



# SENATE JOINT RESOLUTION 8214

## PROPOSED CONSTITUTIONAL AMENDMENT

### Vote cast by the 2000 Legislature on final passage:

Senate: Yeas, 45; Nays, 0; Absent, 1; Excused, 3.

House: Yeas, 98; Nays, 0; Absent, 0; Excused, 0.

## Official Ballot Title:

Shall the state constitution be amended to permit state funds held in trust for persons with developmental disabilities to be invested as authorized by law?

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of Senate Joint Resolution 8214 begins on page 39.

### Statement For

#### **SJR 8214: HELPING PEOPLE WITH DEVELOPMENTAL DISABILITIES LEAD INDEPENDENT LIVES**

Helping persons with developmental disabilities be as independent and self-sufficient as possible is an important goal for our communities. In 1999 the Developmental Disabilities Trust Fund was established to help make this goal a reality. Under this public private partnership, families will establish individual trust accounts, the state will provide a level of matching funds, and the money will be invested. The program is compassionate and cost effective. SJR 8214 strengthens this important partnership by making more money available without raising taxes.

#### **SJR 8214: HOW IT WILL MAKE DOLLARS GO FURTHER**

State law now limits investment of the trust fund to low-return investments, like government bonds and savings certificates. SJR 8214 will allow the trust fund to be invested in stocks and bonds that can produce higher returns. The investments would be managed by investment professionals with the State Investment Board, which is bound by the highest fiduciary and prudent investment standards. Higher investment earnings means more money is available when services are most needed – that's good for people with developmental disabilities, their families, and taxpayers.

Changes to the state constitution like this one proposed by SJR 8214 have been approved by the voters twice before, and taxpayers, retirees, employees and employers have all gained from the higher returns in pension and worker compensation funds. Investing these trust fund dollars in the same way can help people with developmental disabilities and their families for years to come.

#### **SJR 8214: COMMON SENSE INVESTMENT IN COMPASSION**

Vote Yes on SJR 8214. It makes a compassionate and cost effective partnership better.

#### **Voters Pamphlet Statement Prepared by:**

LORRAINE WOJAHN, State Senator; GEORGE SELLAR, State Senator; LANCE MOREHOUSE, parent of developmentally disabled child; TRACY VANDEWALL, Pierce County Parent Coalition for Developmentally Disabled; MARY JO WILCOX, Thurston County Parent Coalition; TED DANIELS, citizen advocate for developmentally disabled community.

## **The law as it presently exists:**

The state constitution generally limits the investment of state funds. Article VIII, sections 5 and 7 and article XII, section 9 prohibit the investment of state funds in the stocks and bonds of private companies, associations, or corporations. As a result, state funds can generally be invested only in savings certificates and in the obligations of government agencies. Constitutional amendments adopted in 1968 and in 1985 permit the legislature to determine how public pension and retirement funds and industrial insurance (worker's compensation) funds may be invested. These amendments are contained in article XXIX, section 1 of the constitution.

The legislature has established trust funds for the benefit of persons with developmental disabilities. Unless the constitution is amended, these funds may be invested only in savings certificates or obligations of government agencies.

## **The effect of the proposed measure, if it becomes law:**

If adopted, this measure would remove the constitutional limitations on investment of any fund held in trust for the benefit of persons with developmental disabilities. The legislature would be authorized to determine by law how these funds could be invested.

## **Statement Against**

State law requires that the argument and rebuttal statement against a constitutional amendment be written by one or more members of the state Legislature who voted against that proposed measure on final passage or, in the event that no such member of the Legislature consents to prepare the statement, by any other responsible individual or individuals to be appointed by the Speaker of the House of Representatives, the President of the State Senate, and the Secretary of State. No legislator who voted against Senate Joint Resolution 8214 or other individual opposing the measure consented to write an argument against the measure for publication in this pamphlet.



## COMPLETE TEXT OF Initiative Measure 745 (cont.)

transportation authorities, transportation benefit districts, and the account established in RCW 81.100.070.

(3) For the purposes of this section, "transportation funds" do not include federal funds which the federal government requires to be spent on purposes other than construction of new roads, new lanes on existing roads, improvements to the traffic carrying capacity of roads, or maintenance of roads.

(4) For the purposes of this section, "transportation funds" do not include transportation vehicle funds used for school districts or funds used by airports or port districts, or public ferry and public transit fares.

(5) For the purposes of this section, "roads" includes all publicly owned roads, streets, and highways.

(6) For the purposes of this section, a regional transportation authority created pursuant to chapter 81.112 RCW shall make expenditures of transportation funds for projects, programs, and services within the area boundaries of that regional transit authority.

(7) The office of financial management shall provide a report detailing transportation expenditures beginning August 1, 2001, and every year thereafter, to ensure compliance with this section.

### IMPROVING TRAFFIC BY REQUIRING PERFORMANCE AUDITS OF TRANSPORTATION AGENCIES

**NEW SECTION. Sec. 3.** A new section is added to chapter 43.09 RCW to read as follows:

The state auditor shall conduct a performance audit on each transportation agency, account, and program, including, but not necessarily limited to, the department of transportation, the state ferry system, and all public transit agencies in the state. Transportation funds shall be used for the cost of each audit. The first audit report for each transportation agency, account, and program shall be submitted to the legislature and made available to the public on or before December 31, 2001. Subsequent performance audits shall be conducted when determined necessary by the state auditor.

### IMPROVING TRAFFIC BY EXEMPTING ROAD CONSTRUCTION MATERIALS AND LABOR FROM SALES AND USE TAXES

**NEW SECTION. Sec. 4.** A new section is added to chapter 82.08 RCW to read as follows:

The taxes levied by RCW 82.08.020 shall not apply to materials and labor used in the construction or maintenance of publicly owned roads, streets, and highways.

**NEW SECTION. Sec. 5.** A new section is added to chapter 82.12 RCW to read as follows:

The taxes levied by RCW 82.12.020 shall not apply to ma-

terials and labor used in the construction or maintenance of publicly owned roads, streets, and highways.

### IMPROVING TRAFFIC BY UPDATING TRANSPORTATION PLANS

**NEW SECTION. Sec. 6.** A new section is added to chapter 36.70A RCW to read as follows:

The traffic element of comprehensive plans developed under RCW 36.70A.070(6)(a) and development regulations shall be updated to reflect the provisions and priorities of this act.

**NEW SECTION. Sec. 7.** A new section is added to chapter 44.40 RCW to read as follows:

Comprehensive plans developed under RCW 44.40.070 shall be updated to incorporate the funding priorities established by this act.

### CONSTRUCTION CLAUSE

**NEW SECTION. Sec. 8.** The provisions of this act are to be liberally construed to effectuate the policies and purposes of this act.

### SEVERABILITY CLAUSE

**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.



## COMPLETE TEXT OF Senate Joint Resolution 8214

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 the secretary of state shall submit to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article XXIX, section 1 of the Constitution of the state of Washington to read as follows:

Article XXIX, section 1. Notwithstanding the provisions of sections 5, and 7 of Article VIII and section 9 of Article XII or any other section or article of the Constitution of the state of Washington, the moneys of any public pension or retirement fund ((or)), industrial insurance trust fund, or fund held in trust for the benefit of persons with developmental disabilities may be invested as authorized by law.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of this constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.