

**Initiative Measure 1125** Concerning state expenditures on transportation.

**The Law as it Presently Exists:** The Eighteenth Amendment to the Washington Constitution requires that certain state revenue - all license fees for motor vehicles; all excise taxes on the sale, distribution, or use of motor vehicle fuel - be used only for “highway purposes.” The Eighteenth Amendment also lists uses that must be considered “highway purposes,” including the operating, engineering, and legal expenses connected with the administration of highways, county roads, and city streets; and their construction, reconstruction, maintenance, repair, and betterment.

The legislature must authorize the collection of tolls but it can delegate the authority to set the amounts. The legislature has designated the Transportation Commission as the authority responsible for setting tolls, under standards and guidelines established in law to ensure that the revenue generated by tolls is sufficient to pay maintenance and operating costs for the facility; pay principal and interest on bonds, related financing costs, and insurance; and reimburse the motor vehicle fund for any money used from that fund to pay for bonds. All revenue from a toll facility is to be used for that facility, and tolls may continue to be collected after initial construction has been paid for to fund additional capacity and maintenance.

**The Effect of the Measure if Approved:** This measure would require that toll amounts be set by the legislature by majority vote, rather than by the Transportation Commission, and would make the setting of toll amounts subject to statutes that require

preparation of various reports and analyses relating to costs. It requires that tolls be “uniform and consistent” and would not allow variable pricing of tolls (typically during traffic congestion.)

This measure adds provisions that limit the use of some tolls to construction and capital improvement only and will require tolls on future facilities to end after the cost of the project is paid. The measure requires revenue from tolls to be used only for purposes “consistent with” the Eighteenth Amendment, and prohibits any revenue in the motor vehicle fund or toll fund from being transferred to the general fund for “non-transportation purposes.”

The measure restates the existing requirement that tolls must be used on the facility for which they are collected, explicitly referencing the Interstate 90 floating bridge. The measure also prohibits the state from using “gas-tax-funded or toll-funded lanes on state highways” for “non-highway purposes.”

**Fiscal Impact Statement:** Fiscal impacts for future toll roads and toll bridges are unknown and indeterminate. The State Treasurer states that bonds secured solely by toll revenue will become prohibitively expensive if the Legislature sets tolls, thus eliminating this financing tool for transportation projects. Prohibiting variable tolling will require additional analyses estimated to cost up to \$8.3 million. Because the restrictions on future toll revenue, toll expenditures and toll lanes cannot be quantified, the fiscal impact on state and local governments from these provisions is indeterminate.

<b>Those who want a vote for I-1125 say:</b>	<b>Those who want a vote against I-1125 say:</b>
<ul style="list-style-type: none"> <li>• I-1053, passed by 64% last year, requiring that fee increases be decided by elected representatives of the people, not unelected bureaucrats at state agencies. I-1125 closes new loopholes and ensures accountability and transparency.</li> <li>• I-1125 makes sure tolls are dedicated to the project. And when the project is paid for, the toll goes away.</li> </ul>	<ul style="list-style-type: none"> <li>• Investors won't buy bonds backed by tolls that are subject to legislative politics. A bipartisan supermajority of the legislature already voted to have an independent commission of experts set tolls, but I-1125 inserts politics into the process.</li> <li>• Tolls are a user fee – people only pay for what they use. That's fairer than raising taxes on everyone.</li> </ul>

**Initiative Measure 1163** Concerning long-term care workers and services for elderly and disabled people.

**The Law as it Presently Exists:** Under current regulations, long-term care workers hired on or after 1/1/2014, will be required to be certified by the state Department of Health as “home care aides” within 150 days of beginning work. The training requirement will increase from 35 hours to 75 hours on 1/1/ 2014. The state pays for the training, and pays workers for the time they spend in training. Workers hired after 1/1/2014, will be required to receive 12 hours of continuing training each year after they are certified. The state will offer advanced training to long-term care workers beginning 1/1/2014.

State law requires that long-term care workers receive criminal background checks. These checks currently look only for convictions in Washington. After 1/1/2014 workers will be required to receive a FBI fingerprint check.

**The Effect of the Measure if Approved:** This measure moves up the date for the additional training, certification, and background check from 1/1/2014 to 1/1/2012. Community residential service providers will be covered by the additional training, certification, and background check in 2016.

This measure requires that the state auditor conduct performance audits of the state’s long-term in-home care programs. The first audit would be completed within 12 months after this measure takes effect and “on a biannual basis thereafter.” This measure also requires the state to hire five additional fraud investigators.

This measure requires the state to limit its administrative expenses so that at least 90% of taxpayer spending on the long-term in-home care program is devoted to direct care. The state would be required to achieve this limitation within 2 years. This measure also provides that if this act triggers changes to any collective bargaining agreement, then those changes go into effect immediately without the need for legislative approval.

**Fiscal Impact Statement:** Over six fiscal years, costs are estimated to increase \$31.3 million (for approving the training curriculum, obtaining background checks, certification of workers, payments for workers to attend required training, conducting performance audits of the long-term in-home care program biannually, and administrative expenditures) and revenue from the federal government and fees is estimated to increase \$18.4 million

<b>Those who want a vote for I-1163 say:</b>	<b>Those who want a vote against I-1163 say:</b>
<ul style="list-style-type: none"> <li>• I-1163 ensures caregivers receive federal background checks, not the current local check that misses out-of-state crimes.</li> <li>• I-1163 protects seniors by requiring home care workers receive comparable training to nursing home assistants.</li> <li>• I-1163 will requires annual independent audits, requires full-time fraud investigators, and requires at least 90 percent of funds go to direct care, not state administrative expenses.</li> </ul>	<ul style="list-style-type: none"> <li>• Taxpayer dollars should pay for services for low-income seniors and the disabled needing care, not for a training program run by the state’s largest union.</li> <li>• This misleading measure makes it seem like background checks aren’t required for long term care workers, when they are, and that Washington doesn’t have mandated training programs for long term care workers, when it does.</li> </ul>

**Initiative Measure 1183** Concerning the sale of beer, wine, and spirits (hard liquor).

**The Law As It Presently Exists:** Spirits are sold at retail by state liquor stores and state-contract liquor stores. The Liquor Control Board purchases spirits from manufacturers and suppliers. Manufacturers and suppliers sell only to the Board. The Board

distributes to the state stores, contract stores, restaurants and bars. The Board supervises state liquor sales, and the distribution operation. The Board regulates advertising, but does not advertize. The Board sets prices, the markup, and taxes.

Private parties sell or distribute wine or beer. The licenses for the wine and beer business are: (1) manufacturing; (2) distribution; and (3) retail sales.

Existing law regulates transactions between manufacturers, distributors, and retailers. Retailers purchase wine or beer only from distributors; distributors purchase only from manufacturers.

Wine and beer manufacturers and distributors must publish price lists and offer the same price to every buyer. Wine and beer retailers must receive all wine and beer deliveries to their store and not to a warehouse.

**The Effect of the Measure if Approved:** The Board must close state liquor stores by 6/1/2012 and sell assets used for liquor sales and distribution, and auction the rights to privately operate the existing state liquor stores. Under I-1183, licensed private parties may distribute spirits or to sell spirits at retail. I-1183 allows private distributors to start selling spirits on 3/1/ 2012, and private retail spirits sales to start on 6/1/ 2012.

A licensed store must have at least 10,000 square feet of retail space, but smaller stores are allowed in some circumstance. Retail stores will train their employees to prevent sales of alcohol to minors and inebriated persons. Local governments and the public may provide input before issuance of a license to sell spirits. Local government retains the power to zone and regulate the location of liquor stores.

I-1183 will not change the taxes on spirits and requires retailers and distributors to pay license fees. Retail stores will pay a fee of 17% of gross revenues from spirits sales, plus an annual \$166 fee. Distributors will pay an annual \$1,320 fee, plus a percentage of gross revenues from spirits sales – 10% during the first two years of a license, dropping to 5% after two years. All persons holding spirits distributor licenses must have together paid a \$150,000,000 in fees by 3/31/ 2013 or the Board must collect additional fees to make up the difference.

I-1183 eliminates the requirement to sell wine at a uniform price. Beer distributors will adhere to uniform pricing. Retailers can accept delivery of wine at a warehouse. Some stores licensed to sell wine at retail may sell to restaurants and bars.

**Fiscal Impact Statement:** General Fund revenues increase an estimated \$216 million to \$253 million and local revenues increase an estimated \$186 million to \$227 million, after Liquor Control Board expenses, over six fiscal years. A one-time net state revenue gain of \$28.4 million is estimated from sale of the state liquor distribution center. One-time debt service costs are \$5.3 million. Ongoing new state costs are estimated at \$158,600 over six fiscal years.

<b>Those who want a vote for I-1183 say:</b>	<b>Those who want a vote against I-1183 say:</b>
<ul style="list-style-type: none"> <li>• I-1183 ends Washington’s outdated state liquor store monopoly and allows consumers to buy spirits at licensed retail stores, like consumers do in most other states. It allows a limited number of grocery and retail stores to get licenses to sell liquor, if approved by the Liquor Control Board, and prevents liquor sales at gas stations and convenience stores</li> </ul>	<ul style="list-style-type: none"> <li>• State stores have one of the best enforcement rates in the country, better than private stores.</li> <li>• Alcohol already kills more kids than all other drugs combined. Yet this measure allows more than four times as many liquor outlets.</li> <li>• I-1183 sponsors say it increases government revenue. But they do it by creating a new 27 percent tax passed on to consumers.</li> </ul>

### Senate Joint Resolution 8205

Concerning repeal of Article VI, section 1A, of the Washington Constitution.

**The Constitutional Provision as it Presently**

**Exists:** The Washington Constitution contains two provisions relating to the length of time that a person must be a resident of Washington in order to vote.

Before 1966, Article VI, section 1, of the state constitution required voters to reside in the state for a full year prior to voting and, in addition, required that they live in the county for 90 days and the city, town, ward, or precinct for 30 days before the election.

In 1966, voters added Article VI, section 1A, so that new residents could vote for president and vice president after a 60-day period of residency.

After 1966, the US Supreme Court ruled that any requirement that voters live in a particular place longer than 30 days in order to vote is unconstitutional. In order to conform to the court decision, voters then approved amending Article VI, section 1.

Today, Article VI, section 1A, remains part of the state constitution, but has no operative effect.

**The Effect of the Amendment if Approved:**

Article VI, section 1A, will be removed from the state constitution. The constitution will continue to entitle citizens of the vote if they have resided in Washington for at least 30 days before the election.

**Fiscal Impact Statement:** Not required by law

<p><b>Those who want a vote for SJR 8205 say:</b> Article VI, Section 1 of the Washington State Constitution allows a U.S. citizen to vote in all elections after they have resided in the state for <i>30 days</i>. SJR 8205 removes Section 1A and the conflicting 60 day residency requirement. This clarifies that the 30 day voter residency requirement is the standard for all elections.</p>	<p>No one consented to write an argument against this ballot measure.</p>
--	---

**Senate Joint Resolution 8206** Concerns the budget stabilization account maintained in the state treasury.

This constitutional amendment would require the legislature to transfer additional moneys to the budget stabilization account when the state has received “extraordinary revenue growth”.

**The Constitutional Provision as it Presently Exists:** Article VII, section 12 of the Washington Constitution requires a budget stabilization account to be maintained. By the end of each fiscal year, the legislature must transfer to that account one percent of the general state revenues for that fiscal year. The legislature may transfer additional amounts.

Article VII, section 12 also authorizes the legislature to withdraw money from the account by majority vote in two situations: (1) during a fiscal year in which the governor declares a state of emergency in response to a catastrophic event that requires government action to protect life or public safety; or (2) in a fiscal year for which the forecasted state employment growth is estimated to be less than one percent. If the budget stabilization account exceeds ten percent of estimated general state revenues for that fiscal year, the legislature by majority vote may

transfer the amount in excess of ten percent to the education construction fund. Otherwise, a 60% majority vote is required to withdraw or transfer money from the budget stabilization account.

**The Effect of the Amendment if Approved:** This amendment requires additional revenue to be put into the budget stabilization account in any fiscal biennium in which there has been “extraordinary revenue growth,” with certain limitations. Any growth in general revenue that is more than one-third greater than the baseline is defined as “extraordinary revenue growth.”

The legislature will be required to transfer 75% of that “extraordinary revenue growth” to the budget stabilization account, subject to two limitations.

No transfer of “extraordinary revenue growth” is required where annual average state employment growth during the preceding fiscal biennium averaged less than one percent per fiscal year.

And, no transfer of “extraordinary revenue growth” is required unless the transfer would exceed the amount already transferred to the stabilization account during the fiscal biennium, under present law. The deadline for transferring the additional revenue is the end of each fiscal biennium. (June 30 in odd-numbered years.)

No change would be made to the legislature’s authority to withdraw money from the budget

stabilization account.

**Fiscal Impact Statement:** Not required by law

Those who want a vote for SJR 8206 say:	Those who want a vote against SJR 8206 say:
<ul style="list-style-type: none"> <li>• In 2007, voters approved the creation of a constitutionally-protected fund that requires state government to set aside 1% of revenues annually for hard times. SJR 8206 strengthens this fund by requiring that 75% of any “extraordinary” revenue – that which exceeds 133% of historical average growth – be saved.</li> <li>• SJR 8206 will build larger reserves, leaving the state better prepared for difficult economic times. SJR will keep spending at a sustainable level, limiting expansions based on windfall revenue.</li> </ul>	<ul style="list-style-type: none"> <li>• SJR 8206 requires <i>more</i> than the 1% that voters approved in 2007 to go into savings – it would <i>also</i> require that “extraordinary revenues” go into savings. The result is people paying taxes and getting nothing for it, except a bigger savings account.</li> <li>• Budget cuts from hard times couldn’t be backfilled with this money, so people would have to live with fewer teachers and nurses, less fish and wildlife enforcement, less clean air monitoring, fewer roads and job creation, while revenue is available.</li> </ul>

**Spokane County Measure #1:** Concerns a proposition to replace the SCRAPS shelter.

**The Law as it Presently Exists:**

Spokane County Regional Animal Protection Services (SCRAPS) operates an animal shelter on North Flora Road and provides animal control services to the unincorporated areas of Spokane County and the cities of Spokane Valley, Liberty Lake, Cheney, and Millwood.

SpokAnimal C.A.R.E. operates an animal shelter on Napa Street and provides animal control services within the City of Spokane.

The Spokane Humane Society operates an animal shelter on North Havana Street, and other private animal shelters are operated by other groups.

**The Effect of the Measure if Approved:** This measure seeks to implement a levy at a rate of up to \$.058 per \$1,000 of assessed property value for a period of up to nine years to be used exclusively for replacing the county animal shelter building. At a later date, if the project costs less than the \$15 million projected to be needed at the time the measure was written, the Board of County Commissioners could shorten the amount of time, or they could reduce the amount levied each year.

**Fiscal Impact Statement:** The levy would raise up to \$15 million over nine years. The current shelter is located on Spokane County Road Department property. It is the intent of the County to turn that building over to the Road Department.

Those who want a vote for this levy say:	Those who want a vote against this levy say:
<ul style="list-style-type: none"> <li>• The current SCRAPS’ facility is more than 40-years old and cannot expand to meet demand. The planned new shelter would:                             <ul style="list-style-type: none"> <li><input type="checkbox"/> give the public one central location for reporting and redeeming lost and found pets and for reporting injured, stray or mistreated animals</li> <li><input type="checkbox"/> provide uniform enforcement of laws and public policy</li> <li><input type="checkbox"/> increase capacity for homeless animals</li> </ul> </li> <li>• The Humane Society will keep its own shelter but partner with SCRAPS.</li> </ul>	<ul style="list-style-type: none"> <li>• SpokAnimal provides services that cost more than the City reimbursed costs. SpokAnimal is using donations, bequests and grants to pay for care of animals that were being boarded under provisions of the City contract.</li> <li>• A new roof, paint, flooring and building additions were all provided by SpokAnimal special fundraisers and business partnerships within our community and not by City funds.</li> <li>• Transporting animals from the new SCRAPS facility to the SpokAnimal veterinary facility would just put added strain on them.</li> </ul>

**City of Spokane Proposition #1:** A City Charter Amendment Establishing a Community Bill of Rights.

**The Law as it Presently Exists:**

1) The Washington Growth Management Act and the City of Spokane Comprehensive Plan guide the City Council in developing and changing zoning requirements. An applicant for a specific zoning change starts with the Planning Services Department but may need the review of Building Services, Engineering Services, Traffic Design, Solid Waste Management, Fire Prevention, Water Department, Spokane Regional Health District, and the Spokane Regional Clean Air Agency. No changes are made without opportunities for public comments by concerned residents. Currently no petition of neighborhood residents is required for the approval of a zoning change.

2) Several Washington departments and agencies share responsibilities for protecting quality and quantity of water in the Spokane River and Spokane Valley Aquifer: Department of Ecology, Department of Fish and Wildlife, Pollution Control Board, and the Spokane County Conservation District. The Federal Energy Regulatory Commission and Washington State Utilities Commission control hydropower projects on the river. Local governments manage waste water going into the river. No “rights” are currently attributed to the river.

3) In Spokane, employees possess U.S. and Washington State Bill of Rights’ constitutional protections, as well as U.S. and Washington State collective bargaining protections. However, U.S.

courts have found that in the workplace employees give up some freedom of speech rights and some privacy rights.

4) U.S. courts have extended many personal rights to corporations, including the right to free speech, to own property, to enter into contracts, to sue and to be sued, and to due legal process. There currently is no barrier to these rights in the City of Spokane.

**The Effect of the Amendment if Approved:**

This measure would declare four rights:

1) Neighborhood majorities shall have the right to approve all zoning changes proposed for their neighborhood involving significant commercial, industrial, or residential development.

2) The Spokane River, its tributaries, and the Spokane Valley Aquifer possess inalienable rights to exist and flourish, which shall include the right to sustainable recharge, flows sufficient to protect native fish habitat, and clean water.

3) Employees shall possess U.S. and Washington Bill of Rights’ constitutional protections in the workplace and within the City of Spokane, and workers in unionized workplaces shall possess the right to collective bargaining.

4) Corporations and other business entities which violate the rights secured by this charter shall not be deemed to be “persons,” nor possess any other legal rights, privileges, powers, or protections which would interfere with the enforcement of rights enumerated by this Charter.

**Fiscal Impact Statement:** Not required by law.

Those who want a vote for Prop. # 1 say:	Those who want a vote against Prop. # 1 say:
<ul style="list-style-type: none"> <li>• Business interests concentrate decision making power into the hands of a few.</li> <li>• The business community has repeatedly stood against cleaning up the river, against worker rights, and against giving some power to residents to decide what happens in their own neighborhood.</li> <li>• Prop. #1 is the citizens’ answer to change this imbalance.</li> </ul>	<ul style="list-style-type: none"> <li>• Prop. #1 contains generalizations and undefined terms that leave the city open to costly litigation.</li> <li>• Prop. #1 will set the City Charter against court rulings, an unwinnable battle.</li> <li>• Prop. #1 does not provide revenue for implementation or give guidance on what current services should be trimmed to pay for the legal expenses to uphold Prop. 1.</li> </ul>