



SENATE JOINT RESOLUTION 8212

Proposed to the People by the Legislature
Amendment to the State Constitution

Official Ballot Title:

The legislature has proposed a constitutional amendment on inmate labor.

This amendment would authorize state-operated inmate labor programs and programs in which inmate labor is used by private entities through state contracts, and prohibit privately operated programs from unfairly competing with Washington businesses.

Should this constitutional amendment be:

Approved [] Rejected []

Votes cast by the 2007 Legislature on final passage:
Senate: Yeas, 49; Nays, 0; Absent, 0; Excused, 0.
House: Yeas, 83; Nays, 15; Absent, 0; Excused, 0.

Note: The Official Ballot Title and Explanatory Statement were written by the Attorney General as required by law. The complete text of Senate Joint Resolution 8212 begins on page 31.

Explanatory Statement

The constitutional provision as it presently exists:

Article II, section 29, of the State Constitution currently requires the legislature to “provide for the working of convicts for the benefit of the state.” The same section also provides that the labor of convicts “shall not be let out by contract” to private persons or entities. The State Supreme Court has construed this provision to permit state-run labor programs in prisons, but to prohibit the state from contracting with private for-profit or nonprofit entities to operate inmate labor programs in which inmates provide labor for the private entity.

Under current law, therefore, the state is required to provide for inmate labor for the benefit of the state, but the legislature may do so only through programs operated by the state. The legislature is prohibited from authorizing inmate labor programs under which private businesses or other private entities make use of inmate labor, operating through contracts with the state.

The effect of the proposed amendment, if it is approved:

If enacted, this amendment would authorize the legislature to provide for inmate labor programs operated directly by the state, and for programs under which private businesses or other private entities operate in a correctional facility, making use of inmate labor through contracts with the state. The amendment would provide that inmate labor programs operated by private entities shall not unfairly compete with Washington business, as determined by law. The term “convicts” would be changed to “inmates” in this provision.

If this amendment is enacted, the legislature would continue to be obligated to provide for inmate labor programs for the benefit of the state, but would be permitted to include programs established by contract with the state under which private entities use inmate labor, as well as programs operated directly by the state.



Statement For SJR 8212

We believe offenders should not just sit idle while they serve their time in state prison. They should work to reduce their burden on taxpayers by paying room and board, crime victim's compensation, court costs and any child support they might owe. One sure way to accomplish this is to allow private, for-profit or nonprofit businesses to employ offenders in our prisons, without putting the public's safety at risk.

Offenders working promotes safety both inside and outside our prisons. It keeps them busy while incarcerated. Work permitted under this constitutional amendment has been scientifically shown to reduce recidivism of offenders who are released. This will not only save taxpayers money but it will prevent future victimization. Reducing recidivism is at the heart of the bipartisan Offender Reentry Initiative signed into law this year.

The work allowed by this constitutional amendment had been available in our prisons, providing these benefits, for more than 20 years. In fact, in 2004, when legislation reauthorized and set new goals for Class I work, both business and labor agreed to noncompetition provisions in legislation, which the Legislature then enacted unanimously. But a technical Supreme Court ruling eliminated the work in 2004. This is why we are bringing this constitutional amendment to the public, to restore the benefits to the citizens of Washington this work can provide.

For more information, call (360) 457-2520.

Rebuttal of Statement Against

In addition to punishment, the most important purpose of our criminal justice system is to provide justice for victims. If SJR 8212 fails, victims will have to wait much longer, even decades, before receiving just compensation.

SJR 8212 requires that state law prevent unfair competition. Current law, enacted unanimously in 2004, already prohibits unfair competition, defines what unfair competition is and outlines detailed requirements that must be followed before any work will be approved.

Voters' Pamphlet Argument Prepared by:

JIM HARGROVE, State Senator, 24th Legislative District; MIKE CARRELL, State Senator, 28th Legislative District; AL O'BRIEN, State Representative, 1st Legislative District; JERALITA "JERI" COSTA, former Washington State Senator; DONALD G. PIERCE, Executive Director, Washington Association, Sheriffs and Police Chiefs.

Statement Against SJR 8212

JUSTICE SYSTEM IS IN PLACE TO DISPENSE PUNISHMENT

The criminal justice system is in place to dispense justice and punishment for crimes committed against society. While education and job training can prepare felons for a successful return to the community, it should not be to the detriment of law-abiding citizens competing for jobs or local businesses competing in the marketplace.

SJR 8212 TAKES JOBS FROM PRIVATE WORKERS

Proposed positions for inmates incarcerated in state correctional facilities are highly desired labor positions. These jobs should go to private workers outside prison walls who choose to live according to the rules.

NO ASSURANCE PRIVATE WORKERS WON'T BE NEGATIVELY IMPACTED

There are no guarantees SJR 8212 won't create unfair competition for Washington jobs and businesses. This is why unfair inmate labor was prohibited in the Constitution in the first place. SJR 8212 is a clear attempt to undo these constitutional protections for the workers and businesses of this state.

Government should create additional job opportunities for all Washingtonians, not focus a disproportionate share of its efforts on the inmate labor force.

SJR 8212 merely states that inmate labor programs may not unfairly compete with Washington businesses. It doesn't indicate how it will accomplish this goal. Without specific language in place outlining a clear plan, local businesses will be impacted by inmate work programs and law-abiding citizens seeking employment will be displaced by inmate laborers.

SJR 8212 IS UNNECESSARY

Preparing felons to return to the community with job skills can be accomplished through existing vocational training and educational programs that provide inmates future employment opportunities while not unfairly competing with local businesses, wrongfully displacing local workers, and negatively impacting local economies.

Rebuttal of Statement For

Offenders shouldn't sit idle in prison. However, taking jobs from law-abiding citizens isn't the answer. Supporters of SJR 8212 say work inside prison reduces recidivism. But are recidivism rates lowered enough to amend our Constitution? There is no answer to this question. Government should never compete with business. SJR 8212 takes jobs from private workers and gives them to prisoners without any mechanism to monitor whether local businesses and workers are negatively impacted.

Voters' Pamphlet Argument Prepared by:

LYNN SCHINDLER, State Representative, 4th Legislative District; LARRY CROUSE, State Representative, 4th Legislative District.

Complete Text of



**ENGROSSED SUBSTITUTE
SENATE JOINT RES. NO. 8206**

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 VII of the Constitution of the state of Washington by adding a new section to read as follows:

Article VII, section (a) A budget stabilization account shall be established and maintained in the state treasury.

(b) By June 30th of each fiscal year, an amount equal to one percent of the general state revenues for that fiscal year shall be transferred to the budget stabilization account. Nothing in this subsection (b) shall prevent the appropriation of additional amounts to the budget stabilization account.

(c) Each fiscal quarter, the state economic and revenue forecast council appointed and authorized as provided by statute, or successor entity, shall estimate state employment growth for the current and next two fiscal years.

(d) Moneys may be withdrawn and appropriated from the budget stabilization account as follows:

(i) If the governor declares a state of emergency resulting from a catastrophic event that necessitates government action to protect life or public safety, then for that fiscal year moneys may be withdrawn and appropriated from the budget stabilization account, via separate legislation setting forth the nature of the emergency and containing an appropriation limited to the above-authorized purposes as

contained in the declaration, by a favorable vote of a majority of the members elected to each house of the legislature.

(ii) If the employment growth forecast for any fiscal year is estimated to be less than one percent, then for that fiscal year moneys may be withdrawn and appropriated from the budget stabilization account by the favorable vote of a majority of the members elected to each house of the legislature.

(iii) Any amount may be withdrawn and appropriated from the budget stabilization account at any time by the favorable vote of at least three-fifths of the members of each house of the legislature.

(e) Amounts in the budget stabilization account may be invested as provided by law and retained in that account. When the balance in the budget stabilization account, including investment earnings, equals more than ten percent of the estimated general state revenues in that fiscal year, the legislature by the favorable vote of a majority of the members elected to each house of the legislature may withdraw and appropriate the balance to the extent that the balance exceeds ten percent of the estimated general state revenues. Appropriations under this subsection (e) may be made solely for deposit to the education construction fund.

(f) As used in this section, "general state revenues" has the meaning set forth in Article VIII, section 1 of the Constitution. Forecasts and estimates shall be made by the state economic and revenue forecast council appointed and authorized as provided by statute, or successor entity.

(g) The legislature shall enact appropriate laws to carry out the purposes of this section.

(h) This section takes effect July 1, 2008.

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.

Complete Text of



**SENATE JOINT RESOLUTION
NO. 8212**

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 II, section 29 of the Constitution of the state of Washington to read as follows:

Article II, section 29. ~~((After the first day of January eighteen hundred and ninety))~~ The labor of ((convicts)) inmates of this state shall not be let out by contract to any person, copartnership, company, or corporation, except as provided by statute, and the legislature shall by law provide for the working of ((convicts)) inmates for the benefit of the state, including the working of

inmates in state-run inmate labor programs. Inmate labor programs provided by statute that are operated and managed, in total or in part, by any profit or nonprofit entities shall be operated so that the programs do not unfairly compete with Washington businesses as determined 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.