a time-line program by region.

(e) Criteria used for measurement of the successful attainment of the recreational fishery enhancement plan.

Sec. 19. RCW 75.40.020 and 1983 1st ex.s. c 46 s 150 are each amended to read as follows:

The ((director)) commission may give to the state of Oregon such consent and approbation of the state of Washington as is necessary under the compact set out in RCW 75.40.010. For the purposes of RCW 75.40.010, the states of Washington and Oregon have concurrent jurisdiction in the concurrent waters of the Columbia river as defined in RCW 75.08.011.

Sec. 20. RCW 75.40.040 and 1983 1st ex.s. c 46 s 152 are each amended to read as follows:

((The director)) A member selected by or a designee of the fish and wildlife commission, ex officio, and two appointees of the governor representing the fishing industry shall act as the representatives of this state on the Pacific Marine Fisheries Commission. The appointees of the governor are subject to confirmation by the state senate.

Sec. 21. RCW 75.40.060 and 1989 c 130 s 2 are each amended to read as follows:

The ((director)) commission may adopt and enforce the provisions of the treaty between the government of the United States and the government of Canada concerning Pacific salmon, treaty document number 99-2, entered into force March 18, 1985, at Quebec City, Canada, and the regulations of the commission adopted under authority of the treaty.

Sec. 22. RCW 75.08.014 and 1993 sp.s. c 2 s 21 are each amended to read as follows:

The director shall supervise the administration and operation of the department and perform the duties prescribed by law and delegated by the commission. The director may appoint and employ necessary personnel. The director may delegate, in writing, to department personnel the duties and powers necessary for efficient operation and administration of the department.

Only persons having general knowledge of the fisheries and wildlife resources and of the commercial and recreational fishing industry in this state are eligible for appointment as director. The director shall not have a financial interest in the fishing industry or a directly related industry.

Sec. 23. RCW 75.08.040 and 1983 1st ex.s. c 46 s 9 are each amended to read as follows:

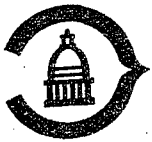
The ((director)) commission may acquire by gift, easement, purchase, lease, or condemnation lands, water rights, and rights of way, and construct and maintain necessary facilities for purposes consistent with this title.

The ((director)) commission may sell, lease, convey, or grant concessions upon real or personal property under the control of the department.

Sec. 24. RCW 75.08.045 and 1983 1st ex.s. c 46 s 11 are each amended to read as follows:

The ((director)) commission may accept money or real property from persons under conditions requiring the use of the property or money for the protection, rehabilitation, preservation, or conservation of the state food fish and shellfish resources, or in settlement of claims for damages to food fish and shellfish resources. The ((director)) commission shall only accept real property useful for the protection, rehabilitation, preservation, or conservation of these fisheries resources.

Sec. 25. RCW 75.12.010 and 1983 1st ex.s. c 46 s 46 are each



COMPLETE TEXT OF Referendum Bill 45 (cont.)

amended to read as follows:

(1) Except as provided in this section, it is unlawful to fish commercially for salmon within the waters described in subsection (2) of this section.

(2) All waters east and south of a line commencing at a concrete monument on Angeles Point in Clallam county near the mouth of the Elwha River on which is inscribed "Angeles Point Monument" (latitude 48° 9' 3" north, longitude 123° 33' 01" west of Greenwich Meridian); thence running east on a line 81° 30' true across the flashlight and bell buoy off Partridge Point and thence continued to longitude 122° 40' west; thence north to the southerly shore of Sinclair Island; thence along the southerly shore of the island to the most easterly point of the island; thence 46° true to Carter Point, the most southerly point of Lummi Island; thence northwesterly along the westerly shore line of Lummi Island to where the shore line intersects line of longitude 122° 40' west; thence north to the mainland, including: The southerly portion of Hale Passage, Bellingham Bay, Padilla Bay, Fidalgo Bay, Guemes Channel, Skagit Bay, Similk Bay, Saratoga Passage, Holmes Harbor, Possession Sound, Admiralty Inlet, Hood Canal, Puget Sound, and their inlets, passages, waters, waterways, and tributaries.

(3) The ~~((director))~~ commission may authorize commercial fishing for sockeye salmon within the waters described in subsection (2) of this section during the period June 10 to July 25 and for other salmon from the second Monday of September through November 30, except during the hours between 4:00 p.m. of Friday and 4:00 p.m. of the following Sunday.

(4) The ~~((director))~~ commission may authorize commercial fishing for salmon with gill net gear prior to the second Monday in September within the waters of Hale Passage, Bellingham Bay, Samish Bay, Padilla Bay, Fidalgo Bay, Guemes Channel, Skagit Bay, and Similk Bay, to wit: Those waters northerly and easterly of a line commencing at Stanwood, thence along the south shore of Skagit Bay to Rocky Point on Camano Island; thence northerly to Polnell Point on Whidbey Island.

(5) Whenever the ~~((director))~~ commission determines that a stock or run of salmon cannot be harvested in the usual manner, and that the stock or run of salmon may be in danger of being wasted and surplus to natural or artificial spawning requirements, the ~~((director))~~ commission may authorize units of gill net and purse seine gear in any number or equivalents, by time and area, to fully utilize the harvestable portions of these salmon runs for the economic well being of the citizens of this state. Gill net and purse seine gear other than emergency and test gear authorized by the director shall not be used in Lake Washington.

(6) The ~~((director))~~ commission may authorize commercial fishing for pink salmon in each odd-numbered year from August 1 through September 1 in the waters lying inside of a line commencing at the most easterly point of Dungeness Spit and thence projected to Point Partridge on Whidbey Island and a line commencing at Olele Point and thence projected easterly to Bush Point on Whidbey Island.

Sec. 26. RCW 75.12.015 and 1983 1st ex.s. c 46 s 48 are each amended to read as follows:

Except as provided in this section, it is unlawful to fish commercially for chinook or coho salmon in the Pacific Ocean and the Straits of Juan de Fuca.

(1) The ~~((director))~~ commission may authorize commercial fishing for coho salmon from June 16 through October 31.

(2) The ~~((director))~~ commission may authorize commercial fishing for chinook salmon from March 15 through October 31.

Sec. 27. RCW 75.20.110 and 1993 sp.s. c 2 s 36 are each amended to read as follows:

(1) Except for the north fork of the Lewis river and the White Salmon river, all streams and rivers tributary to the Columbia river downstream from McNary dam are established as an anadromous fish sanctuary. This sanctuary is created to preserve and develop the food fish and game fish resources in these streams and rivers and to protect them against undue industrial encroachment.

(2) Within the sanctuary area:

(a) It is unlawful to construct a dam greater than twenty-five feet high within the migration range of anadromous fish as determined by the ~~((director))~~ commission.

(b) Except by order of the ~~((director))~~ commission, it is unlawful to divert water from rivers and streams in quantities that will reduce the respective stream flow below the annual average low flow, based upon data published in United States geological survey reports.

(3) The ~~((director))~~ commission may acquire and abate a dam or other obstruction, or acquire any water right vested on a sanctuary stream or river, which is in conflict with the provisions of subsection (2) of this section.

(4) Subsection (2) (a) of this section does not apply to the sediment retention structure to be built on the North Fork Toutle river by the United States army corps of engineers.

Sec. 28. RCW 75.24.030 and 1983 1st ex.s. c 46 s 79 are each amended to read as follows:

Only upon recommendation of the ~~((director))~~ commission may the state oyster reserves be sold, leased, or otherwise disposed of by the department of natural resources.

Sec. 29. RCW 75.24.100 and 1993 c 340 s 51 are each amended to read as follows:

(1) It is unlawful to take geoduck clams for commercial purposes outside the harvest area designated in a current department of natural resources geoduck harvesting agreement issued under RCW 79.96.080. It is unlawful to commercially harvest geoduck clams from bottoms that are shallower than eighteen feet below mean lower low water (0.0 ft.), or that lie in an area bounded by the line of ordinary high tide (mean high tide) and a line two hundred yards seaward from and parallel to the line of ordinary high tide. This section does not apply to the harvest of private sector cultured aquatic products as defined in RCW 15.85.020.

(2) Commercial geoduck harvesting shall be done with a hand-held, manually operated water jet or suction device guided and controlled from under water by a diver. Periodically, the ~~((director))~~ commission shall determine the effect of each type or unit of gear upon the geoduck population or the substrate they inhabit. The ~~((director))~~ commission may require modification of the gear or stop its use if it is being operated in a wasteful or destructive manner or if its operation may cause permanent damage to the bottom or adjacent shellfish populations.

Sec. 30. RCW 75.24.130 and 1983 1st ex.s. c 46 s 89 are each amended to read as follows:

The ~~((director))~~ commission may examine the clam, mussel, and oyster beds located on aquatic lands belonging to the state and request the commissioner of public lands to withdraw these lands from sale and lease for the purpose of establishing reserves or public beaches. The ~~((director))~~ commission shall conserve, protect, and develop these reserves and the oyster, shrimp, clam, and mussel beds on state lands.

Sec. 31. RCW 75.25.095 and 1990 c 34 s 2 are each amended



COMPLETE TEXT OF Referendum Bill 45 (cont.)

to read as follows:

~~((Notwithstanding RCW 75.25.090,))~~ The ~~((director))~~ commission may adopt rules designating times and places for the purposes of family fishing days when a recreational fishing license is not required, to fish for food fish or shellfish. All other applicable laws and rules shall remain in effect.

Sec. 32. RCW 75.30.060 and 1983 1st ex.s. c 46 s 139 are each amended to read as follows:

A person aggrieved by a decision of the department under this chapter may request administrative review under the informal procedure established by this section.

In an informal hearing before a review board, the rules of evidence do not apply. A record of the proceeding shall be kept as provided by chapter 34.05 RCW. After hearing the case the review board shall notify in writing the ~~((director))~~ commission and the initiating party whether the review board agrees or disagrees with the department's decision and the reasons for the board's findings. Upon receipt of the board's findings the ~~((director))~~ commission may order such relief as the ~~((director))~~ commission deems appropriate under the circumstances.

Nothing in this section: (1) Impairs an aggrieved person's right to proceed under chapter 34.05 RCW; or (2) imposes a liability on members of a review board for their actions under this section.

Sec. 33. RCW 75.50.010 and 1993 sp.s. c 2 s 45 are each amended to read as follows:

Currently, many of the salmon stocks of Washington state are critically reduced from their sustainable level. The best interests of all fishing groups and the citizens as a whole are served by a stable and productive salmon resource. Immediate action is needed to reverse the severe decline of the resource and to insure its very survival. The legislature finds a state of emergency exists and that immediate action is required to restore its fishery.

Disagreement and strife have dominated the salmon fisheries for many years. Conflicts among the various fishing interests have only served to erode the resource. It is time for the state of Washington to make a major commitment to increasing productivity of the resource and to move forward with an effective rehabilitation and enhancement program. The ~~((department))~~ commission is directed to dedicate its efforts and the efforts of the department to seek resolution to the many conflicts that involve the resource.

Success of the enhancement program can only occur if projects efficiently produce salmon or restore habitat. The expectation of the program is to optimize the efficient use of funding on projects that will increase artificially and naturally produced salmon, restore and improve habitat, or identify ways to increase the survival of salmon. The full utilization of state resources and cooperative efforts with interested groups are essential to the success of the program.

Sec. 34. RCW 75.50.020 and 1985 c 458 s 2 are each amended to read as follows:

(1) The ~~((director))~~ commission shall develop long-term regional policy statements regarding the salmon fishery resources before December 1, 1985. The ~~((director))~~ commission shall consider the following in formulating and updating regional policy statements:

- (a) Existing resource needs;
- (b) Potential for creation of new resources;
- (c) Successful existing programs, both within and outside the

state;

- (d) Balanced utilization of natural and hatchery production;
- (e) Desires of the fishing interest;
- (f) Need for additional data or research;
- (g) Federal court orders; and
- (h) Salmon advisory council recommendations.

(2) The ~~((director))~~ commission shall review and update each policy statement at least once each year.

Sec. 35. RCW 75.50.030 and 1985 c 458 s 3 are each amended to read as follows:

(1) The ~~((director))~~ commission shall develop a detailed salmon enhancement plan with proposed enhancement projects. The plan and the regional policy statements shall be submitted to the secretary of the senate and chief clerk of the house of representatives for legislative distribution by June 30, 1986. The enhancement plan and regional policy statements shall be provided by June 30, 1986, to the natural resources committees of the house of representatives and the senate. The ~~((director))~~ commission shall provide a maximum opportunity for the public to participate in the development of the salmon enhancement plan. To insure full participation by all interested parties, the ~~((director))~~ commission shall solicit and consider enhancement project proposals from Indian tribes, sports fishermen, commercial fishermen, private aquaculturists, and other interested groups or individuals for potential inclusion in the salmon enhancement plan. Joint or cooperative enhancement projects shall be considered for funding.

(2) The following criteria shall be used by the ~~((director))~~ commission in formulating the project proposals:

- (a) Compatibility with the long-term policy statement;
- (b) Benefit/cost analysis;
- (c) Needs of all fishing interests;
- (d) Compatibility with regional plans, including harvest management plans;
- (e) Likely increase in resource productivity;
- (f) Direct applicability of any research;
- (g) Salmon advisory council recommendations;
- (h) Compatibility with federal court orders;
- (i) Coordination with the salmon and steelhead advisory commission program;
- (j) Economic impact to the state;
- (k) Technical feasibility; and
- (l) Preservation of native salmon runs.

(3) The ~~((director))~~ commission shall not approve projects that serve as replacement funding for projects that exist prior to May 21, 1985, unless no other sources of funds are available.

(4) The ~~((director))~~ commission shall prioritize various projects and establish a recommended implementation time schedule.

Sec. 36. RCW 75.50.040 and 1985 c 458 s 4 are each amended to read as follows:

Upon approval by the legislature of funds for its implementation, the ~~((director))~~ commission shall monitor the progress of projects detailed in the salmon enhancement plan.

The ~~((director))~~ commission shall be responsible for establishing criteria which shall be used to measure the success of each project in the salmon enhancement plan.

Sec. 37. RCW 75.50.050 and 1987 c 505 s 72 are each amended to read as follows:

The ~~((director))~~ commission shall report to the legislature on or before October 30th of each year ~~((through 1994))~~ on the progress and performance of each project. The report shall contain an analysis of the successes and failures of the program to enable optimum development of the program. The report shall include estimates of funding levels necessary to operate the projects in



COMPLETE TEXT OF Referendum Bill 45 (cont.)

future years.

The ~~((director))~~ commission shall submit the reports and any additional recommendations to the chairs of the committees on ways and means and the committees on natural resources of the senate and house of representatives.

Sec. 38. RCW 75.50.070 and 1993 sp.s. c 2 s 46 are each amended to read as follows:

The legislature finds that it is in the best interest of the salmon resource of the state to encourage the development of regional fisheries enhancement groups. The accomplishments of one existing group, the Grays Harbor fisheries enhancement task force, have been widely recognized as being exemplary. The legislature recognizes the potential benefits to the state that would occur if each region of the state had a similar group of dedicated citizens working to enhance the salmon resource.

The legislature authorizes the formation of regional fisheries enhancement groups. These groups shall be eligible for state financial support and shall be actively supported by the commission and the department. The regional groups shall be operated on a strictly nonprofit basis, and shall seek to maximize the efforts of volunteer and private donations to improve the salmon resource for all citizens of the state.

Sec. 39. RCW 75.50.100 and 1993 sp.s. c 17 s 11 and 1993 c 340 s 53 are each reenacted and amended to read as follows:

The dedicated regional fisheries enhancement group account is created in the custody of the state treasurer. Only the ~~((director))~~ commission or the ~~((director's))~~ commission's designee may authorize expenditures from the account. The account is subject to allotment procedures under chapter 43.88 RCW, but no appropriation is required for expenditures.

A surcharge of one dollar shall be collected on each recreational personal use food fish license sold in the state. A surcharge of one hundred dollars shall be collected on each commercial salmon fishery license, each salmon delivery license, and each salmon charter license sold in the state. The department shall study methods for collecting and making available, an annual list, including names and addresses, of all persons who obtain recreational and commercial salmon fishing licenses. This list may be used to assist formation of the regional fisheries enhancement groups and allow the broadest participation of license holders in enhancement efforts. The results of the study shall be reported to the house of representatives fisheries and wildlife committee and the senate environment and natural resources committee by October 1, 1990. All receipts shall be placed in the regional fisheries enhancement group account and shall be used exclusively for regional fisheries enhancement group projects for the purposes of RCW 75.50.110. Funds from the regional fisheries enhancement group account shall not serve as replacement funding for department operated salmon projects that exist on January 1, 1991.

All revenue from the department's sale of salmon carcasses and eggs that return to group facilities shall be deposited in the regional fisheries enhancement group account for use by the regional fisheries enhancement group that produced the surplus. The ~~((director))~~ commission shall adopt rules to implement this section pursuant to chapter 34.05 RCW.

Sec. 40. RCW 75.50.110 and 1990 c 58 s 4 are each amended

to read as follows:

A regional fisheries enhancement group advisory board is established to make recommendations to the ~~((director))~~ commission. The advisory board shall make recommendations regarding regional enhancement group rearing project proposals and funding of those proposals. The members shall be appointed by the ~~((director))~~ commission and consist of two commercial fishing representatives, two recreational fishing representatives, and three at-large positions. The advisory board membership shall include two members serving ex officio to be nominated, one through the Northwest Indian fisheries commission, and one through the Columbia river inter-tribal fish commission.

The department may use account funds to provide agency assistance to the groups. The level of account funds used by the department shall be determined by the ~~((director))~~ commission after review and recommendation by the regional fisheries enhancement group advisory board and shall not exceed twenty percent of annual contributions to the account.

Sec. 41. RCW 75.50.130 and 1993 sp.s. c 2 s 48 are each amended to read as follows:

The ~~((director))~~ commission shall prepare a salmon recovery plan for the Skagit river. The plan shall include strategies for employing displaced timber workers to conduct salmon restoration and other tasks identified in the plan. The plan shall incorporate the best available technology in order to achieve maximum restoration of depressed salmon stocks. The plan must encourage the restoration of natural spawning areas and natural rearing of salmon but must not preclude the development of an active hatchery program.

Sec. 42. RCW 75.52.050 and 1984 c 72 s 5 are each amended to read as follows:

The ~~((director of each department))~~ commission shall establish by rule:

(1) The procedure for entering a cooperative agreement and the application forms for a permit to release fish or wildlife required by RCW 75.08.295 or 77.16.150. The procedure shall indicate the information required from the volunteer group as well as the process of review by the department. The process of review shall include the means to coordinate with other agencies and Indian tribes when appropriate and to coordinate the review of any necessary hydraulic permit approval applications.

(2) The procedure for providing within forty-five days of receipt of a proposal a written response to the volunteer group indicating the date by which an acceptance or rejection of the proposal can be expected, the reason why the date was selected, and a written summary of the process of review. The response should also include any suggested modifications to the proposal which would increase its likelihood of approval and the date by which such modified proposal could be expected to be accepted. If the proposal is rejected, the department must provide in writing the reasons for rejection. The volunteer group may request the director or the director's designee to review information provided in the response.

(3) The priority of the uses to which eggs, seed, juveniles, or brood stock are put. Use by cooperative projects shall be second in priority only to the needs of programs of the department or of other public agencies within the territorial boundaries of the state. Sales of eggs, seed, juveniles, or brood stock have a lower priority than use for cooperative projects.

(4) The procedure for notice in writing to a volunteer group of cause to revoke the agreement for the project and the procedure for revocation. Revocation shall be documented in writing to the volunteer group. Cause for revocation may include: (a) The unavailability of adequate biological or financial resources; (b) the development of unacceptable biological or resource management conflicts; or (c) a violation of agreement provisions. Notice



**COMPLETE TEXT OF
Referendum Bill 45 (cont.)**

of cause to revoke for a violation of agreement provisions may specify a reasonable period of time within which the volunteer group must comply with any violated provisions of the agreement.

(5) An appropriate method of distributing among volunteer groups fish, bird, or animal food or other supplies available for the program.

Sec. 43. RCW 77.16.135 and 1993 sp.s. c 2 s 74 are each amended to read as follows:

(1) The ~~((director))~~ commission shall revoke all licenses and privileges extended under Title 77 RCW of a person convicted of assault on a state wildlife agent or other law enforcement officer provided that:

(a) The wildlife agent or other law enforcement officer was on duty at the time of the assault; and

(b) The wildlife agent or other law enforcement officer was enforcing the provisions of Title 77 RCW.

(2) For the purposes of this section, the definition of assault includes:

- (a) RCW 9A.32.030; murder in the first degree;
- (b) RCW 9A.32.050; murder in the second degree;
- (c) RCW 9A.32.060; manslaughter in the first degree;
- (d) RCW 9A.32.070; manslaughter in the second degree;
- (e) RCW 9A.36.011; assault in the first degree;
- (f) RCW 9A.36.021; assault in the second degree; and
- (g) RCW 9A.36.031; assault in the third degree.

(3) For the purposes of this section, a conviction includes:

(a) A determination of guilt by the court;

(b) The entering of a guilty plea to the charge or charges by the accused;

(c) A forfeiture of bail or a vacation of bail posted to the court; or

(d) The imposition of a deferred or suspended sentence by the court.

(4) No license described under Title 77 RCW shall be reissued to a person violating this section for a minimum of ten years, at which time a person may petition the director for a reinstatement of his or her license or licenses. The ten-year period shall be tolled during any time the convicted person is incarcerated in any state or local correctional or penal institution, in community supervision, or home detention for an offense under this section. Upon review by the director, and if all provisions of the court that imposed sentencing have been completed, the director may reinstate in whole or in part the licenses and privileges under Title 77 RCW.

NEW SECTION. Sec. 44. By July 1, 1996, the fish and wildlife commission shall submit to the committees on natural resources of the house of representatives and the senate a report identifying other statutory changes necessary for implementation of the commission's recommendations regarding its responsibilities in the department of fish and wildlife.

NEW SECTION. Sec. 45. Sections 2 through 43 of this act shall take effect July 1, 1996.

NEW SECTION. Sec. 46. 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.



**COMPLETE TEXT OF
Substitute Senate Joint
Resolution 8210**

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

Article IV, section 3. The judges of the supreme court shall be elected by the qualified electors of the state at large at the general state election at the times and places at which state officers are elected, unless some other time be provided by the legislature. The first election of judges of the supreme court shall be at the election which shall be held upon the adoption of this Constitution and the judges elected thereat shall be classified by lot, so that two shall hold their office for the term of three years, two for the term of five years, and one for the term of seven years. The lot shall be drawn by the judges who shall for that purpose assemble at the seat of government, and they shall cause the result thereof to be certified to the secretary of state, and filed in his office. The ~~((judge having the shortest term to serve not holding his office by appointment or election to fill a vacancy, shall be))~~ supreme court shall select a chief justice from its own membership to serve for a four-year term at the pleasure of a majority of the court as prescribed by supreme court rule. The chief justice ~~((, and))~~ shall preside at all sessions of the supreme court ~~((, and in case there shall be two judges having in like manner the same short term, the other judges of the supreme court shall determine which of them shall be chief justice)).~~ In case of the absence of the chief justice, the ~~((judge having in like manner the shortest or next shortest term to serve shall preside))~~ majority of the remaining court shall select one of their members to serve as acting chief justice. After the first election the terms of judges elected shall be six years from and after the second Monday in January next succeeding their election. If a vacancy occur in the office of a judge of the supreme court the governor shall only appoint a person to ensure the number of judges as specified by the legislature, to hold the office until the election and qualification of a judge to fill the vacancy, which election shall take place at the next succeeding general election, and the judge so elected shall hold the office for the remainder of the unexpired term. The term of office of the judges of the supreme court, first elected, shall commence as soon as the state shall have been admitted into the Union, and continue for the term herein provided, and until their successors are elected and qualified. The sessions of the supreme court shall be held at the seat of government until otherwise provided by law.

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.