

RECEIVED
SUPREME COURT
STATE OF WASHINGTON

No. 81857-6 2008 JUL 31 P 4: 21

BY RONALD R. CARPENTER

CLERK
SUPREME COURT OF THE STATE OF WASHINGTON

COMMUNITY CARE COALITION OF WASHINGTON; HOME
CARE OF WASHINGTON, INC.; THE FREDRICKSON HOME;
CYNTHIA. O'NEILL, a Washington Citizen and Taxpayer; RON
RALPH and LOIS RALPH, husband and wife and Washington
Citizens and Taxpayers,

Petitioners,

v.

SAM REED, Secretary of State,

Respondent,

and

LINDA LEE and PEOPLE FOR SAFE QUALITY CARE,

Interveners/Respondents.

AGREED STATEMENT OF FACTS

FILED
JUL 31 2008
CLERK OF SUPREME COURT
STATE OF WASHINGTON
[Signature]

The parties submit the following Agreed Statement of Facts:

I. INITIATIVE 1029

A. Filing the Proposed Initiative, Code Reviser Review, and Ballot Title and Summary.

1. On March 12, 2008, Linda S. Lee filed, as the sponsor, a proposed initiative measure and completed the affidavit form checking the box indicating that the proposed initiative measure would be submitted to the "people." Attached hereto as Exhibit A is a true and correct copy of the State of Washington affidavit form that was completed by Ms. Lee.

2. On March 12, 2008, Linda Lee (hereafter the "sponsor") paid the five dollar (\$5.00) fee required by the Secretary of State for filing the proposed initiative measure to the people that became I-1029. The sponsor also filed another proposed initiative measure to the people; a copy of the Affidavit for Proposed Initiative and the proposed initiative measure are attached as Exhibit B. She paid a second five dollar (\$5.00) filing fee for this proposal. The sponsor received a "Customer Receipt" for these two filings. Attached hereto as Exhibit C is a true and correct copy of the Secretary of State's March 12, 2008, "Customer Receipt" that was provided to Linda Lee.

3. The Secretary of State acknowledged the sponsor's filing of the proposed initiative "to the people" and the payment of the filing fee in a letter dated March 12, 2008. Attached hereto as Exhibit D is a true and correct copy of the Secretary of State's March 12, 2008, acknowledgment letter to Linda Lee.

4. On March 12, 2008, the Secretary of State sent the sponsor's proposed initiative to K. Kyle Thiessen, Code Reviser, for the Code Reviser's review. Attached hereto as Exhibit E is a true and correct copy of the Secretary of State's March 12, 2008, letter to K. Kyle Thiessen, Code Reviser.

5. On March 21, 2008, the Code Reviser issued a Certificate of Review certifying the sponsor's proposed initiative. Attached hereto as Exhibit F is a true and correct copy of Code Reviser K. Kyle Thiessen's Certificate of Review.

6. The Code Reviser sent a copy of the Certificate of Review to the Secretary of State and the sponsor on March 21, 2008. *See Exhibit F.*

7. On March 28, 2008, following receipt of the Certificate of Review from the Code Reviser, the sponsor filed the Certificate of Review and the sponsor's final version of the initiative measure with the Secretary of State. Attached hereto as Exhibit G is a true and

correct copy of the March 28, 2008, letter from Judith Krebs, General Counsel for SEIU Healthcare 775NW, to the Secretary of State.

8. The Secretary of State sent the sponsor a letter dated March 28, 2008, acknowledging receipt of the revised copy of the proposed initiative and advising the sponsor that the Certificate of Review had been received from the Code Reviser's Office; that the Secretary of State was officially filing the proposed initiative measure; that the measure had been assigned number I-1029; and that a copy of I-1029 was being sent to the Attorney General's Office with a request that a ballot title and summary statement be prepared for the measure. The number 1029 is from the statutorily-required separate series of numbers for initiative measures to the people. Attached hereto as Exhibit H is a true and correct copy of the Secretary of State's March 28, 2008, letter to Linda Lee.

9. On March 28, 2008, the Secretary of State forwarded I-1029 to the Attorney General's Office requesting a ballot title and summary statement. Attached hereto as Exhibit I is a true and correct copy of the Secretary of State's March 28, 2008, letter to Attorney General Rob McKenna.

10. The Attorney General drafted the Ballot Title for I-1029 and Ballot Measure Summary and returned the same to the Secretary of State on April 4, 2008. Attached hereto as Exhibit J is a

true and correct copy of the Attorney General's April 4, 2008, letter to the Secretary of State with the Ballot Title and Ballot Measure Summary. The Secretary of State's Office listed I-1029 in the list of initiatives to the people on its website. Attached hereto as Exhibit K is a true and correct copy of the list of initiatives to the people as the website was visited on July 31, 2008.

11. On April 4, 2008, the Secretary of State sent the sponsor a letter advising her that the Ballot Title and Ballot Measure Summary for I-1029 had been received from the Attorney General. Attached hereto as Exhibit L is a true and correct copy of the Secretary of State's April 4, 2008, letter to the sponsor.

B. Circulation of Petitions for Voters' Signatures and Submission of Signed Petitions to the Secretary of State.

12. The sponsor and proponents of I-1029 prepared and circulated I-1029 petitions for voters' signatures. The petitions were printed as single sheets of paper, measuring 22 inches by 17 inches, and folded to form a booklet measuring 11 inches by 17 inches. Attached hereto as Exhibit M is a true and correct copy of an I-1029 initiative petition.

13. On or about June 25, 2008, a citizen delivered to the Secretary of State's Office a copy of an I-1029 petition and pointed out that the language on the face of the petition was not as set forth in RCW 29A.72.120 for initiatives to the people.

14. The sponsor and proponents arranged with the Secretary of State's Office to submit the signed I-1029 petitions for filing on July 3, 2008. Under the filing deadlines set forth in RCW 29A.72.160, this was the last day that petitions for initiatives to the people could be filed with the Secretary of State.

15. On July 2, 2008, the Community Care Coalition of Washington ("CCCW") sent the Secretary of State a letter regarding the I-1029 petitions the sponsor and proponents were scheduled to submit on July 3, 2008. Attached hereto as Exhibit N is a true and correct copy of the CCCW letter dated July 2, 2008, to the Secretary of State.

16. On July 3, 2008, the sponsor and proponents submitted the I-1029 petitions to the Secretary of State's office for filing and certification to the voters of the state of Washington for their approval or rejection at the general election to be held in November, 2008. See Exhibit M. All of the petitions filed by the sponsor and proponents with the Secretary of State include the same format and language as shown on Exhibit M.

17. In a letter dated July 14, 2008, from the Secretary of State's legal counsel, CCCW was advised that the Secretary of State would process the I-1029 petitions as an initiative to the people and, if the signatures were verified and canvassed, the measure would be

placed on the November 4, 2008 ballot. Attached hereto as Exhibit O is a true and correct copy of the letter dated July 14, 2008, to CCCW from Deputy Solicitor General James Pharris, on behalf of the Secretary of State.

18. Statutes require the Secretary of State to certify an initiative to the county election officials for the November general election ballot no later than September 9, 2008. The county election officials arrange for printing of the ballots and are required to mail ballots to overseas and military service voters by October 5, 2008. The Declaration of Catherine S. Blinn, which has already been filed with the Court, sets forth additional facts and opinions as articulated by the Secretary of State's Office regarding relevant dates and deadlines.

19. The Secretary of State has stated that he will certify I-1029 to the various counties for placement of the measure on the November 4, 2008, general election ballot if a sufficient number of the petitions' signatures are verified and canvassed.

20. On July 18, 2008, Cynthia O'Neill and other taxpayers and voters asked the Attorney General for the state of Washington to bring a taxpayer suit to mandate the Secretary of State to accept, file, and certify I-1029 as an initiative to the legislature and to prohibit the Secretary of State from accepting, filing, and certifying I-1029 as an

initiative to the people. Attached hereto as Exhibit P is a true and correct copy of the letter dated July 18, 2008, to Attorney General Rob McKenna from CCCW requesting the Attorney General to bring an action on behalf of taxpayers regarding I-1029. The Attorney General responded, declining to bring such an action, on July 29, 2008. A true and correct copy of the July 29, 2008, letter to Kathleen D. Benedict and Narda Pierce from Solicitor General Maureen Hart is attached as Exhibit Q.

II. PETITIONERS

21. CCCW was organized in May 2008 as a nonprofit organization registered with the Public Disclosure Commission as a Ballot Committee. The CCCW is a coalition of organizations and entities that provide care to the elderly and persons with disabilities in the state of Washington. The CCCW includes non-profit operators of elder care and assisted living facilities, agencies that deliver in-home care to the elderly and persons with disabilities, adult family home operators, and other small businesses that deliver care to the elderly and persons with disabilities in this state.¹

22. Home Care of Washington, Inc. ("Home Care") is a Washington corporation, founded in 2001, which provides care to the

¹With regard to ¶¶ 21 – 29 each party has represented the facts related to their respective descriptions, which descriptions have been accepted by the other parties as that party's representation.

elderly and persons with disabilities. Home Care provides services to the elderly and persons with disabilities through eleven offices located in eastern Washington, including Clarkston, Walla Walla, Kennewick, Yakima, Ellensburg, Wenatchee, Okanogan, Moses Lake, Grand Coulee, Colville, and Spokane. Home Care serves approximately 1,100 elderly persons and persons with disabilities throughout eastern Washington.

23. The Fredrickson Home is an adult family home licensed by the State of Washington for six residents. It has a special designation from the Department of Social and Health Services allowing it to provide residential care to persons with developmental disabilities. The Fredrickson Home was founded in 1994 and provides 24-hour support to persons with developmental disabilities, all of whom receive funding through Medicaid. The Fredrickson Home's caregivers have education and experience in the field of disabilities.

24. Petitioner Cynthia O'Neill is a voter and taxpayer in the state of Washington. Petitioner O'Neill works in the home care industry for an agency licensed with the Department of Health and contracted with the Department of Social and Health Services, Division of Developmental Disabilities Department of Developmental Disabilities. Petitioner O'Neill provides care and oversight for persons with developmental disabilities.

25. Ron Ralph and Lois Ralph, a married couple, are voters and taxpayers of the State of Washington. Ron and Lois Ralph have a 26-year-old son with severe developmental disabilities that require 24-hour, 7-days-a-week care.

III. RESPONDENTS

26. Secretary of State Sam Reed is the chief elections officer for the state of Washington, with statutory responsibilities and authority relating to initiatives, as prescribed by law.

27. Secretary Reed has accepted and filed I-1029 as an initiative to the people and his Office has completed the process of checking and validating signatures on those petitions. The Secretary of State has determined that the petitions supporting I-1029 contain the valid signatures of legal voters numbering more than eight percent of the votes cast for the office of governor at the last gubernatorial election preceding the initial filing of the text of the initiative measure with the Secretary of State. The Secretary of State has stated that he will certify I-1029 to the county auditors for inclusion on the November 2008 general election ballot.

IV. INTERVENERS

28. Linda Lee is a long-term care worker and advocate for increased training. She lives in Vancouver, Washington. Linda Lee is the sponsor of 1-1029 and filed the proposed 1-1029 measure with the

Secretary of State. Linda Lee was granted status as an Intervener by the Court on July 29, 2008.

29. People for Safe Quality Care is the official ballot committee for I-1029. Proponents of I-1029 include the Washington State Long-Term Care Ombudsman and the Alzheimers Association, long-term care agency providers such as Chesterfield Health Services, AAA Residential and Korean Women's Association, and other advocates for seniors and people with disabilities. Proponents also include members of the law enforcement community such as King County Prosecuting Attorney Dan Satterberg and Snohomish County Sheriff John Lovick. People for Safe Quality Care was granted status as an Intervener by the Court on July 29, 2008.

30. The Petitioners, Respondents, and Interveners may file a supplemental agreed statement of facts no later than the time of filing of the Petitioners' Opening Brief. A supplemental agreed statement of facts may be appropriate due to the short timeframe for developing an agreed statement of facts and scheduling conflicts.

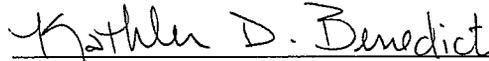
31. This Statement of Facts is not intended to preclude the parties from citing additional factual matters, or matters with respect to which the Court may take judicial notice.

DATED this 31st day of July, 2008.

BENEDICT GARRATT
POND & PIERCE, PLLC



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Attorneys for Petitioners

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Solicitor General



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No. 81857-6

SUPREME COURT OF THE STATE OF WASHINGTON

COMMUNITY CARE COALITION OF WASHINGTON; HOME CARE
OF WASHINGTON, INC.; THE FREDRICKSON HOME; CYNTHIA
O'NEILL, a Washington Citizen and Taxpayer;
RON RALPH and LOIS RALPH, husband and wife and
Washington Citizens and Taxpayers,

Petitioners,

v.

SAM REED, Secretary of State,

Respondent.

DECLARATION OF SERVICE

Narda Pierce, WSBA No. 10923
Kathleen D. Benedict, WSBA No. 7763
BENEDICT GARRATT
POND & PIERCE, PLLC
711 Capitol Way S., Suite 605
Olympia, WA 98501
(360) 236-9858

Attorneys for Petitioners

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2008 JUL 31 P 4: 21

BY RONALD K. CARPENTER

The undersigned declares under penalty of perjury under the laws of the State of Washington that I am now and at all times herein mentioned a citizen of the United States, a resident of the State of Washington, over the age of 18 years, not a party to or interested in the above-entitled action, and competent to be a witness herein.

On the 31st day of July, 2008, I caused to be served copies of the Agreed Statement of Facts with attachments on the following individuals in the manner indicated:

Jeffrey T. Even	<input checked="" type="checkbox"/>	U. S. Mail with attachments
Deputy Solicitor General	<input type="checkbox"/>	Hand Delivery
Office of the Attorney General	<input type="checkbox"/>	Facsimile
1125 Washington St. SE	<input checked="" type="checkbox"/>	PDF E-Mail w/o
P. O. Box 40100		attachments
Olympia, WA 98504-0100	<input type="checkbox"/>	Legal Messenger

Knoll D. Lowney	<input checked="" type="checkbox"/>	U. S. Mail with attachments
SMITH & LOWNEY P.L.L.C.	<input type="checkbox"/>	Hand Delivery
2317 East John Street	<input type="checkbox"/>	Facsimile
Seattle, WA 98112	<input checked="" type="checkbox"/>	PDF E-Mail w/o
		attachments
	<input type="checkbox"/>	Legal Messenger

SIGNED this 31st day of July, 2008.

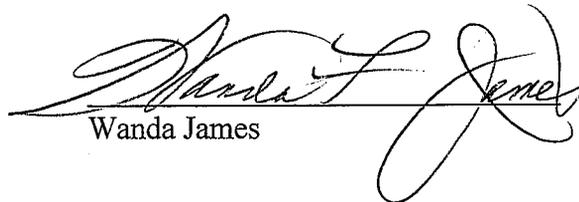

Wanda James

EXHIBIT A



Filed

MAR 12 2008

SECRETARY OF STATE

State of Washington

AFFIDAVIT FOR PROPOSED INITIATIVE

State of Washington

County of Clatsop

ss.

I, Linda S. Lee, am a registered voter residing at: *Enter your name as recorded on your voter registration--Please Print*

6009 NE 102nd Ave. #7 Vancouver, WA 98662
STREET ADDRESS OR RURAL ROUTE CITY, WASHINGTON ZIP CODE
Clark (360) 213-3048
COUNTY TELEPHONE NO. (W/ AREA CODE)

I herewith submit a proposed Initiative to the (check one)

- People
- Legislature

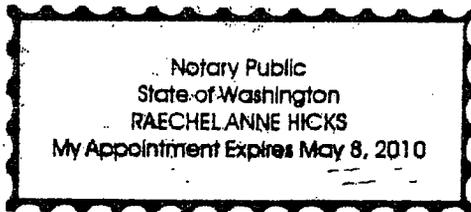
in the form appended hereto regarding the subject of long-term care services and request that the Secretary of State file same and assign an Initiative number, and do further request that the Attorney General supply a ballot title.

Linda S. Lee

SIGNATURE OF SPONSOR

I certify that I know or have satisfactory evidence that Linda S Lee is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.

February 8, 2008
DATED



[Signature]
NOTARY'S SIGNATURE

NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON

May 8 2010
MY APPOINTMENT EXPIRES

Note: The Secretary of State routinely publishes lists of proposed initiatives, including sponsor addresses and telephone numbers. Initiative sponsors may have alternative contact information published by providing the information in the space below. Please keep in mind that all information provided in this affidavit is public record and is subject to public disclosure.

33615 1st Way South, Suite A Federal Way WA 98003
ADDRESS CITY, WASHINGTON ZIP CODE

866-371-3200 na traininginitiative@seio775.org
TELEPHONE NO. (W/ AREA CODE) FAX NO. (W/ AREA CODE) E-MAIL

EXHIBIT B



Filed

MAR 12 2008

SECRETARY OF STATE

State of Washington

AFFIDAVIT FOR PROPOSED INITIATIVE

State of Washington)
County of Clark) ss.

I, Linda S. Lee, am a registered voter residing at: Enter your name as recorded on your voter registration--Please Print

0009 NE 102nd Ave. #7 Vancouver, WA 98662
STREET ADDRESS OR RURAL ROUTE CITY, WASHINGTON ZIP CODE
Clark (360) 213-3048
COUNTY TELEPHONE NO. (W/ AREA CODE)

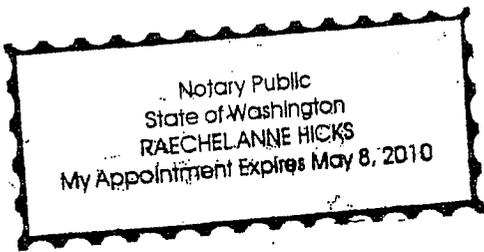
I herewith submit a proposed Initiative to the (check one)

- People
Legislature

in the form appended hereto regarding the subject of long-term care services and request that the Secretary of State file same and assign an Initiative number, and do further request that the Attorney General supply a ballot title.

Linda S. Lee
SIGNATURE OF SPONSOR

I certify that I know or have satisfactory evidence that Linda S Lee is the person who appeared before me, and said person acknowledged that (he/she) signed this instrument and acknowledged it to be (his/her) free and voluntary act for the uses and purposes mentioned in the instrument.



February 8, 2008
DATED

[Signature]
NOTARY'S SIGNATURE
NOTARY PUBLIC IN AND FOR THE STATE OF WASHINGTON
May 8 2010
MY APPOINTMENT EXPIRES

Note: The Secretary of State routinely publishes lists of proposed initiatives, including sponsor addresses and telephone numbers. Initiative sponsors may have alternative contact information published by providing the information in the space below. Please keep in mind that all information provided in this affidavit is public record and is subject to public disclosure.

33615 1st Way S., Suite A Federal Way, 98003
ADDRESS CITY, WASHINGTON ZIP CODE

866-371-3200 n/a traininginitiative@sei0775.org
TELEPHONE NO. (W/ AREA CODE) FAX NO. (W/ AREA CODE) E-MAIL

AN ACT Relating to long-term care services for the elderly and people with disabilities; amending RCW 74.39A.009 and 74.39A.050; reenacting and amending RCW 18.130.040; adding new sections to chapter 74.39A RCW; adding a new section to chapter 18.88A RCW; adding a new chapter to Title 18 RCW; creating new sections; and providing an effective date.

MAR 12 2008

SECRETARY OF STATE

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

NEW SECTION. Sec. 1. A new section is added to chapter 74.39A RCW to read as follows:

It is the intent of the people through this initiative to protect the safety of and improve the quality of care to the vulnerable elderly and persons with disabilities.

The people find and declare that current procedures to train and educate long-term care workers and to protect the elderly or persons with disabilities from caregivers with a criminal background are insufficient. The people find and declare that long-term care workers for the elderly or persons with disabilities should have a federal criminal background check and a formal system of education and experiential qualifications leading to a certification test.

The people find that the quality of long-term care services for the elderly and persons with disabilities is dependent upon the competency of the workers who provide those services. To assure and enhance the quality of long-term care services for the elderly and persons with disabilities, the people recognize the need for federal criminal background checks and increased training requirements. Their establishment should protect the vulnerable elderly and persons with disabilities, bring about a more stabilized workforce, improve the quality of long-term care services, and provide a valuable resource for recruitment into long-term care services for the elderly and persons with disabilities.

Sec. 2. RCW 74.39A.009 and 2007 c 361 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adult family home" means a home licensed under chapter 70.128 RCW.

(2) "Adult residential care" means services provided by a boarding home that is licensed under chapter 18.20 RCW and that has a contract with the department under RCW 74.39A.020 to provide personal care services.

(3) "Assisted living services" means services provided by a boarding home that has a contract with the department under RCW 74.39A.010 to provide personal care services, intermittent nursing services, and medication administration services, and the resident is housed in a private apartment-like unit.

(4) "Boarding home" means a facility licensed under chapter 18.20 RCW.

(5) "Certified home care aide" means a long-term care worker who has obtained certification as a home care aide pursuant to this chapter.

(6) "Core competencies" means basic training topics, including but not limited to, communication skills, worker self-care, problem solving, maintaining dignity, consumer directed care, cultural sensitivity, body mechanics, fall prevention, skin and body care, long-term care worker roles and boundaries, supporting activities of daily living, and food preparation and handling.

~~((5))~~ (7) "Cost-effective care" means care provided in a setting of an individual's choice that is necessary to promote the most appropriate level of physical, mental, and psychosocial well-being consistent with client choice, in an environment that is appropriate to the care and safety needs of the individual, and such care cannot be provided at a lower cost in any other setting. But this in no way precludes an individual from choosing a different residential setting to achieve his or her desired quality of life.

~~((6))~~ (8) "Department" means the department of social and health services.

(9) "Department of health" is defined according to RCW 18.130.020.

(10) "Developmental disability" is defined according to RCW 71A.10.020.

(11) "Direct care worker" means a paid caregiver who provides direct, hands-on personal care services to persons with disabilities or the elderly requiring long-term care.

~~((7))~~ (12) "Enhanced adult residential care" means services provided by a boarding home that is licensed under chapter 18.20 RCW

and that has a contract with the department under RCW 74.39A.010 to provide personal care services, intermittent nursing services, and medication administration services.

~~((8))~~ (13) "Functionally disabled person" or "person who is functionally disabled" is synonymous with chronic functionally disabled and means a person who because of a recognized chronic physical or mental condition or disease, including chemical dependency, or developmental disability, is impaired to the extent of being dependent upon others for direct care, support, supervision, or monitoring to perform activities of daily living. "Activities of daily living", in this context, means self-care abilities related to personal care such as bathing, eating, using the toilet, dressing, and transfer. Instrumental activities of daily living may also be used to assess a person's functional abilities as they are related to the mental capacity to perform activities in the home and the community such as cooking, shopping, house cleaning, doing laundry, working, and managing personal finances.

~~((9))~~ (14) "Home and community services" means adult family homes, in-home services, and other services administered or provided by contract by the department directly or through contract with area agencies on aging or similar services provided by facilities and agencies licensed by the department.

(15) "Individual provider" is defined according to RCW 74.39A.240.

~~((10))~~ (16) "Long-term care" is synonymous with chronic care and means care and supports delivered indefinitely, intermittently, or over a sustained time to persons of any age disabled by chronic mental or physical illness, disease, chemical dependency, or a medical condition that is permanent, not reversible or curable, or is long-lasting and severely limits their mental or physical capacity for self-care. The use of this definition is not intended to expand the scope of services, care, or assistance by any individuals, groups, residential care settings, or professions unless otherwise expressed by law.

~~((11))~~ (17)(a) "Long-term care workers((")) for the elderly or persons with disabilities" or "long-term care workers" includes all persons who are long-term care workers for the elderly or persons with disabilities, including but not limited to, individual providers of home care services, direct care employees of home care agencies,

providers of home care services to persons with developmental disabilities under Title 71 RCW, all direct care workers in state-licensed boarding homes, assisted living facilities, and adult family homes, respite care providers, community residential service providers, and any other direct care worker providing home or community-based services to the elderly or persons with functional disabilities or developmental disabilities.

(b) "Long-term care workers" do not include persons employed in nursing homes subject to chapter 18.51 RCW, hospitals or other acute care settings, hospice agencies subject to chapter 70.127 RCW, adult day care centers, and adult day health care centers, ~~(+)~~ and any individuals who are not paid by the state, or by a private agency or facility licensed by the state, to provide personal care services.

~~((12))~~ (18) "Nursing home" means a facility licensed under chapter 18.51 RCW.

(19) "Personal care services" means physical or verbal assistance with activities of daily living and instrumental activities of daily living provided because of a person's functional disability.

(20) "Population specific competencies" means basic training topics unique to the care needs of the population the long-term care worker is serving, including but not limited to, mental health, dementia, developmental disabilities, young adults with physical disabilities, and older adults.

~~((13))~~ (21) "Secretary" means the secretary of social and health services.

(22) "Secretary of health" is defined according to RCW 18.130.020.

~~((14))~~ (23) "Training partnership" means a joint partnership or trust ~~((established and maintained jointly by))~~ that includes the office of the governor and the exclusive bargaining representative of individual providers under RCW 74.39A.270 with the capacity to provide training, peer mentoring, and ~~((examinations required under this chapter, and educational, career))~~ workforce development, or other services to individual providers.

~~((15))~~ (24) "Tribally licensed boarding home" means a boarding home licensed by a federally recognized Indian tribe which home provides services similar to boarding homes licensed under chapter 18.20 RCW.

(25) "Qualified instructor" means a registered nurse or other person with specific knowledge, training and work experience in the

provision of direct, hands-on personal care and other assistance services to the elderly or persons with disabilities requiring long-term care.

NEW SECTION. Sec. 3. A new section is added to chapter 74.39A RCW to read as follows:

All long-term care workers for the elderly or persons with disabilities hired after January 1, 2010, shall be screened through state and federal background checks in a uniform and timely manner to ensure that they do not have a criminal history that would disqualify them from working with vulnerable persons. These background checks shall include checking against the federal bureau of investigation fingerprint identification records system and against the national sex offenders registry or their successor programs. The department shall share this information with the department of health. The department shall not pass on the cost of these criminal background checks to the workers or their employers. The department shall adopt rules to implement the provisions of this section by August 1, 2009.

NEW SECTION. Sec. 4. A new section is added to chapter 18.-- RCW (the new chapter created in section 15 of this act) to read as follows:

(1) Effective January 1, 2010, except as provided in section 7 of this act, any person hired as a long-term care worker for the elderly or persons with disabilities must be certified as a home care aide within one hundred fifty days after the date of being hired.

(2) Except as provided in section 7 of this act, certification as a home care aide requires both completion of one hundred twenty hours of training and successful completion of a certification examination pursuant to sections 5 and 6 of this act.

(3) No person may practice or, by use of any title or description, represent himself or herself as a certified home care aide without being certified pursuant to this chapter.

NEW SECTION. Sec. 5. A new section is added to chapter 18.-- RCW (the new chapter created in section 15 of this act) to read as follows:

(1) Effective January 1, 2010, except as provided in section 7 of this act, the department of health shall require that all persons

employed as long-term care workers for the elderly or persons with disabilities meet the minimum training requirements in this section within one hundred twenty calendar days of employment.

(2) The department of health shall require that all persons employed as long-term care workers obtain one hundred twenty hours of entry-level training approved by the department. A long-term worker must accomplish five of these one hundred twenty hours before becoming eligible to provide care.

(3) Training required by subsection (4)(c) will be applied towards training required under RCW 18.20.270 or 70.128.230 as well as any statutory or regulatory training requirements for long term care workers employed by supportive living providers.

(4) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The one hundred twenty hours of entry-level training required shall be as follows:

(a) Before a long-term care worker is eligible to provide care, he or she must complete two hours of orientation training regarding his or her role as caregiver and the applicable terms of employment;

(b) Before a long-term care worker is eligible to provide care, he or she must complete three hours of safety training, including basic safety precautions, emergency procedures, and infection control; and

(c) All long-term care workers must complete one hundred fifteen hours of long-term care basic training, including training related to core competencies and population specific competencies.

(5) The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors on the competencies and training topics in this section.

(6) Individual providers under RCW 74.39A.270 shall be compensated for training time required by this section.

(7) The department of health shall adopt rules by August 1, 2009, to implement subsections (1), (2) and (3).

(8) The department shall adopt rules by August 1, 2009, to implement subsections (4) and (5).

NEW SECTION. Sec. 6. A new section is added to chapter 18.-- RCW (the new chapter created in section 15 of this act) to read as

follows:

(1) Effective January 1, 2010, except as provided in section 7 of this act, the department of health shall require that all long-term care workers successfully complete a certification examination. Any long-term care worker failing to make the required grade for the examination will not be certified as a home care aide.

(2) The department of health, in consultation with consumer and worker representatives, shall develop a home care aide certification examination to evaluate whether an applicant possesses the skills and knowledge necessary to practice competently. Unless excluded by section 7 of this act, only those who have completed the training requirements in section 5 of this act shall be eligible to sit for this examination.

(3) The examination shall include both a skills demonstration and a written or oral knowledge test. The examination papers, all grading of the papers, and records related to the grading of skills demonstration shall be preserved for a period of not less than one year. The department of health shall establish rules governing the number of times and under what circumstances individuals who have failed the examination may sit for the examination, including whether any intermediate remedial steps should be required.

(4) All examinations shall be conducted by fair and wholly impartial methods. The certification exam shall be administered and evaluated by the department of health or by a contractor to the department of health that is neither an employer of long-term care workers or private contractors providing training services under this chapter.

(5) The department of health has the authority to:

(a) Establish forms, procedures, and examinations necessary to certify home care aides pursuant to this chapter;

(b) Hire clerical, administrative, and investigative staff as needed to implement this section;

(c) Issue certification as a home care aide to any applicant who has successfully completed the home care aide examination;

(d) Maintain the official record of all applicants and persons with certificates;

(e) Exercise disciplinary authority as authorized in chapter 18.130 RCW; and

(f) Deny certification to applicants who do not meet training,

competency examination, and conduct requirements for certification.

(6) The department of health shall adopt rules by August 1, 2009, that establish the procedures and examinations necessary to carry this section into effect.

NEW SECTION. Sec. 7. A new section is added to chapter 18.-- RCW (the new chapter created in section 15 of this act) to read as follows:

The following long-term care workers are not required to become a certified home care aide pursuant to this act.

(1) Registered nurses, licensed practical nurses, certified nursing assistants, medicare-certified home health aides, or other persons who hold a similar health credential, as determined by the secretary of health, or persons with special education training and an endorsement granted by the superintendent of public instruction, as defined in RCW 28A.300.010, that is recognized by the secretary of health as appropriate to specified personal care services circumstances are not required to obtain certification. Individuals exempted by this subsection may obtain certification as a home care aide from the department of health without fulfilling the training requirements in section 5 of this act but must successfully complete a certification examination pursuant to section 6.

(2) A person already employed as a long-term care worker prior to January 1, 2010, who completes all of his or her training requirements in effect as of the date he or she was hired, is not required to obtain certification. Individuals exempted by this subsection may obtain certification as a home care aide from the department of health without fulfilling the training requirements in section 5 of this act but must successfully complete a certification examination pursuant to section 6.

(3) A long-term care worker exempted by this section from the training requirements contained in section 5 may not be prohibited from enrolling in training pursuant to that section.

(4) The department of health shall adopt rules by August 1, 2009, to implement this section.

NEW SECTION. Sec. 8. RCW 74.39A.340 and 2007 c 361 § 4 are each amended to read as follows:

(1) Long-term care workers shall complete twelve hours of

continuing education training in advanced training topics each year. This requirement applies beginning on January 1, 2010.

(2) Completion of continuing education as required in this section is a prerequisite to maintaining home care aide certification under this act.

(3) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors.

(4) Individual providers under RCW 74.39A.270 shall be compensated for training time required by this section.

(5) The department of health shall adopt rules by August 1, 2009, to implement subsections (1) and (2).

(6) The department shall adopt rules by August 1, 2009, to implement subsection (3).

Sec. 9. RCW 74.39A.350 and 2007 c 361 § 5 are each amended to read as follows:

(1) The department shall offer, directly or through contract, training opportunities sufficient for a long-term care worker to accumulate ~~((sixty-five))~~ seventy hours of training within a reasonable time period. For individual providers represented by an exclusive bargaining representative under RCW 74.39A.270, the training opportunities shall be offered through ~~((a contract with))~~ the training partnership established under RCW 74.39A.360. Training topics shall include, but are not limited to: Client rights; personal care; mental illness; dementia; developmental disabilities; depression; medication assistance; advanced communication skills; positive client behavior support; developing or improving client-centered activities; dealing with wandering or aggressive client behaviors; medical conditions; nurse delegation core training; peer mentor training; and advocacy for quality care training. The department may not require long-term care workers to obtain the training described in this section. This requirement to offer advanced training applies beginning January 1, 2010.

NEW SECTION. Sec. 10. A new section is added to chapter 18.88A

RCW to read as follows:

By August 1, 2009, the department of health shall develop, in consultation with the nursing care quality assurance commission and consumer and worker representatives, rules permitting reciprocity to the maximum extent possible under federal law between home care aide certification and nursing assistant certification.

NEW SECTION. Sec. 11. A new section is added to chapter 74.39A RCW to read as follows:

(1) The department shall deny payment to any individual provider of home care services who has not been certified by the department of health as a home care aide as required under chapter 18.-- RCW (the new chapter created in section 15 of this act) or, if exempted from certification by section 7, has not completed his or her required training pursuant to this act.

(2) The department may terminate the contract of any individual provider of home care services, or take any other enforcement measure deemed appropriate by the department if the individual provider's certification is revoked under chapter 18.-- RCW (the new chapter created in section 15 of this act) or, if exempted from certification by section 7, has not completed his or her required training pursuant to this act.

(3) The department shall take appropriate enforcement action related to the contract of a private agency or facility licensed by the state, to provide personal care services, other than an individual provider, who knowingly employs a long-term care worker who is not a certified home care aide as required under chapter 18.-- RCW (the new chapter created in section 15 of this act) or, if exempted from certification by section 7, has not completed his or her required training pursuant to this act.

(4) Chapter 34.05 RCW shall govern actions by the department.

(5) The department shall adopt rules by August 1, 2009, to implement this section.

NEW SECTION. Sec. 12. A new section is added to chapter 18.-- RCW (the new chapter created in section 15 of this act) to read as follows:

(1) The uniform disciplinary act, chapter 18.130 RCW, governs uncertified practice, issuance of certificates, and the discipline of

persons with certificates under this chapter. The secretary of health shall be the disciplinary authority under this chapter.

(2) The secretary of health may take action to immediately suspend the certification of a long-term care worker upon finding that conduct of the long-term care worker has caused or presents an imminent threat of harm to a functionally disabled person in his or her care.

(3) If the secretary of health imposes suspension or conditions for continuation of certification, the suspension or conditions for continuation are effective immediately upon notice and shall continue in effect pending the outcome of any hearing.

(4) The department of health shall take appropriate enforcement action related to the licensure of a private agency or facility licensed by the state, to provide personal care services, other than an individual provider, who knowingly employs a long-term care worker who is not a certified home care aide as required under chapter 18.-- RCW (the new chapter created in section 15 of this act) or, if exempted from certification by section 7, has not completed his or her required training pursuant to this act.

(5) Chapter 34.05 RCW shall govern actions by the department of health under this section.

(6) The department of health shall adopt rules by August 1, 2009, to implement this section.

Sec. 13. RCW 74.39A.050 and 2004 c 140 s 6 are each amended to read as follows:

The department's system of quality improvement for long-term care services shall use the following principles, consistent with applicable federal laws and regulations:

(1) The system shall be client-centered and promote privacy, independence, dignity, choice, and a home or home-like environment for consumers consistent with chapter 392, Laws of 1997.

(2) The goal of the system is continuous quality improvement with the focus on consumer satisfaction and outcomes for consumers. This includes that when conducting licensing or contract inspections, the department shall interview an appropriate percentage of residents, family members, resident case managers, and advocates in addition to interviewing providers and staff.

(3) Providers should be supported in their efforts to improve quality and address identified problems initially through training,

consultation, technical assistance, and case management.

(4) The emphasis should be on problem prevention both in monitoring and in screening potential providers of service.

(5) Monitoring should be outcome based and responsive to consumer complaints and based on a clear set of health, quality of care, and safety standards that are easily understandable and have been made available to providers, residents, and other interested parties.

(6) Prompt and specific enforcement remedies shall also be implemented without delay, pursuant to RCW 74.39A.080, RCW 70.128.160, chapter 18.51 RCW, or chapter 74.42 RCW, for providers found to have delivered care or failed to deliver care resulting in problems that are serious, recurring, or uncorrected, or that create a hazard that is causing or likely to cause death or serious harm to one or more residents. These enforcement remedies may also include, when appropriate, reasonable conditions on a contract or license. In the selection of remedies, the safety, health, and well-being of residents shall be of paramount importance.

(7) ~~((To the extent funding is available, all long-term care staff directly responsible for the care, supervision, or treatment of vulnerable persons should be screened through background checks in a uniform and timely manner to ensure that they do not have a criminal history that would disqualify them from working with vulnerable persons. Whenever a state conviction record check is required by state law, persons may be employed or engaged as volunteers or independent contractors on a conditional basis according to law and rules adopted by the department.))~~ All long-term care workers shall be screened through background checks in a uniform and timely manner to ensure that they do not have a criminal history that would disqualify them from working with vulnerable persons. This information will be shared with the department of health to advance the purposes of this act.

(8) No ~~((provider or staff))~~ long-term care worker, or prospective ~~((provider or staff))~~ long-term care worker, with a stipulated finding of fact, conclusion of law, an agreed order, or finding of fact, conclusion of law, or final order issued by a disciplining authority, a court of law, or entered into a state registry finding him or her guilty of abuse, neglect, exploitation, or abandonment of a minor or a vulnerable adult as defined in chapter 74.34 RCW shall be employed in the care of and have unsupervised access to vulnerable adults.

(9) The department shall establish, by rule, a state registry which contains identifying information about ~~((personal care aides))~~ long-term care workers identified under this chapter who have substantiated findings of abuse, neglect, financial exploitation, or abandonment of a vulnerable adult as defined in RCW 74.34.020. The rule must include disclosure, disposition of findings, notification, findings of fact, appeal rights, and fair hearing requirements. The department shall disclose, upon request, substantiated findings of abuse, neglect, financial exploitation, or abandonment to any person so requesting this information. This information will also be shared with the department of health to advance the purposes of this act.

(10) ~~((The department shall by rule develop training requirements for individual providers and home care agency providers.))~~ Effective March 1, 2002, individual providers and home care agency providers must satisfactorily complete department-approved orientation, basic training, and continuing education within the time period specified by the department in rule.. The department shall adopt rules by March 1, 2002, for the implementation of this section based on the recommendations of the community long-term care training and education steering committee established in RCW 74.39A.190. The department shall deny payment to an individual provider or a home care provider who does not complete the training requirements within the time limit specified by the department by rule.

(11) In an effort to improve access to training and education and reduce costs, especially for rural communities, the coordinated system of long-term care training and education must include the use of innovative types of learning strategies such as internet resources, videotapes, and distance learning using satellite technology coordinated through community colleges or other entities, as defined by the department.

(12) The department shall create an approval system by March 1, 2002, for those seeking to conduct department-approved training. In the rule-making process, the department shall adopt rules based on the recommendations of the community long-term care training and education steering committee established in RCW 74.39A.190.

(13) The department shall establish, by rule, ~~((training,))~~ background checks~~((,))~~ and other quality assurance requirements for ~~((personal aides))~~ long-term care workers who provide in-home services funded by medicaid personal care as described in RCW 74.09.520,

community options program entry system waiver services as described in RCW 74.39A.030, or chore services as described in RCW 74.39A.110 that are equivalent to requirements for individual providers.

(14) Under existing funds the department shall establish internally a quality improvement standards committee to monitor the development of standards and to suggest modifications.

(15) Within existing funds, the department shall design, develop, and implement a long-term care training program that is flexible, relevant, and qualifies towards the requirements for a nursing assistant certificate as established under chapter 18.88A RCW. This subsection does not require completion of the nursing assistant certificate training program by providers or their staff. The long-term care teaching curriculum must consist of a fundamental module, or modules, and a range of other available relevant training modules that provide the caregiver with appropriate options that assist in meeting the resident's care needs. Some of the training modules may include, but are not limited to, specific training on the special care needs of persons with developmental disabilities, dementia, mental illness, and the care needs of the elderly. No less than one training module must be dedicated to workplace violence prevention. The nursing care quality assurance commission shall work together with the department to develop the curriculum modules. The nursing care quality assurance commission shall direct the nursing assistant training programs to accept some or all of the skills and competencies from the curriculum modules towards meeting the requirements for a nursing assistant certificate as defined in chapter 18.88A RCW. A process may be developed to test persons completing modules from a caregiver's class to verify that they have the transferable skills and competencies for entry into a nursing assistant training program. The department may review whether facilities can develop their own related long-term care training programs. The department may develop a review process for determining what previous experience and training may be used to waive some or all of the mandatory training. The department of social and health services and the nursing care quality assurance commission shall work together to develop an implementation plan by December 12, 1998.

Sec. 14. RCW 18.130.040 and 2007 c 269 s 17, 2007 c 253 s 13, and 2007 c 70 s 11 are each reenacted and amended to read as follows:

(1) This chapter applies only to the secretary of health and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2) (a) The secretary of health has authority under this chapter in relation to the following professions:

- (i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;
- (ii) Naturopaths licensed under chapter 18.36A RCW;
- (iii) Midwives licensed under chapter 18.50 RCW;
- (iv) Ocularists licensed under chapter 18.55 RCW;
- (v) Massage operators and businesses licensed under chapter 18.108 RCW;
- (vi) Dental hygienists licensed under chapter 18.29 RCW;
- (vii) Acupuncturists licensed under chapter 18.06 RCW;
- (viii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;
- (ix) Respiratory care practitioners licensed under chapter 18.89 RCW;
- (x) Persons registered under chapter 18.19 RCW;
- (xi) Persons licensed as mental health counselors, marriage and family therapists, and social workers under chapter 18.225 RCW;
- (xii) Persons registered as nursing pool operators under chapter 18.52C RCW;
- (xiii) Nursing assistants registered or certified under chapter 18.88A RCW;
- (xiv) Health care assistants certified under chapter 18.135 RCW;
- (xv) Dietitians and nutritionists certified under chapter 18.138 RCW;
- (xvi) Chemical dependency professionals certified under chapter 18.205 RCW;
- (xvii) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;
- (xviii) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;
- (xix) Denturists licensed under chapter 18.30 RCW;
- (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;

(xxi) Surgical technologists registered under chapter 18.215 RCW;
(xxii) Recreational therapists;
(xxiii) Animal massage practitioners certified under chapter 18.240 RCW; (~~and~~)
(xxiv) Athletic trainers licensed under chapter 18.250 RCW; and
(xxv) Certified home care aides under chapter 18.--- RCW (the new chapter created in section 15 of this act).

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and licenses and registrations issued under chapter 18.260 RCW;

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;

(viii) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The medical quality assurance commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in chapter 18.59 RCW;

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW; and

(xiv) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by the disciplining authority.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the Uniform Disciplinary Act, among the disciplining authorities listed in subsection (2) of this section.

NEW SECTION. **Sec. 15.** Sections 4-7 and 12 of this act constitute a new chapter in Title 18 RCW.

NEW SECTION. **Sec. 16.** Section 13, subsections (10), (11), (12) and (15) of this act shall expire on December 31, 2009.

NEW SECTION. **Sec. 17.** The provisions of this act are to be liberally construed to effectuate the intent, policies, and purposes of this act.

NEW SECTION. **Sec. 18.** 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. 19.** This act may be known and cited as the better background checks and improved training for long-term care workers for the elderly and persons with disabilities initiative of 2008.

NEW SECTION. **Sec. 20.** Section 10 of this act takes effect September 1, 2009.

EXHIBIT C



Washington
Secretary of State
SAM REED

Customer Receipt

Linda S. Lee

Initiative Filing Fee x 2

Received: \$10.00

Cash

Received On: 03/12/2008

Transaction Number: 1247634

Tracking ID: 1467739

Thank you!

EXHIBIT D



Washington
Secretary of State
SAM REED

ELECTIONS DIVISION
520 Union Avenue SE • PO Box 40229
Olympia, WA 98504-0229
Tel: 360.902.4180
Fax: 360.664.4619
www.secstate.wa.gov/elections

March 12, 2008

Linda S. Lee
c/o Judith Krebs
33615 1st Way South, Suite A
Federal Way, WA 98003

Dear Ms. Lee:

This acknowledges the filing of a proposed Initiative to the People relating to the long-term care services, and the payment of the filing fee of \$5.00. We are transmitting a copy of your proposed initiative to the Code Reviser.

The Code Reviser will review the proposal and send you his recommendations and a Certificate of Review within seven working days of his receipt of your proposal. At that time, you may make any revisions that you desire in the text of the proposed initiative.

You must file a final version of the initiative containing any revisions you wish to make and the Certificate of Review with this office no later than April 2, 2008.

Please carefully read your proposed initiative after you receive it from the Code Reviser and prior to filing the final version with us. Any revisions you might wish to make after that time will require that the measure be re-filed.

Sincerely,

Sam Reed
Secretary of State

Teresa Glidden
Initiative Supervisor

Enclosures

EXHIBIT E



Washington
Secretary of State
SAM REED

ELECTIONS DIVISION
520 Union Avenue SE • PO Box 40229
Olympia, WA 98504-0229
Tel: 360.902.4180
Fax: 360.664.4619
www.secstate.wa.gov/elections

March 12, 2008

Mr. K. Kyle Thiessen
Code Reviser
Legislative Building
Olympia, WA 98504

Dear Sir:

Pursuant to the provisions of RCW 29A.72.020, we are transmitting herewith a copy of a proposed Initiative to the People relating to the protecting the initiative process.

Please review this proposed initiative for matters of form and style and such matters of substantive import as may be agreeable to the sponsors of this measure: Ms. Linda S. Lee, c/o Judith Krebs, 33615 1st Way S., Suite A., Federal Way, WA 98003, 866-371-3200, traininginitiative@seiu775.org.

The sponsors have been notified that a certificate of review will be issued within seven working days from the date of this transmittal.

Sincerely,

Sam Reed
Secretary of State

Teresa Glidden
Initiative Supervisor

Enclosure

EXHIBIT F

Filed

OFFICE OF THE CODE REVISER
PRITCHARD BUILDING
OLYMPIA, WA 98504

MAR 28 2008

SECRETARY OF STATE

IN THE MATTER OF THE PROPOSED
INITIATIVE TO THE PEOPLE
Relating to long-term care services

PETITIONER: Ms. Linda S. Lee
c/o Judith Krebs
33615 1st Way S., Suite A
Federal Way, WA 98003

CERTIFICATE OF REVIEW (pursuant to RCW 29A.72.020)

I hereby certify that sponsor's proposal was received in the office of the Code Reviser on March 12, 2008, that I have reviewed the proposal, and that any recommendations thereon, if any, have been communicated to the sponsor.

Dated March 21, 2008

K. Kyle Thiessen
Code Reviser

By



KIKI KEIZER
Assistant Code Reviser

EXHIBIT G



SEIU HEALTHCARE 775NW

33615 1st Way South • Suite A • Federal Way, Washington 98003

Phone: 253.815.3700 • Toll free: 1.866.371.3200 • Fax: 253.815.3701 • Web: www.seiu775.org
President: David Rolf • Secretary-Treasurer: Suzanne Wall • Vice-President: Adam Glickman-Flora



VIA LEGAL MESSENGER

March 28, 2008

Office of the Secretary of State
Elections Division
PO Box 40237
520 Union Avenue SE
Olympia, WA 98504

Dear Secretary of State Reed:

Please find enclosed an Initiative to the People filed by Linda Lee on March 12, 2008 concerning long-term care workers for the elderly and the disabled. Also enclosed is the Code Reviser's Certificate of Review. There are three technical changes from the Code Reviser's draft and these have been initialed. I am happy to provide a lined copy of the original Code Reviser draft if useful to see the changes. The changes are as follows:

- (1) The removal of two commas in section 2(16)(b)(ii).
- (2) The removal of the term "subsection (3) of" from section 8(4).
- (3) The addition of the language apply throughout chapter 18.-- RCW (the new chapter created in section 18 of this act).

Please let me know if I can be of any further assistance in the processing of this initiative. Thank you very much.

Sincerely,

A handwritten signature in cursive script, appearing to read "Judith Krebs".

Judith Krebs
General Counsel
(253) 815-3746

Initiative Measure No. 1029

Filed

MAR 28 2008

SECRETARY OF STATE

AN ACT Relating to long-term care services for the elderly and persons with disabilities; amending RCW 74.39A.009, 74.39A.340, 74.39A.350, 74.39A.050, and 18.130.040; reenacting and amending RCW 18.130.040; adding new sections to chapter 74.39A RCW; adding a new section to chapter 18.88A RCW; adding a new chapter to Title 18 RCW; creating new sections; providing an effective date; and providing a contingent effective date.

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

NEW SECTION. ~~Sec. 1.~~ It is the intent of the people through this initiative to protect the safety of and improve the quality of care to the vulnerable elderly and persons with disabilities.

The people find and declare that current procedures to train and educate long-term care workers and to protect the elderly or persons with disabilities from caregivers with a criminal background are insufficient. The people find and declare that long-term care workers for the elderly or persons with disabilities should have a federal criminal background check and a formal system of education and experiential qualifications leading to a certification test.

The people find that the quality of long-term care services for the

of the workers who provide those services. To assure and enhance the quality of long-term care services for the elderly and persons with disabilities, the people recognize the need for federal criminal background checks and increased training requirements. Their establishment should protect the vulnerable elderly and persons with disabilities, bring about a more stabilized workforce, improve the quality of long-term care services, and provide a valuable resource for recruitment into long-term care services for the elderly and persons with disabilities.

Sec. 2. RCW 74.39A.009 and 2007 c 361 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adult family home" means a home licensed under chapter 70.128 RCW.

(2) "Adult residential care" means services provided by a boarding home that is licensed under chapter 18.20 RCW and that has a contract with the department under RCW 74.39A.020 to provide personal care services.

(3) "Assisted living services" means services provided by a boarding home that has a contract with the department under RCW 74.39A.010 to provide personal care services, intermittent nursing services, and medication administration services, and the resident is housed in a private apartment-like unit.

(4) "Boarding home" means a facility licensed under chapter 18.20 RCW.

(5) "Core competencies" means basic training topics, including but not limited to, communication skills, worker self-care, problem solving, maintaining dignity, consumer directed care, cultural sensitivity, body mechanics, fall prevention, skin and body care, long-term care worker roles and boundaries, supporting activities of daily living, and food preparation and handling.

(6) "Cost-effective care" means care provided in a setting of an individual's choice that is necessary to promote the most appropriate level of physical, mental, and psychosocial well-being consistent with client choice, in an environment that is appropriate to the care and safety needs of the individual, and such care cannot be provided at a lower cost in any other setting. But this in no way precludes an

or her desired quality of life.

~~((6))~~ (7) "Department" means the department of social and health services.

~~((7))~~ (8) "Developmental disability" has the same meaning as defined in RCW 71A.10.020.

(9) "Direct care worker" means a paid caregiver who provides direct, hands-on personal care services to persons with disabilities or the elderly requiring long-term care.

(10) "Enhanced adult residential care" means services provided by a boarding home that is licensed under chapter 18.20 RCW and that has a contract with the department under RCW 74.39A.010 to provide personal care services, intermittent nursing services, and medication administration services.

~~((8))~~ (11) "Functionally disabled person" or "person who is functionally disabled" is synonymous with chronic functionally disabled and means a person who because of a recognized chronic physical or mental condition or disease, or developmental disability, including chemical dependency, is impaired to the extent of being dependent upon others for direct care, support, supervision, or monitoring to perform activities of daily living. "Activities of daily living", in this context, means self-care abilities related to personal care such as bathing, eating, using the toilet, dressing, and transfer. Instrumental activities of daily living may also be used to assess a person's functional abilities as they are related to the mental capacity to perform activities in the home and the community such as cooking, shopping, house cleaning, doing laundry, working, and managing personal finances.

~~((9))~~ (12) "Home and community services" means adult family homes, in-home services, and other services administered or provided by contract by the department directly or through contract with area agencies on aging or similar services provided by facilities and agencies licensed by the department.

~~((10))~~ (13) "Home care aide" means a long-term care worker who has obtained certification as a home care aide by the department of health.

(14) "Individual provider" is defined according to RCW 74.39A.240.

(15) "Long-term care" is synonymous with chronic care and means care and supports delivered indefinitely, intermittently, or over a sustained time to persons of any age disabled by chronic mental or

that is permanent, not reversible or curable, or is long-lasting and severely limits their mental or physical capacity for self-care. The use of this definition is not intended to expand the scope of services, care, or assistance by any individuals, groups, residential care settings, or professions unless otherwise expressed by law.

~~((11))~~ (16)(a) "Long-term care workers for the elderly or persons with disabilities" or "long-term care workers" includes all persons who are long-term care workers for the elderly or persons with disabilities, including but not limited to individual providers of home care services, direct care employees of home care agencies, providers of home care services to persons with developmental disabilities under Title 71 RCW, all direct care workers in state-licensed boarding homes, assisted living facilities, and adult family homes, respite care providers, community residential service providers, and any other direct care worker providing home or community-based services to the elderly or persons with functional disabilities or developmental disabilities.

(b) "Long-term care workers" do not include: (i) Persons employed in nursing homes subject to chapter 18.51 RCW, hospitals or other acute care settings, hospice agencies subject to chapter 70.127 RCW, adult day care centers, and adult day health care centers; or (ii) persons who are not paid by the state, or by a private agency or facility licensed by the state, to provide personal care services.

~~((12))~~ (17) "Nursing home" means a facility licensed under chapter 18.51 RCW.

~~((13))~~ (18) "Personal care services" means physical or verbal assistance with activities of daily living and instrumental activities of daily living provided because of a person's functional disability.

(19) "Population specific competencies" means basic training topics unique to the care needs of the population the long-term care worker is serving, including but not limited to, mental health, dementia, developmental disabilities, young adults with physical disabilities, and older adults.

(20) "Qualified instructor" means a registered nurse or other person with specific knowledge, training, and work experience in the provision of direct, hands-on personal care and other assistance services to the elderly or persons with disabilities requiring long-term care.

(21) "Secretary" means the secretary of social and health services.

or the secretary's designee.

(23) "Training partnership" means a joint partnership or trust ~~((established and maintained jointly by))~~ that includes the office of the governor and the exclusive bargaining representative of individual providers under RCW 74.39A.270 with the capacity to provide training, peer mentoring, and ~~((examinations required under this chapter, and educational, career))~~ workforce development, or other services to individual providers.

~~((+15+))~~ (24) "Tribally licensed boarding home" means a boarding home licensed by a federally recognized Indian tribe which home provides services similar to boarding homes licensed under chapter 18.20 RCW.

NEW SECTION. Sec. 3. A new section is added to chapter 74.39A RCW to read as follows:

All long-term care workers for the elderly or persons with disabilities hired after January 1, 2010, shall be screened through state and federal background checks in a uniform and timely manner to ensure that they do not have a criminal history that would disqualify them from working with vulnerable persons. These background checks shall include checking against the federal bureau of investigation fingerprint identification records system and against the national sex offenders registry or their successor programs. The department shall share this information with the department of health. The department shall not pass on the cost of these criminal background checks to the workers or their employers. The department shall adopt rules to implement the provisions of this section by August 1, 2009.

NEW SECTION. ~~Sec.~~ 4. (1) Effective January 1, 2010, except as provided in section 7 of this act, the department of health shall require that any person hired as a long-term care worker for the elderly or persons with disabilities must be certified as a home care aide within one hundred fifty days from the date of being hired.

(2) Except as provided in section 7 of this act, certification as a home care aide requires both completion of seventy-five hours of training and successful completion of a certification examination pursuant to sections 5 and 6 of this act.

(3) No person may practice or, by use of any title or description, represent himself or herself as a certified home care aide without

(4) The department of health shall adopt rules by August 1, 2009, to implement this section.

NEW SECTION. Sec. 5. A new section is added to chapter 74.39A RCW to read as follows:

(1) Effective January 1, 2010, except as provided in section 7 of this act, all persons employed as long-term care workers for the elderly or persons with disabilities must meet the minimum training requirements in this section within one hundred twenty calendar days of employment.

(2) All persons employed as long-term care workers must obtain seventy-five hours of entry-level training approved by the department. A long-term care worker must accomplish five of these seventy-five hours before becoming eligible to provide care.

(3) Training required by subsection (4)(c) of this section will be applied towards training required under RCW 18.20.270 or 70.128.230 as well as any statutory or regulatory training requirements for long-term care workers employed by supportive living providers.

(4) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The seventy-five hours of entry-level training required shall be as follows:

(a) Before a long-term care worker is eligible to provide care, he or she must complete two hours of orientation training regarding his or her role as caregiver and the applicable terms of employment;

(b) Before a long-term care worker is eligible to provide care, he or she must complete three hours of safety training, including basic safety precautions, emergency procedures, and infection control; and

(c) All long-term care workers must complete seventy hours of long-term care basic training, including training related to core competencies and population specific competencies.

(5) The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors on the competencies and training topics in this section.

(6) Individual providers under RCW 74.39A.270 shall be compensated for training time required by this section.

(7) The department of health shall adopt rules by August 1, 2009,

(8) The department shall adopt rules by August 1, 2009, to implement subsections (4) and (5) of this section.

NEW SECTION. Sec. 6. (1) Effective January 1, 2010, except as provided in section 7 of this act, the department of health shall require that all long-term care workers successfully complete a certification examination. Any long-term care worker failing to make the required grade for the examination will not be certified as a home care aide.

(2) The department of health, in consultation with consumer and worker representatives, shall develop a home care aide certification examination to evaluate whether an applicant possesses the skills and knowledge necessary to practice competently. Unless excluded by section 7 (1) and (2) of this act, only those who have completed the training requirements in section 5 of this act shall be eligible to sit for this examination.

(3) The examination shall include both a skills demonstration and a written or oral knowledge test. The examination papers, all grading of the papers, and records related to the grading of skills demonstration shall be preserved for a period of not less than one year. The department of health shall establish rules governing the number of times and under what circumstances individuals who have failed the examination may sit for the examination, including whether any intermediate remedial steps should be required.

(4) All examinations shall be conducted by fair and wholly impartial methods. The certification examination shall be administered and evaluated by the department of health or by a contractor to the department of health that is neither an employer of long-term care workers or private contractors providing training services under this chapter.

(5) The department of health has the authority to:

(a) Establish forms, procedures, and examinations necessary to certify home care aides pursuant to this chapter;

(b) Hire clerical, administrative, and investigative staff as needed to implement this section;

(c) Issue certification as a home care aide to any applicant who has successfully completed the home care aide examination;

(d) Maintain the official record of all applicants and persons with certificates;

RCW; and

(f) Deny certification to applicants who do not meet training, competency examination, and conduct requirements for certification.

(6) The department of health shall adopt rules by August 1, 2009, that establish the procedures and examinations necessary to carry this section into effect.

NEW SECTION. Sec. 7. The following long-term care workers are not required to become a certified home care aide pursuant to this chapter.

(1) Registered nurses, licensed practical nurses, certified nursing assistants, medicare-certified home health aides, or other persons who hold a similar health credential, as determined by the secretary of health, or persons with special education training and an endorsement granted by the superintendent of public instruction, as described in RCW 28A.300.010, if the secretary of health determines that the circumstances do not require certification. Individuals exempted by this subsection may obtain certification as a home care aide from the department of health without fulfilling the training requirements in section 5 of this act but must successfully complete a certification examination pursuant to section 6 of this act.

(2) A person already employed as a long-term care worker prior to January 1, 2010, who completes all of his or her training requirements in effect as of the date he or she was hired, is not required to obtain certification. Individuals exempted by this subsection may obtain certification as a home care aide from the department of health without fulfilling the training requirements in section 5 of this act but must successfully complete a certification examination pursuant to section 6 of this act.

(3) All long-term care workers employed by supported living providers are not required to obtain certification under this chapter.

(4) An individual provider caring only for his or her biological, step, or adoptive child or parent is not required to obtain certification under this chapter.

(5) Prior to June 30, 2014, a person hired as an individual provider who provides twenty hours or less of care for one person in any calendar month is not required to obtain certification under this chapter.

(6) A long-term care worker exempted by this section from the training requirements contained in section 5 of this act may not be

(7) The department of health shall adopt rules by August 1, 2009, to implement this section.

NEW SECTION. Sec. 8. A new section is added to chapter 74.39A RCW to read as follows:

(1) Effective January 1, 2010, a biological, step, or adoptive parent who is the individual provider only for his or her developmentally disabled son or daughter must receive twelve hours of training relevant to the needs of adults with developmental disabilities within the first one hundred twenty days of becoming an individual provider.

(2) Effective January 1, 2010, individual providers identified in (a) and (b) of this subsection must complete thirty-five hours of training within the first one hundred twenty days of becoming an individual provider. Five of the thirty-five hours must be completed before becoming eligible to provide care. Two of these five hours shall be devoted to an orientation training regarding an individual provider's role as caregiver and the applicable terms of employment, and three hours shall be devoted to safety training, including basic safety precautions, emergency procedures, and infection control. Individual providers subject to this requirement include:

(a) An individual provider caring only for his or her biological, step, or adoptive child or parent unless covered by subsection (1) of this section; and

(b) Before January 1, 2014, a person hired as an individual provider who provides twenty hours or less of care for one person in any calendar month.

(3) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors.

(4) The department shall adopt rules by August 1, 2009, to implement this section.

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Sec. 9. RCW 74.39A.340 and 2007 c 361 s 4 are each amended to read as follows:

(1) The department of health shall ensure that all long-term care

advanced training topics each year. This requirement applies beginning on January 1, 2010.

(2) Completion of continuing education as required in this section is a prerequisite to maintaining home care aide certification under this act.

(3) Unless voluntarily certified as a home care aide under this act, subsection (1) of this section does not apply to:

(a) An individual provider caring only for his or her biological, step, or adoptive child; and

(b) Before June 30, 2014, a person hired as an individual provider who provides twenty hours or less of care for one person in any calendar month.

(4) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors.

(5) Individual providers under RCW 74.39A.270 shall be compensated for training time required by this section.

(6) The department of health shall adopt rules by August 1, 2009, to implement subsections (1), (2), and (3) of this section.

(7) The department shall adopt rules by August 1, 2009, to implement subsection (4) of this section.

Sec. 10. RCW 74.39A.350 and 2007 c 361 s 5 are each amended to read as follows:

The department shall offer, directly or through contract, training opportunities sufficient for a long-term care worker to accumulate ~~((sixty-five))~~ seventy hours of training within a reasonable time period. For individual providers represented by an exclusive bargaining representative under RCW 74.39A.270, the training opportunities shall be offered through ~~((a contract with))~~ the training partnership established under RCW 74.39A.360. Training topics shall include, but are not limited to: Client rights; personal care; mental illness; dementia; developmental disabilities; depression; medication assistance; advanced communication skills; positive client behavior support; developing or improving client-centered activities; dealing with wandering or aggressive client behaviors; medical conditions;

quality care training. The department may not require long-term care workers to obtain the training described in this section. This requirement to offer advanced training applies beginning January 1, ((2010)) 2011.

NEW SECTION. Sec. 11. A new section is added to chapter 18.88A RCW to read as follows:

By August 1, 2009, the department of health shall develop, in consultation with the nursing care quality assurance commission and consumer and worker representatives, rules permitting reciprocity to the maximum extent possible under federal law between home care aide certification and nursing assistant certification.

NEW SECTION. Sec. 12. A new section is added to chapter 74.39A RCW to read as follows:

(1) The department shall deny payment to any individual provider of home care services who has not been certified by the department of health as a home care aide as required under this act or, if exempted from certification by section 7 of this act, has not completed his or her required training pursuant to this act.

(2) The department may terminate the contract of any individual provider of home care services, or take any other enforcement measure deemed appropriate by the department if the individual provider's certification is revoked under this act or, if exempted from certification by section 7 of this act, has not completed his or her required training pursuant to this act.

(3) The department shall take appropriate enforcement action related to the contract of a private agency or facility licensed by the state, to provide personal care services, other than an individual provider, who knowingly employs a long-term care worker who is not a certified home care aide as required under this act or, if exempted from certification by section 7 of this act, has not completed his or her required training pursuant to this act.

(4) Chapter 34.05 RCW shall govern actions by the department under this section.

(5) The department shall adopt rules by August 1, 2009, to implement this section.

NEW SECTION. Sec. 13. (1) The uniform disciplinary act, chapter

the discipline of persons with certificates under this chapter. The secretary of health shall be the disciplinary authority under this chapter.

(2) The secretary of health may take action to immediately suspend the certification of a long-term care worker upon finding that conduct of the long-term care worker has caused or presents an imminent threat of harm to a functionally disabled person in his or her care.

(3) If the secretary of health imposes suspension or conditions for continuation of certification, the suspension or conditions for continuation are effective immediately upon notice and shall continue in effect pending the outcome of any hearing.

(4) The department of health shall take appropriate enforcement action related to the licensure of a private agency or facility licensed by the state, to provide personal care services, other than an individual provider, who knowingly employs a long-term care worker who is not a certified home care aide as required under this chapter or, if exempted from certification by section 7 of this act, has not completed his or her required training pursuant to this chapter.

(5) Chapter 34.05 RCW shall govern actions by the department of health under this section.

(6) The department of health shall adopt rules by August 1, 2009, to implement this section.

Sec. 14. RCW 74.39A.050 and 2004 c 140 s 6 are each amended to read as follows:

The department's system of quality improvement for long-term care services shall use the following principles, consistent with applicable federal laws and regulations:

(1) The system shall be client-centered and promote privacy, independence, dignity, choice, and a home or home-like environment for consumers consistent with chapter 392, Laws of 1997.

(2) The goal of the system is continuous quality improvement with the focus on consumer satisfaction and outcomes for consumers. This includes that when conducting licensing or contract inspections, the department shall interview an appropriate percentage of residents, family members, resident case managers, and advocates in addition to interviewing providers and staff.

(3) Providers should be supported in their efforts to improve quality and address identified problems initially through training,

(4) The emphasis should be on problem prevention both in monitoring and in screening potential providers of service.

(5) Monitoring should be outcome based and responsive to consumer complaints and based on a clear set of health, quality of care, and safety standards that are easily understandable and have been made available to providers, residents, and other interested parties.

(6) Prompt and specific enforcement remedies shall also be implemented without delay, pursuant to RCW 74.39A.080, RCW 70.128.160, chapter 18.51 RCW, or chapter 74.42 RCW, for providers found to have delivered care or failed to deliver care resulting in problems that are serious, recurring, or uncorrected, or that create a hazard that is causing or likely to cause death or serious harm to one or more residents. These enforcement remedies may also include, when appropriate, reasonable conditions on a contract or license. In the selection of remedies, the safety, health, and well-being of residents shall be of paramount importance.

(7) ~~((To the extent funding is available, all long term care staff directly responsible for the care, supervision, or treatment of vulnerable persons should be screened through background checks in a uniform and timely manner to ensure that they do not have a criminal history that would disqualify them from working with vulnerable persons. Whenever a state conviction record check is required by state law, persons may be employed or engaged as volunteers or independent contractors on a conditional basis according to law and rules adopted by the department.))~~ All long-term care workers shall be screened through background checks in a uniform and timely manner to ensure that they do not have a criminal history that would disqualify them from working with vulnerable persons. This information will be shared with the department of health to advance the purposes of this act.

(8) No provider or ~~((staff))~~ long-term care worker, or prospective provider or ~~((staff))~~ long-term care worker, with a stipulated finding of fact, conclusion of law, an agreed order, or finding of fact, conclusion of law, or final order issued by a disciplining authority, a court of law, or entered into a state registry finding him or her guilty of abuse, neglect, exploitation, or abandonment of a minor or a vulnerable adult as defined in chapter 74.34 RCW shall be employed in the care of and have unsupervised access to vulnerable adults.

(9) The department shall establish, by rule, a state registry which contains identifying information about ~~((personal care aides))~~

substantiated findings of abuse, neglect, financial exploitation, or abandonment of a vulnerable adult as defined in RCW 74.34.020. The rule must include disclosure, disposition of findings, notification, findings of fact, appeal rights, and fair hearing requirements. The department shall disclose, upon request, substantiated findings of abuse, neglect, financial exploitation, or abandonment to any person so requesting this information. This information will also be shared with the department of health to advance the purposes of this act.

(10) ~~((The department shall by rule develop training requirements for individual providers and home care agency providers. Effective March 1, 2002,))~~ Until December 31, 2009, individual providers and home care agency providers must satisfactorily complete department-approved orientation, basic training, and continuing education within the time period specified by the department in rule. The department shall adopt rules by March 1, 2002, for the implementation of this section ~~((based on the recommendations of the community long term care training and education steering committee established in RCW 74.39A.190))~~. The department shall deny payment to an individual provider or a home care provider who does not complete the training requirements within the time limit specified by the department by rule.

(11) Until December 31, 2009, in an effort to improve access to training and education and reduce costs, especially for rural communities, the coordinated system of long-term care training and education must include the use of innovative types of learning strategies such as internet resources, videotapes, and distance learning using satellite technology coordinated through community colleges or other entities, as defined by the department.

(12) The department shall create an approval system by March 1, 2002, for those seeking to conduct department-approved training. ~~((In the rule making process, the department shall adopt rules based on the recommendations of the community long term care training and education steering committee established in RCW 74.39A.190.))~~

(13) The department shall establish, by rule, ~~((training,))~~ background checks ~~((,))~~ and other quality assurance requirements for ~~((personal aides))~~ long-term care workers who provide in-home services funded by medicaid personal care as described in RCW 74.09.520, community options program entry system waiver services as described in RCW 74.39A.030, or chore services as described in RCW 74.39A.110 that are equivalent to requirements for individual providers.

a quality improvement standards committee to monitor the development of standards and to suggest modifications.

(15) Within existing funds, the department shall design, develop, and implement a long-term care training program that is flexible, relevant, and qualifies towards the requirements for a nursing assistant certificate as established under chapter 18.88A RCW. This subsection does not require completion of the nursing assistant certificate training program by providers or their staff. The long-term care teaching curriculum must consist of a fundamental module, or modules, and a range of other available relevant training modules that provide the caregiver with appropriate options that assist in meeting the resident's care needs. Some of the training modules may include, but are not limited to, specific training on the special care needs of persons with developmental disabilities, dementia, mental illness, and the care needs of the elderly. No less than one training module must be dedicated to workplace violence prevention. The nursing care quality assurance commission shall work together with the department to develop the curriculum modules. The nursing care quality assurance commission shall direct the nursing assistant training programs to accept some or all of the skills and competencies from the curriculum modules towards meeting the requirements for a nursing assistant certificate as defined in chapter 18.88A RCW. A process may be developed to test persons completing modules from a caregiver's class to verify that they have the transferable skills and competencies for entry into a nursing assistant training program. The department may review whether facilities can develop their own related long-term care training programs. The department may develop a review process for determining what previous experience and training may be used to waive some or all of the mandatory training. The department of social and health services and the nursing care quality assurance commission shall work together to develop an implementation plan by December 12, 1998.

Sec. 15. RCW 18.130.040 and 2007 c 269 s 17, 2007 c 253 s 13, and 2007 c 70 s 11 are each reenacted and amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

to the following professions:

- (i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;
- (ii) Naturopaths licensed under chapter 18.36A RCW;
- (iii) Midwives licensed under chapter 18.50 RCW;
- (iv) Ocularists licensed under chapter 18.55 RCW;
- (v) Massage operators and businesses licensed under chapter 18.108 RCW;
- (vi) Dental hygienists licensed under chapter 18.29 RCW;
- (vii) Acupuncturists licensed under chapter 18.06 RCW;
- (viii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;
- (ix) Respiratory care practitioners licensed under chapter 18.89 RCW;
- (x) Persons registered under chapter 18.19 RCW;
- (xi) Persons licensed as mental health counselors, marriage and family therapists, and social workers under chapter 18.225 RCW;
- (xii) Persons registered as nursing pool operators under chapter 18.52C RCW;
- (xiii) Nursing assistants registered or certified under chapter 18.88A RCW;
- (xiv) Health care assistants certified under chapter 18.135 RCW;
- (xv) Dietitians and nutritionists certified under chapter 18.138 RCW;
- (xvi) Chemical dependency professionals certified under chapter 18.205 RCW;
- (xvii) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;
- (xviii) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;
- (xix) Denturists licensed under chapter 18.30 RCW;
- (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;
- (xxi) Surgical technologists registered under chapter 18.215 RCW;
- (xxii) Recreational therapists;
- (xxiii) Animal massage practitioners certified under chapter 18.240 RCW; ((and))
- (xxiv) Athletic trainers licensed under chapter 18.250 RCW; and
- (xxv) Home care aides certified under chapter 18.-- RCW (the new chapter created in section 18 of this act).

are as follows:

- (i) The podiatric medical board as established in chapter 18.22 RCW;
- (ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;
- (iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and licenses and registrations issued under chapter 18.260 RCW;
- (iv) The board of hearing and speech as established in chapter 18.35 RCW;
- (v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;
- (vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;
- (vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;
- (viii) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;
- (ix) The medical quality assurance commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;
- (x) The board of physical therapy as established in chapter 18.74 RCW;
- (xi) The board of occupational therapy practice as established in chapter 18.59 RCW;
- (xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;
- (xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW; and
- (xiv) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding relating to denial of licensure or issuance of a license conditioned on the

by the disciplining authority.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the Uniform Disciplinary Act, among the disciplining authorities listed in subsection (2) of this section.

Sec. 16. RCW 18.130.040 and 2008 c ... (Fourth Substitute House Bill No. 1103) s 18 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

(2)(a) The secretary has authority under this chapter in relation to the following professions:

- (i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;
- (ii) Naturopaths licensed under chapter 18.36A RCW;
- (iii) Midwives licensed under chapter 18.50 RCW;
- (iv) Ocularists licensed under chapter 18.55 RCW;
- (v) Massage operators and businesses licensed under chapter 18.108 RCW;
- (vi) Dental hygienists licensed under chapter 18.29 RCW;
- (vii) Acupuncturists licensed under chapter 18.06 RCW;
- (viii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;
- (ix) Respiratory care practitioners licensed under chapter 18.89 RCW;
- (x) Persons registered under chapter 18.19 RCW;
- (xi) Persons licensed as mental health counselors, marriage and family therapists, and social workers under chapter 18.225 RCW;
- (xii) Persons registered as nursing pool operators under chapter 18.52C RCW;
- (xiii) Nursing assistants registered or certified under chapter 18.88A RCW;
- (xiv) Health care assistants certified under chapter 18.135 RCW;
- (xv) Dietitians and nutritionists certified under chapter 18.138 RCW;
- (xvi) Chemical dependency professionals certified under chapter

(xvii) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;

(xviii) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;

(xix) Denturists licensed under chapter 18.30 RCW;

(xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;

(xxi) Surgical technologists registered under chapter 18.215 RCW;

(xxii) Recreational therapists;

(xxiii) Animal massage practitioners certified under chapter 18.240 RCW; ((and))

(xxiv) Athletic trainers licensed under chapter 18.250 RCW; and

(xxv) Home care aides certified under chapter 18.-- RCW (the new chapter created in section 18 of this act).

(b) The boards and commissions having authority under this chapter are as follows:

(i) The podiatric medical board as established in chapter 18.22 RCW;

(ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;

(iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and licenses and registrations issued under chapter 18.260 RCW;

(iv) The board of hearing and speech as established in chapter 18.35 RCW;

(v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;

(vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;

(vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;

(viii) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;

(ix) The medical quality assurance commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;

(x) The board of physical therapy as established in chapter 18.74 RCW;

(xi) The board of occupational therapy practice as established in

(xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;

(xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW; and

(xiv) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses. The disciplining authority may also grant a license subject to conditions.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the Uniform Disciplinary Act, among the disciplining authorities listed in subsection (2) of this section.

JK NEW SECTION. Sec. 17. The definitions in RCW 74.39A.009 apply throughout [chapter 18.-- RCW (the new chapter created in section 18 of this act)] unless the context clearly requires otherwise.

NEW SECTION. Sec. 18. Sections 4, 6, 7, 13, and 17 of this act constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 19. The provisions of this act are to be liberally construed to effectuate the intent, policies, and purposes of this act.

NEW SECTION. Sec. 20. 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. 21. This act may be known and cited as the better background checks and improved training for long-term care workers for the elderly and persons with disabilities initiative of 2008.

NEW SECTION. Sec. 22. Section 11 of this act takes effect September 1, 2009.

NEW SECTION. Sec. 23. Section 15 of this act does not take effect if section 18, chapter ... (Fourth Substitute House Bill No. 1103), Laws of 2008 is signed into law by April 6, 2008.

NEW SECTION. Sec. 24. Section 16 of this act takes effect if section 18, chapter ... (Fourth Substitute House Bill No. 1103), Laws of 2008 is signed into law by April 6, 2008.

EXHIBIT H



Washington
Secretary of State
SAM REED

ELECTIONS DIVISION
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March 28, 2008

Linda S. Lee
c/o Judith Krebs
33615 1st Way South, Suite A
Federal Way, WA 98003

Dear Ms. Lee:

We have received a revised copy of your proposed Initiative to the People relating to long-term care services originally submitted to this office on March 12, 2008, together with the Certificate of Review from the Code Reviser indicating that he has examined this proposal as required by RCW 29A72.020. We are officially filing this initiative proposal and have assigned it the serial number 1029.

As the Office of the Attorney General is required by law to formulate ballot titles and summaries for all initiative and referendum measures, we have forwarded a copy of Initiative Measure No. 1029 to that office, together with a request that a ballot title and summary be prepared for that measure. According to our calculations that ballot title and summary should be formulated and transmitted back to us no later than April 4, 2008, or five days following their receipt of the measure excluding Saturdays, Sundays and legal holidays. We will notify you by telephone and by mail as soon as we receive the Official Ballot Title and Summary from the Attorney General.

Sincerely,

SAM REED
Secretary of State

Teresa Glidden
Initiative Supervisor

Enclosure

EXHIBIT I



Washington
Secretary of State
SAM REED

ELECTIONS DIVISION
520 Union Avenue SE • PO Box 40229
Olympia, WA 98504-0229
Tel: 360.902.4180
Fax: 360.664.4619
www.secstate.wa.gov/elections

March 28, 2008

Honorable Rob McKenna
Attorney General
Highways-Licenses Building
P. O. Box 40100
Olympia, WA 98504-0100

Dear Sir:

Pursuant to RCW 29A.72.040, we are transmitting a copy of Initiative Measure No. 1029 to the People, together with the Certificate of Review as issued by the Code Reviser pursuant to RCW 29A.72.020.

Please issue an official ballot title consisting of a statement of the subject not to exceed ten words, a concise statement not to exceed 30 words and a summary of the measure not to exceed seventy-five words as required by RCW 29A.72.060. The sponsor has been notified that the ballot title and summary must be issued no later than five days following the transmittal of this request, excluding Saturdays, Sundays and legal holidays.

Sincerely,

SAM REED
Secretary of State

Teresa Glidden
Initiative Supervisor
Enclosures

EXHIBIT J



Rob McKenna
ATTORNEY GENERAL OF WASHINGTON
 1125 Washington Street SE • PO Box 40100 • Olympia WA 98504-0100

April 4, 2008

Filed

APR 04 2008

RECEIVED
 APR - 4 2008

The Honorable Sam Reed
 ATTN: Teresa Glidden
 Initiative Supervisor
 PO Box 40220
 Olympia, WA 98504-0220

SECRETARY OF STATE

Office of Secretary of State

Re: Initiative No. 1029

Dear Mr. Reed:

Pursuant to RCW 29A.72.060, we supply herewith the ballot title and ballot measure summary for Initiative No. 1029 to the People (an act relating to long-term care services).

BALLOT TITLE

Statement of Subject: Initiative Measure No. 1029 concerns long-term care services for the elderly and persons with disabilities.

Concise Description: This measure would require long-term care workers to be certified as home care aides based on an examination, with exceptions; increase training and criminal background check requirements; and establish disciplinary standards and procedures.

Should this measure be enacted into law? Yes [] No []

BALLOT MEASURE SUMMARY

Beginning January 1, 2010, this measure would require certification for long-term care workers for the elderly and persons with disabilities, requiring a written examination, increased and additional criminal background checks. Continuing education would be required in order to retain certification. Disciplinary standards and procedures would be applied to long-term care workers who are certified as home care aides. Certain workers would be exempt based on prior employment, training or other circumstances.

Sincerely,

JEFFREY T. EVEN
 Deputy Solicitor General
 360-586-0728

EXHIBIT K



Enter Keywords

Elections

ELECTIONS MENU INITIATIVES MENU PRINT PAGE

Proposed Initiatives to the People - 2008

« Back

The following is a list of proposed initiatives to the People filed to date with the Office of the Secretary of State. To be certified, a petition must contain the signatures of at least registered voters. The deadline for filing petition signatures for the following initiatives is 5:00 p.m. July 3, 2008. Questions regarding the content of initiatives should be directed to the sponsor(s).

NOTE: Initiative numbers are not assigned until the proposal has been reviewed by the state Code Reviser and the sponsor has submitted the final language of the proposed initiative. The content of initiatives is described as general "subject matter" pending the issuance of an official ballot title and summary by the state Attorney General.

Assigned Number: 984
Filed: 01/04/2008

Initiative Subject
Related to reducing traffic congestion

Sponsor
Mr. Tim Eyman
Mr. Leo J. Fagan
Mr. M. J. Fagan
PO Box 18250
Spokane, WA 99228
425-493-8707
Fax: 425-493-1027
jakatak@comcast.net

View Complete Text

Withdrawn by Sponsor on 01-14-2008

Assigned Number: 985
Filed: 01/04/2008

Ballot Title
Initiative Measure No. 985 concerns transportation.

Sponsor
Mr. Tim Eyman
Mr. Leo J. Fagan
Mr. M. J. Fagan
PO Box 18250
Spokane, WA 99228
425-493-8707
Fax: 425-493-1027
jakatak@comcast.net

This measure would open high-occupancy vehicle lanes to all traffic during specified hours, require traffic light synchronization, increase roadside assistance funding, and dedicate certain taxes, fines, tolls and other revenues to traffic-flow purposes. Should this measure be enacted into law? Yes [] No []

Ballot Measure Summary
This measure would: open high-occupancy vehicle lanes to all vehicles Monday through Friday from 9:00 a.m. to 3:00 p.m., Monday through Thursday nights from 6:00 p.m. to 6:00 a.m., and 6:00 p.m. Friday to 6:00 a.m. Monday; require traffic light synchronization, and mandate increased funding for roadside assistance. Certain existing revenues, including 15% of state sales and use taxes on vehicles, certain traffic infraction penalties, and certain tolls would be dedicated to traffic-flow purposes.

*Certified to the Ballot on 21 July, 2008

View Complete Text

Assigned Number: 987
Filed: 01/04/2008

Sponsor
Mr. David Henshaw
3827 South G St
Tacoma, WA 98418
253-476-3268

abigfatcat@hotmail.com

Ballot Title

Initiative Measure No. 987 concerns employee compensation.

This measure would require payment of additional compensation to employees performing work during certain weekday and certain weekend hours, as described, at not less than 5% to 10% over their regular wage rate. Should this measure be enacted into law? Yes [] No []

Ballot Measure Summary

This measure would require compensation for employees at not less than 5% over their regular wage rate for weekday work performed after 9:00 p.m. or before 5:00 a.m. Work performed on weekends between 5:00 a.m. and 9:00 p.m. would be compensated at not less than 5% over their regular wage rate. Work performed on weekends after 9:00 p.m. or before 5:00 a.m. would be compensated at not less than 10% over their regular wage rate.

No signatures submitted

[View Complete Text](#) 

Assigned Number: 988
Filed: 01/04/2008

Sponsor
Mr. David Henshaw
3827 South G St
Tacoma, WA 98418
253-476-3268

abigfatcat@hotmail.com

Ballot Title

Initiative Measure No. 988 concerns operating motor vehicles.

This measure would require drivers to respond to merge signs by merging into the appropriate lane without passing other vehicles. Violators would be fined \$50 for every vehicle passed without merging. Should this measure be enacted into law? Yes [] No []

Ballot Measure Summary

This measure would require the driver of a motor vehicle, when instructed to merge by an appropriate sign or marking on the roadway, to merge into the adjacent, appropriate lane of travel without passing any motor vehicles. Violators would be fined \$50 for every motor vehicle passed when the driver of a motor vehicle has failed to merge when instructed.

No signatures submitted

[View Complete Text](#) 

Assigned Number: 989
Filed: 01/04/2008

Sponsor
Mr. David Henshaw
3827 South G St
Tacoma, WA 98418
253-476-3268

abigfatcat@hotmail.com

Ballot Title

Initiative Measure No. 989 concerns embryo transfers as an alternative to abortion.

This measure would establish a state program paying 90% of the cost of embryo transfers as an abortion alternative, appropriating \$1,000,000 for this purpose, and providing a penalty for fraudulently obtaining such funds. Should this measure be enacted into law? Yes [] No []

Ballot Measure Summary

This measure would require the Department of Health to adopt rules establishing a program to allow payment of up to ninety percent of the cost of an embryo transfer as an alternative to abortion, appropriate \$1 million for that purpose, and provide a

civil penalty of five times the amount of funds received for anybody who obtains funds under this program through fraud.

No signatures submitted

[View Complete Text](#) 

Assigned Number: 990
Filed: 01/04/2008

Sponsor
Mr. David Henshaw
3827 South G St
Tacoma, WA 98418
253-476-3268

abigfatcat@hotmail.com

Ballot Title
Initiative Measure No. 990 concerns lying about war.

This measure would define the crime of lying about war, and would make this a felony punishable by life imprisonment without possibility of parole if death or injury to a Washington citizen results. Should this measure be enacted into law? Yes No

Ballot Measure Summary

This measure would define the crime of "lying about war" as knowingly making a false or misleading statement to the country or its elected representatives in order to convince the country to go to war or to remain in an ongoing war, if the statement results in death or injury to a citizen of Washington state. Lying about war would be a class A felony and punishable by life imprisonment without the possibility of parole.

No signatures submitted

[View Complete Text](#) 

Assigned Number: 991
Filed: 01/04/2008

Sponsor
Mr. David Henshaw
3827 South G St
Tacoma, WA 98418
253-476-3268

abigfatcat@hotmail.com

Ballot Title
Initiative Measure No. 991 concerns communications between elected officials and lobbyists.

This measure would require lobbyists to pay a \$1,000 registration fee and file recordings of communications with elected officials, and would provide criminal and civil penalties for certain acts by lobbyists and officials. Should this measure be enacted into law? Yes No

Ballot Measure Summary

This measure would require the Public Disclosure Commission to collect a \$1,000 registration fee from anyone initially registering as a lobbyist. Any lobbyist would be required to file with the commission a verbatim transcript or recording of any communication with an elected official, and would be subject to monetary penalties for failing to do so. Elected officials and lobbyists would be subject to fines and imprisonment for attempting to mislead the public concerning their communications.

No signatures submitted

[View Complete Text](#) 

Assigned Number: 992
Filed: 01/04/2008

Ballot Title
Initiative Measure No. 992 concerns firearm safety.

Sponsor

Mr. David Henshaw
3827 South G St
Tacoma, WA 98418
253-476-3268

abigfatcat@hotmail.com

This measure would require a firearm safety class to receive a concealed pistol license, and penalize applicants who falsify attendance on applications, and dealers who sell firearms to persons who have not attended. Should this measure be enacted into law? Yes [] No []

Ballot Measure Summary

This measure would prohibit issuing a license to carry a concealed pistol to any person who has not attended a firearm safety class. It would also impose monetary penalties for either making a false statement regarding attending a firearm safety class on an application for a license to carry a concealed pistol, and for any dealer who knowingly sells or delivers a firearm to any person who has not attended a firearm safety class.

No signatures submitted

View Complete Text 

Assigned Number: 994

Filed: 01/04/2008

Sponsor

Mr. David Henshaw
3827 South G St
Tacoma, WA 98418
253-476-3268

abigfatcat@hotmail.com

Ballot Title

Initiative Measure No. 994 concerns certain assault crimes.

This measure would revise the definition of first degree assault, second degree assault, and second degree assault of a child, and would increase the seriousness level of certain assault crimes for sentencing purposes. Should this measure be enacted into law? Yes [] No []

Ballot Measure Summary

This measure would require first degree assault based on infliction of great bodily harm to cause pain equivalent to torture, and would remove from second degree assault an assault by the knowing infliction of pain equivalent to torture. The measure would remove a history of child assault as a requirement for second degree child assault. The measure would increase the seriousness level of certain assault crimes for sentencing purposes to the second most serious level.

No signatures submitted

View Complete Text 

Assigned Number: 995

Filed: 01/04/2008

Sponsor

Mr. David Henshaw
3827 South G St
Tacoma, WA 98418
253-476-3268

abigfatcat@hotmail.com

Ballot Title

Initiative Measure No. 995 concerns trading in special influence.

This measure would elevate the crime of "trading in special influence" from a class C felony to a class A felony, and address standards for a court to apply when sentencing those convicted. Should this measure be enacted into law? Yes [] No []

Ballot Measure Summary

This measure would elevate the criminal offense known as, "trading in special influence" from a class C felony to a class A felony. It would also amend the statute listing criminal offenses and assigning them to a "seriousness level" for use in deciding upon the length of a sentence, assigning this offense the same seriousness level as homicide by abuse, malicious explosion in the first degree, and murder in the first degree.

No signatures submitted

[View Complete Text](#) 

Assigned Number: 996
Filed: 01/04/2008

Sponsor

Mr. David Henshaw
3827 South G St
Tacoma, WA 98418
253-476-3268

abigfatcat@hotmail.com

Ballot Title

Initiative Measure No. 996 concerns motor vehicle licenses.

This measure would repeal certain laws relating to motor vehicle licenses, including license tab renewal fees. The Department of Revenue would be required to increase the fuel tax to offset license fee losses. Should this measure be enacted into law? Yes [] No []

Ballot Measure Summary

This measure would repeal certain laws relating to the licensing of motor vehicles. It would repeal certain fees associated with a vehicle's license, other than initial registration. Initial valid registrations would remain valid without a renewal requirement. The Department of Licensing would annually report fees that would otherwise have been collected but for their repeal. The Department of Revenue would be required to increase fuel taxes in an amount sufficient to offset the lost fees.

No signatures submitted

[View Complete Text](#) 

Assigned Number: 997
Filed: 01/07/2008

Sponsor

Mr. Jon T. Haugen
13502 NW 49th Ave
Vancouver, WA 98685
360-907-8340

info@haugensenate.com

Ballot Title

Initiative Measure No. 997 concerns valuation of single-family residences for property tax purposes.

This measure would limit tax valuation of single-family residences to the assessed value on December 31, 2005, adjusted annually for inflation but not greater than two percent higher than the previous year's valuation. Should this measure be enacted into law? Yes [] No []

Ballot Measure Summary

This measure would limit the property tax valuation of any single-family residence to its assessed value on December 31, 2005, adjusted annually for inflation based on the consumer price index. Increases could not exceed two percent over the previous year's valuation. "Single-family residence" means a single-family dwelling unit and the land it stands on. "Consumer price index" means the average consumer price index for the Seattle area compiled by the United States Department of Labor.

No signatures submitted

[View Complete Text](#) 

Assigned Number: 998
Filed: 01/07/2008

Sponsor

Ballot Title

Initiative Measure No. 998 concerns retail sales and use taxes.

Mr. Bronn Journey
PO Box 1108
Sultan, WA WA

This measure would revise Washington law regarding imposition, collection, administration, and distribution of, state and local sales and use taxes in specific ways. Should this measure be enacted into law? Yes No

RepealSenateBill5089@BronnJourney

Ballot Measure Summary

This measure would repeal a bill passed by the legislature in 2007, which was entitled, "An act relating to conforming Washington's tax structure to the streamlined sales and use tax agreement," thereby repealing numerous statutes and statutory amendments related to the sales and use taxes.

No signatures submitted

[View Complete Text](#) 

Assigned Number: 1000
Filed: 01/09/2008

Sponsor

Mr. Booth Gardner
PO Box 21984
Seattle, WA 98111
206-633-2008

campaign@itsmydecision.org

Ballot Title

Initiative Measure No. 1000 concerns allowing certain terminally ill competent adults to obtain lethal prescriptions.

This measure would permit terminally ill, competent, adult Washington residents, who are medically predicted to have six months or less to live, to request and self-administer lethal medication prescribed by a physician. Should this measure be enacted into law? Yes No

Ballot Measure Summary

This measure would permit terminally ill, competent, adult Washington residents medically predicted to die within six months, to request and self-administer lethal medication prescribed by a physician. The measure requires two oral and one written request, two physicians to diagnose the patient and determine the patient is competent, a waiting period, and physician verification of an informed patient decision. Physicians, patients and others acting in good faith compliance would have criminal and civil immunity.

[View Complete Text](#) 

Assigned Number: 1001
Filed: 01/15/2008

Sponsor

Mr. Jackson E. Millikan
1216 Conger Ave
Olympia, WA 98502
360-888-2335

votehope@gmail.com

Ballot Title

Initiative Measure No. 1001 concerns elections.

This measure would direct legislative enactment of a voting system in which voters would rank candidates for an office based on the voters' preference, with the winner determined based on voter rankings. Should this measure be enacted into law? Yes No

Ballot Measure Summary

This measure would direct the legislature to adopt a system of voting under which voters would rank up to four candidates for each office in order of preference. If a majority of voters rank a particular candidate first, that candidate wins the election. If no candidate receives such a majority, less successful candidates would be eliminated and votes cast for them would be reassigned to other candidates according to the voter's ranked order of preference.

No signatures submitted

[View Complete Text](#)

Assigned Number: 1002
Filed: 01/04/2008

Initiative Subject
Related to reducing traffic congestion

Sponsor
Mr. Tim Eyman
Mr. Leo J. Fagan
Mr. M. J. Fagan
PO Box 18259
Spokane, WA 99228
425-493-8707
Fax: 425-493-1027
jakatak@comcast.net

[View Complete Text](#)

Withdrawn by sponsor on 2-04-2008

Assigned Number: 1003
Filed: 01/09/2008

Ballot Title
Initiative Measure No. 1003 concerns arrest and detention of certain persons.

Sponsor
Ms. Rebecca Turner
PO Box 45
Olympia, WA 98507
360-359-6365

This measure would restrict release by law enforcement officers of persons arrested or detained who are or may be illegal foreign nationals, require state oversight, local government plans, and establish penalties for noncompliance. Should this measure be enacted into law? Yes No

nosanctuary2008@gmail.com

Ballot Measure Summary

This measure would require law enforcement agencies to determine whether arrestees are in Washington illegally, and would restrict the release of arrestees and detainees who are or may be illegal foreign nationals. The measure would require the attorney general to promulgate rules, investigate noncompliance, and oversee criminal and civil noncompliance actions. Local governments would be required to enact a compliance plan, and would be subject to forfeiture of state tax revenue for noncompliance.

No signatures submitted

[View Complete Text](#)

Assigned Number: 1004
Filed: 01/04/2008

Ballot Title
Initiative Measure No. 1004 concerns voter registration.

Sponsor
Mr. Kramer R. Phillips
804 East Alder St
Walla Walla, WA 99362
206-920-1672

This measure would require every applicant for a new or renewed driver's license or state identicard who is eligible to vote to register to vote, with the Secretary of State determining eligibility. Should this measure be enacted into law? Yes No

kramerphillips@gmail.com

Ballot Measure Summary

This measure would require every person to register to vote when completing an application for a new or renewed Washington driver's license or identicard, if he or she is eligible to vote. It would require the Department of Licensing and Secretary of State to share data, and require the Secretary of State to determine, within one business day, whether the person is already registered and, if not, whether he or she is eligible.

No signatures submitted

[View Complete Text](#) 

Assigned Number: 1006
Filed: 01/18/2008

Sponsor
Mr. David L. Slipp
P.O. Box 264
Olympia, WA 98507-0264
360-273-6494
Fax: 253-669-3295
wtsea@comcast.net

Ballot Title
Initiative Measure No. 1006 concerns traffic safety education.

This measure would require state assistance and reimbursement to school districts for traffic safety education programs, and dedicate 15% of fines from certain driving-related offenses to school district traffic safety education programs. Should this measure be enacted into law? Yes [] No []

Ballot Measure Summary

This measure would require the superintendent of public instruction to hire or appoint staff specifically to assist school districts with traffic safety education programs. A traffic safety education subaccount would be created and funded with 15% of the revenues from fines collected by the courts on certain moving traffic and driving-related offenses. Money in the account could be appropriated only to pay for school district traffic safety education programs and for complimentary or adjunct expenditures.

No signatures submitted

[View Complete Text](#) 

Assigned Number: 1007
Filed: 01/30/2008

Sponsor
Mr. Michael J. Amaral
P.O. Box 88862
Steilacoom, WA 98388
253-370-0068

iamyoursamaritanact@live.com

Ballot Title
Initiative Measure No. 1007 concerns driver instruction permit requirements.

This measure would require applicants for a driver's instruction permit to verify that they have completed a course in cardiopulmonary resuscitation (CPR) and first aid, including use of an automated external defibrillator (AED). Should this measure be enacted into law? Yes [] No []

Ballot Measure Summary

This measure would require applicants for a driver's instruction permit to submit verification that they have completed a course in cardiopulmonary resuscitation (CPR) and first aid, including use of an automated external defibrillator (AED). The course must be approved by the American Heart Association, the American Red Cross, or an equivalent approved by the department of licensing. The measure contains provisions for liberal construction and severability, and sections explaining the purpose of the measure.

No signatures submitted

[View Complete Text](#) 

Assigned Number: 1008
Filed: 01/31/2008

Sponsor

Ballot Title
Initiative Measure No. 1008 concerns the use of public money and public resources.

Mr. Patrick M. Crawford
P.O. Box 161
Littlerock, WA 98556
360-357-7536

blaster-chemist@juno.com

This measure would prohibit the state and local government units from using money or public resources for anything to do with global warming or the emission or reduction of emission of greenhouse gases. Should this measure be enacted into law? Yes No

Ballot Measure Summary

This measure would prohibit the state of Washington, and any agency or political subdivision thereof, from spending any money, incurring any cost, or using any public resources for anything to do with global warming or the emission or reduction of emission of greenhouse gases, including expenses related to meetings and travel.

No signatures submitted

View Complete Text 

Assigned Number: 1010
Filed: 01/23/2008

Sponsor

Mr. Allan Dyer
PO Box 510
Ravensdale, WA 98056
206-300-9213

allangdyer1@yahoo.com

Ballot Title

Initiative Measure No. 1010 concerns presidential electoral votes.

This measure would allocate Washington's electoral votes proportionately as specified, based on the popular vote for presidential and vice-presidential candidates, and provide for selection of presidential electors and judicial review of elector contests. Should this measure be enacted into law? Yes No

Ballot Measure Summary

This measure would allocate Washington's electoral votes in proportion to the general election ballots cast for each presidential and vice-presidential candidate, rounded to the nearest whole number. The measure provides a process to adjust the electoral vote calculation and to determine final presidential electors from those nominated in order to match the number of electoral votes to which Washington is entitled. The measure would provide for expedited supreme court review of challenges concerning presidential electors.

No signatures submitted

View Complete Text 

Assigned Number: 1011
Filed: 02/06/2008

Sponsor

Mr. Tim Eyman
Mr. Leo J. Fagan
Mr. M. J. Fagan
P.O. Box 18250
Spokane, WA 99228
425-493-8707
425-493-1027

jakatak@comcast.net

Ballot Title

Initiative Measure No. 1011 concerns the Port of Seattle.

This measure would eliminate all Port of Seattle commissioner and staff positions, direct the transfer of Port operations to King County, discontinue Port property taxes, and require certain Port bonds to be retired. Should this measure be enacted into law? Yes No

Ballot Measure Summary

This measure would eliminate all commissioner and staff positions at the Port of Seattle, and would direct the transfer of all Port operations to King County. The measure would redefine the term "taxing district" to exclude the Port of Seattle, discontinue the Port's property tax levies, and require that certain Port bonds be retired or defeased by March 31, 2009, if property taxes are pledged for payment and the bonds may

lawfully be retired early.

No signatures submitted

[View Complete Text](#)

Assigned Number: 1012
Filed: 02/08/2008

Sponsor

Mrs. Teresa R. McCormick
12018 Nyanza Rd SW
Lakewood, WA 98499
253-584-2612

tmick99@hotmail.com

Ballot Title

Initiative Measure No. 1012 concerns disclosure of the presence of mold by property inspectors.

This measure would require the Washington State Department of Agriculture to require wood destroying organism inspectors and home inspectors to disclose the presence and amount of mold on the properties that they inspect. Should this measure be enacted into law? Yes No

Ballot Measure Summary

This measure would require the Washington State Department of Agriculture to require wood destroying organism inspectors and home inspectors to disclose the presence of mold, and the amount of mold, on the properties that they inspect.

No signatures submitted

[View Complete Text](#)

Assigned Number: 1013
Filed: 02/08/2008

Sponsor

Mrs. Teresa R. McCormick
12018 Nyanza Rd SW
Lakewood, WA 98499
253-584-2612

tmick99@hotmail.com

Ballot Title

Initiative Measure No. 1013 concerns notice of administrative agencies' policies and opinions.

This measure would require state administrative agencies to issue interpretive or policy statements advising the public of their opinions, approaches and likely courses of action. Should this measure be enacted into law? Yes No

Ballot Measure Summary

This measure would require state administrative agencies to advise the public of agencies' current opinions, approaches, and likely courses of action by means of interpretive or policy statements.

No signatures submitted

[View Complete Text](#)

Assigned Number: 1014
Filed: 02/07/2008

Sponsor

Mr. Tim Eyman
Mr. Leo J. Fagan
Mr. M. J. Fagan
P.O. Box 18250
Spokane, WA 99228
425-493-8707
425-493-1027
jakatak@comcast.net

Initiative Subject

Related to protecting the initiative process

[View Complete Text](#)

Withdrawn by sponsor on 02-26-2008

Assigned Number: 1015
Filed: 02/11/2008

Sponsor
Ms. Linda S. Lee
33615 1st Way S., Suite A
Federal Way, WA 98003
866-371-3200

traininginitiative@seiu775.org

Ballot Title
Initiative Measure No. 1015 concerns long-term care workers for the elderly or persons with disabilities.

This measure would require newly-hired long-term care workers for the elderly or persons with disabilities to be certified after passing an examination. It would also require increased training and additional criminal background checks. Should this measure be enacted into law? Yes [] No []

Ballot Measure Summary
This measure would require that long-term care workers for the elderly or persons with disabilities hired after January 1, 2010, be certified within 120 days of hiring. Certification requirements would include increased state-approved training and a certification examination. Some of the training could be waived for workers who already have certain healthcare licenses or upon passing a challenge test. A federal criminal background check would be performed and paid for by the state.

No signatures submitted

[View Complete Text](#)

Assigned Number: 1017
Filed: 02/13/2008

Sponsor
Mr. Tim Eyman
Mr. Leo J. Fagan
Mr. M. J. Fagan
P.O. Box 18250
Spokane, WA 99228
425-493-8707
425-493-1027
jakatak@comcast.net

Ballot Title
Initiative Measure No. 1017 concerns the Port of Seattle.

This measure would direct transfer of all Port of Seattle operations and responsibilities to King County, discontinue Port of Seattle property taxes, and require certain Port of Seattle bonds to be retired early. Should this measure be enacted into law? Yes [] No []

Ballot Measure Summary
This measure would direct that all operations and responsibilities of the Port of Seattle be transferred to King County. The measure would redefine the term "taxing district" to exclude the Port of Seattle, discontinue the Port's property tax levies, and require that certain Port bonds be retired or defeased by March 31, 2009, if property taxes are pledged for payment and the bonds may lawfully be retired early.

No signatures submitted

[View Complete Text](#)

Assigned Number: 1018
Filed: 02/27/2008

Sponsor
Mr. Tim Eyman
Mr. Leo J. Fagan
Mr. M. J. Fagan
P.O. Box 18250
Spokane, WA 99228
425-493-8707
425-493-1027
jakatak@comcast.net

Ballot Title
Initiative Measure No. 1018 concerns the initiative and referendum processes.

This measure would require two-thirds legislative majority on certain bills concerning initiatives or referendums; limit legal challenges to initiatives and referendums to post-election lawsuits; and revise petition acceptance, language and signature gathering requirements. Should this measure be enacted into law? Yes [] No []

Ballot Measure Summary
This measure would require bills that the measure defines as "interfering" with the initiative or referendum process to receive

a two-thirds legislative majority. Court review of challenges to initiatives and referendums would be allowed only after the initiative or referendum is voted on. Signature gatherers could not be regulated or required to identify themselves. Petition language would be revised. Civil penalties would be provided for actions that the measure defines as "interfering" with signature gathering.

No signatures submitted

[View Complete Text](#) 

Assigned Number: 1019
Filed: 03/05/2008

Sponsor
Mr. Tim Eyman
Mr. M.J. Fagan
Mr. Leo Fagan
PO Box 18250
Spokane, WA 99228
425-493-8707
Fax: 425-493-1027
jakatak@comcast.net

Ballot Title
Initiative Measure No. 1019 concerns the Port of Seattle.

This measure would direct the transfer of Port of Seattle operations and responsibilities to King County, discontinue certain existing Port of Seattle property taxes, and withdraw its authority to levy certain property taxes. Should this measure be enacted into law? Yes [] No []

Ballot Measure Summary
This measure would direct the transfer of all Port of Seattle operations and responsibilities to King County. The state auditor would be responsible for investigating and monitoring King County's port operations and responsibilities. King County would be required to provide at least \$3 million annually to fund state auditor oversight. The Port of Seattle's authority to levy certain property taxes would be withdrawn, and certain existing Port of Seattle property tax levies would be discontinued.

No signatures submitted

[View Complete Text](#) 

Assigned Number: 1020
Filed: 03/10/2008

Sponsor
Mr. Tim Eyman
Mr. M. J. Fagan
Mr. Leo J. Fagan
P.O. Box 18250
Spokane, WA 99228
425-493-9127
425-493-1027
jakatak@comcast.net

Initiative Subject
Related to protecting the initiative process

[View Complete Text](#) 

Withdrawn by sponsor on 03-20-2008

Assigned Number: 1021
Filed: 02/27/2008

Sponsor
Ms. Linda S. Lee
33615 1st Way S., Suite A
Federal Way, WA 98003
866-371-3200
traininginitiative@seiu775.org

Ballot Title
Initiative Measure No. 1021 concerns long-term care workers for the elderly or persons with disabilities.

This measure would revise examination, certification, and professional discipline standards and requirements, including increased training and criminal background check requirements, relating to long-term care workers for the elderly or persons with disabilities. Should this measure be enacted into law? Yes [] No []

Ballot Measure Summary

This measure would increase training requirements for long-term care workers for the elderly or persons with disabilities. It would require that such workers be certified by the state within 120 days of hiring, but some of the training could be waived for previously-hired workers, and for workers who already have certain healthcare licenses or upon passing a challenge test. A federal criminal background check would be performed and paid for by the state.

No signatures submitted

[View Complete Text](#) 

Assigned Number: 1023

Filed: 02/27/2008

Sponsor

Ms. Inga Gibson
P.O. Box 20807
Seattle, WA 98102
206-328-8100

Ballot Title

Initiative Measure No. 1023 concerns confinement of egg-laying domestic birds.

This measure would make it a gross misdemeanor, as of 2015, to confine egg-laying domestic birds on a farm in a manner that prevents them from fully spreading their wings, with certain exceptions. Should this measure be enacted into law? Yes No

Ballot Measure Summary

This measure would make it a gross misdemeanor, as of 2015, to confine an egg-laying hen, for all or the majority of any day, in a manner that prevents the bird from fully spreading both wings without touching the side of an enclosure or other egg-laying hens. "Egg-laying hens" include female domesticated chickens, turkeys, ducks, geese, and guinea fowl. The measure would not apply to certain research, veterinary, and slaughtering practices, transportation, or fair exhibitions.

No signatures submitted

[View Complete Text](#) 

Assigned Number: 1024

Filed: 02/27/2008

Sponsor

Ms. Inga Gibson
P.O. Box 20807
Seattle, WA 98102
206-328-8100

Ballot Title

Initiative Measure No. 1024 concerns confinement of certain farm animals.

This measure would make it a gross misdemeanor, as of 2015, to tether or confine certain farm animals in a manner that prevents them lying down, standing, or turning, with certain specified exceptions. Should this measure be enacted into law? Yes No

Ballot Measure Summary

This measure would make it a gross misdemeanor, as of 2015, to tether or confine certain farm animals, for all or the majority of any day, in a manner that prevents them from lying down, standing up, fully extending their limbs, or turning around freely. Covered animals would include calves raised for veal, pregnant pigs, and female birds kept for egg production. The measure would not apply in certain circumstances, including veterinary treatment and research.

No signatures submitted

[View Complete Text](#) 

Assigned Number: 1025
Filed: 03/17/2008

Sponsor
Mr. Tim Eyman
Mr. Leo J. Fagan
Mr. M. J. Fagan
P.O. Box 18250
Spokane, WA 99228
425-493-8707
425-493-1027
jakatak@comcast.net

Ballot Title
Initiative Measure No. 1025 concerns the Port of Seattle.

This measure would require transfer of Port of Seattle operations and responsibilities to King County; discontinue Port of Seattle property taxes and authority to levy property taxes; and provide for state auditor oversight. Should this measure be enacted into law? Yes No

Ballot Measure Summary

This measure would direct the transfer of all Port of Seattle operations and responsibilities to King County. The state auditor would be responsible for investigating and monitoring King County's port operations and responsibilities. King County would be required to provide no less than \$3 million per year to fund state auditor oversight. The Port of Seattle's authority to levy property taxes would be withdrawn, and existing Port of Seattle property tax levies would be discontinued.

No signatures submitted

[View Complete Text](#) 

Assigned Number: 1026
Filed: 03/03/2008

Sponsor
Mr. John M. Smith
17 Torppa Road
Naselle, WA 98638
360-484-7738

iwa@wwest.net

Ballot Title
Initiative Measure No. 1026 concerns elections.

This measure would restrict regulation of initiative and referendum processes; require two-thirds legislative vote for any bill exempt from referendum with reasons to be specified; and revise certain election-related petition requirements and formats. Should this measure be enacted into law? Yes No

Ballot Measure Summary

This measure proposes to restrict the Legislature's authority to regulate the initiative and referendum processes to requirements enumerated in the state constitution, and declare valid all signatures by legal voters on any petition. It would require a two-thirds legislative vote for any bill that is exempt from referendum and would require the Legislature to specify the basis for the exemption. It would also revise the petition formats for initiatives, referendums, recalls, and certain candidate filings.

No signatures submitted

[View Complete Text](#) 

Assigned Number: 1027
Filed: 03/20/2008

Sponsor
Mr. Tim Eyman
Mr. Leo J. Fagan
Mr. M. J. Fagan

Ballot Title
Initiative Measure No. 1027 concerns the initiative and referendum processes.

This measure would require a two-thirds legislative majority to change laws concerning initiatives or referendums; prohibit pre-election lawsuits challenging initiatives and referendums;

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 Spokane, WA 99228
 425-493-8707
 425-493-1027
 jakatak@comcast.net

and revise laws concerning petition acceptance, filing, language and signature gathering. Should this measure be enacted into law? Yes No

Ballot Measure Summary

This measure would require a two-thirds legislative majority to change laws concerning initiatives and referendums and prescribe legal standards for such laws to be valid. Challenges to initiatives or referendums could be brought only after the initiative or referendum is voted on. State officials would be required to process referendum petitions on laws containing emergency clauses. Signature gatherers could not be regulated, petition language would be revised, and the signature gathering period would be increased.

No signatures submitted

[View Complete Text](#) 

Assigned Number: 1029
Filed: 03/12/2008

Sponsor

Ms. Linda S. Lee
 33615 1st Way South, Suite A
 Federal Way, WA 98003
 866-371-3200

traininginitiative@seiu775.org

Ballot Title

Initiative Measure No. 1029 concerns long-term care services for the elderly and persons with disabilities.

This measure would require long-term care workers to be certified as home care aides based on an examination, with exceptions; increase training and criminal background check requirements; and establish disciplinary standards and procedures. Should this measure be enacted into law? Yes No

Ballot Measure Summary

Beginning January 1, 2010, this measure would require certification for long-term care workers for the elderly and persons with disabilities, requiring a written examination, increased and additional criminal background checks. Continuing education would be required in order to retain certification. Disciplinary standards and procedures would be applied to long-term care workers who are certified as home care aides. Certain workers would be exempt based on prior employment, training or other circumstances.

[View Complete Text](#) 

Assigned Number: 1030
Filed: 03/26/2008

Sponsor

Mr. Winton G. Cannon
 16443 S.E. 8th Street
 Bellevue, WA 98008
 425-746-2983

Ballot Title

Initiative Measure No. 1030 concerns property taxes.

This measure would add provisions to state law concerning how assessed value and tax rates are computed for private real property, and require the legislature to enact laws to carry out its intent. Should this measure be enacted into law? Yes No

Ballot Measure Summary

This measure would limit assessed value of privately-owned real property to not more than the property's property tax in 2008, reduced by 30%; require taxing districts to reduce regular property tax levies as necessary to prevent the values exempted under this measure from resulting in a higher tax rate than would have occurred in the absence of the reduction

in assessed values; and require the legislature to enact new laws to implement the measure's intent.

No signatures submitted

View Complete Text 

Assigned Number: (not assigned)
Filed: 01/04/2008

Inactive - Deadline Expired

Sponsor
Ms. Jennifer Hillman
10041 Ashworth Ave N.
Seattle, WA 98133
206-783-1451

jhillman@hsus.org

Assigned Number: (not assigned)
Filed: 01/04/2008

Inactive - Deadline Expired

Sponsor
Ms. Jennifer Hillman
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206-783-1451

jhillman@hsus.org

Assigned Number: (not assigned)
Filed: 01/04/2008

Inactive - Deadline Expired

Sponsor
Mr. David Henshaw
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tacoma, WA 98418
253-476-3268

abigfatcat@hotmail.com

Assigned Number: (not assigned)
Filed: 01/04/2008

Inactive - Deadline Expired

Sponsor
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Tacoma, WA 98418
253-476-3268

abigfatcat@hotmail.com

Assigned Number: (not assigned)
Filed: 01/11/2008

Inactive - Deadline Expired

Sponsor
Ms. Teresa R. McCormick
12018 Nyanza Road SW

Lakewood, WA 98499
253-584-2612

tmick99@hotmail.com

Assigned Number: (not assigned)
Filed: 01/11/2008

Sponsor
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tmick99@hotmail.com

Inactive - Deadline Expired

Assigned Number: (not assigned)
Filed: 01/30/2008

Sponsor
Mr. Douglas T. Rice
4528 N. Campbell Rd
Otis Orchards, WA 99027
509-622-6348

Inactive - Deadline Expired

Assigned Number: (not assigned)
Filed: 01/30/2008

Sponsor
Ms. Linda Suzanne Lee

Federal Way, WA 98003

Initiative Subject
Rejected - Affidavit corrected and Initiative Re-Filed

Assigned Number: (not assigned)
Filed: 02/20/2008

Sponsor
Mr. Winton G. Cannon
16443 S.E. 8th St
Bellevue, WA 98008
425-746-2983

Inactive - Deadline Expired

Assigned Number: (not assigned)
Filed: 03/12/2008

Sponsor
Ms. Linda S. Lee
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Federal Way, WA 98003
866-371-3200

Inactive - Deadline Expired

traininginitiative@seiu775.org

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Washington Secretary of State
520 Union Ave SE
PO Box 40229, Olympia WA 98504-0229
(360) 902-4180



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EXHIBIT L



Washington
Secretary of State
SAM REED

ELECTIONS DIVISION
520 Union Avenue SE • PO Box 40229
Olympia, WA 98504-0229
Tel: 360.902.4180
Fax: 360.664.4619
www.secstate.wa.gov/elections

April 4, 2008

Linda S. Lee
c/o Judith Krebs
33615 1st Way South, Suite A
Federal Way, WA 98003

Dear Ms. Lee:

We have received the official ballot title and summary statement for Initiative to the People No. 1029 from the Attorney General. A copy of the ballot title and summary statements is attached.

The official ballot title and summary statement must appear on the front of each signature petition sheet circulated in support of this measure.

While we do not review initiatives for content, we would be happy to review the final proof copy of your petition sheet for matters of form and style should you desire such consultation.

Please read the Washington State laws relating to the requirements of petition layout and signature gathering (RCW 29A.72). We are also enclosing a list of suggestions for you to follow to make your signature gathering process easier.

If you have any further questions as you prepare for the circulation of this initiative measure, please do not hesitate to contact our office.

Sincerely,

SAM REED
Secretary of State

Teresa Glidden
Initiative Supervisor
Enclosure

EXHIBIT M



I-1029 WILL IMPROVE CARE FOR SENIORS, PERSONS WITH DISABILITIES, AND THE VULNERABLE:

- ✓ *FBI background checks to assure safety and peace of mind.*
- ✓ *Improved training and certification for home care and other long-term care workers.*

www.yeson1029.org

BALLOT TITLE

Initiative Measure No. 1029 concerns long-term care services for the elderly and persons with disabilities. This measure would require long-term care workers to be certified as home care aides based on an examination, with exceptions; increase training and criminal background check requirements; and establish disciplinary standards and procedures. Should this measure be enacted into law? Yes [] No []

BALLOT MEASURE SUMMARY

Beginning January 1, 2010, this measure would require certification for long-term care workers for the elderly and persons with disabilities, requiring a written examination, increased training and additional criminal background checks. Continuing education would be required in order to retain certification. Disciplinary standards and procedures would be applied to long-term care workers who are certified as home care aides. Certain workers would be exempt based on prior employment, training or other circumstances.

To the Honorable Sam Reed, Secretary of State of the State of Washington:

We, the undersigned citizens and legal voters of the State of Washington, respectfully direct that this petition and the proposed measure known as Initiative Measure No. 1029, entitled "Statement of Subject: Initiative Measure No. 1029 concerns long-term care services for the elderly and persons with disabilities. Concise Description: This measure would require long-term care workers to be certified as home care aides based on examination, with exceptions: increase training and criminal background check requirements; and establish disciplinary standards and procedures.", a full, true, and correct copy of which is printed on the reverse side of this petition, be transmitted to the legislature of the State of Washington at its next ensuing regular session, and we respectfully petition the legislature to enact said proposed measure into law; and each of us for himself or herself says: I have personally signed this petition; I am a legal voter of the State of Washington in the city (or town) and county written after my name, my residence address is correctly stated, and I have knowingly signed this petition only once.

WARNING: Every person who signs this petition with any other than his or her true name, knowingly signs more than one of these petitions, signs this petition when he or she is not a legal voter or makes any false statement on this petition may be punished by fine or imprisonment or both.

1	SIGNATURE	PRINT NAME HERE	ADDRESS WHERE REGISTERED TO VOTE		
	<small>Please sign as registered to vote</small>	<small>For positive identification</small>	<small>Street or rural route & box number</small>	<small>City</small>	<small>County</small>
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INITIATIVE 1029 FOR QUALITY LONG TERM CARE

Relating to long-term care services for the elderly and persons with disabilities, amending RCW 74.39A.009, 74.39A.040, 74.39A.350, 74.39A.050, and 18.130.040, repealing and amending RCW 18.130.040, adding new sections to chapter 74.39A RCW, adding a new title, chapter, and RCW, adding a new chapter to Title 18 RCW, creating new sections, providing an effective date, and providing a contingent effective date.

BE ENACTED BY THE PEOPLE OF THE STATE OF WASHINGTON:

NEW SECTION. Sec. 1. It is the intent of the people through this initiative to protect the safety of and improve the quality of care to the vulnerable elderly and persons with disabilities.

The people find and declare that current procedures to train and educate long-term care workers and to protect the elderly or persons with disabilities from caregivers with a criminal background are insufficient. The people find and declare that long-term care workers for the elderly or persons with disabilities should have a federal criminal background check and a formal system of education and experiential qualifications leading to a certification test.

The people find that the quality of long-term care services for the elderly and persons with disabilities is dependent upon the competency of the workers who provide those services. To assure and enhance the quality of long-term care services for the elderly and persons with disabilities, the people recognize the need for federal criminal background checks and increased training requirements. Their establishment should protect the vulnerable elderly and persons with disabilities, bring about a more stabilized workforce, improve the quality of long-term care services, and provide a valuable resource for recruitment into long-term care services for the elderly and persons with disabilities.

Sec. 2. RCW 74.39A.009 and 2007 c 361 s 2 are each amended to read as follows:

Unless the context clearly requires otherwise, the definitions in this section apply throughout this chapter.

(1) "Adult family home" means a home licensed under chapter 18.20 RCW.

(2) "Adult residential care" means services provided by a boarding home that is licensed under chapter 18.20 RCW and that has a contract with the department under RCW 74.39A.020 to provide personal care services.

(3) "Assisted living services" means services provided by a boarding home that has a contract with the department under RCW 74.39A.010 to provide personal care services, intermittent nursing services, and medication administration services, and the resident is housed in a private apartment-like unit.

(4) "Boarding home" means a facility licensed under chapter 18.20 RCW.

(5) "Core competencies" means basic training topics, including but not limited to, communication skills, worker self care, problem solving, maintaining dignity, consumer directed care, cultural sensitivity, body mechanics, fall prevention, skin and body care, long-term care worker roles and boundaries, supporting activities of daily living, and food preparation and handling.

(6) "Cost-effective care" means care provided in a setting of an individual's choice that is necessary to promote the most appropriate level of physical, mental, and psychosocial well-being consistent with client choice, in an environment that is appropriate to the care and safety needs of the individual, and such care cannot be provided at a lower cost in any other setting. But this in no way precludes an individual from choosing a different residential setting to achieve his or her desired quality of life.

((#9)) (7) "Department" means the department of social and health services.

((#9)) (8) "Developmental disability" has the same meaning as defined in RCW 71A.10.020.

((#9)) (9) "Direct care worker" means a paid caregiver who provides direct, hands-on personal care services to persons with disabilities of the elderly requiring long-term care.

(10) "Enhanced adult residential care" means services provided by a boarding home that is licensed under chapter 18.20 RCW and that has a contract with the department under RCW 74.39A.010 to provide personal care services, intermittent nursing services, and medication administration services.

((#11)) (11) "Functionally disabled person" or "person who is functionally disabled" is synonymous with chronic functionally disabled and means a person who because of a recognized chronic physical or mental condition or disease, or developmental disability, including chemical dependency, is impaired to the extent of being dependent upon others for direct care, support, supervision, or monitoring to perform activities of daily living. "Activities of daily living", in this context, means self-care abilities related to personal care such as bathing, eating, using the toilet, dressing, and transfer. Instrumental activities of daily living may also be used to assess a person's functional abilities as they are related to the mental capacity to perform activities in the home and the community such as cooking, shopping, house cleaning, doing laundry, working, and managing personal finances.

((#9)) (12) "Home and community services" means adult family homes, in-home services, and other services administered or provided by contract by the department directly or through contract with area agencies on aging or similar services provided by facilities and agencies licensed by the department.

((#9)) (13) "Home care aide" means a long-term care worker who has obtained certification as a home care aide by the department of health.

(14) "Individual provider" is defined according to RCW 74.39A.240.

(15) "Long-term care" is synonymous with chronic care and means care and supports delivered indefinitely, intermittently, or over a sustained time to persons of any age disabled by chronic mental or physical illness, disease, chemical dependency, or a medical condition that is permanent, not reversible or curable, or is long-lasting and severely limits their mental or physical capacity for self-care. The use of this definition is not intended to expand the scope of services, care, or assistance by any individuals, groups, residential care settings, or professions unless otherwise expressed by law.

((#14)) (16) (a) "Long-term care workers for the elderly or persons with disabilities" or "long-term care workers" includes all persons who are long-term care workers for the elderly or persons with disabilities, including but not limited to individual providers of home care services, direct care employees of home care agencies, providers of home care services to persons with developmental disabilities under Title 71 RCW, all direct care workers in state licensed boarding homes, assisted living facilities, and adult family homes, respite care providers, community residential service providers, and any other direct care worker providing home or community-based services to the elderly or persons with functional disabilities or developmental disabilities.

(b) "Long-term care workers" do not include: (i) Persons employed in nursing homes subject to chapter 18.51 RCW, hospitals or other acute care settings, hospice agencies subject to chapter 70.127 RCW, adult day care centers, and adult day health care centers; or (ii) persons who are not paid by the state or by a private agency or facility licensed by the state to provide personal care services.

((#14)) (17) "Nursing home" means a facility licensed under chapter 18.51 RCW.

((#14)) (18) "Personal care services" means physical or verbal assistance with activities of daily living and instrumental activities of daily living provided because of a person's functional disability.

(19) "Population specific competencies" means basic training topics unique to the care needs of the population the long-term care worker is serving, including but not limited to, mental health, dementia, developmental disability, fist, young adults with physical disabilities, and older adults.

(20) "Qualified instructor" means a registered nurse or other person with specific knowledge, training, and work experience in the provision of direct, hands-on personal care and other assistance services to the elderly or persons with disabilities requiring long-term care.

(21) "Secretary" means the secretary of social and health services.

((#14)) (22) "Secretary of health" means the secretary of health or the secretary's designee.

(23) "Training partnership" means a joint partnership or trust (established and maintained jointly) that includes the office of the governor and the exclusive bargaining representative of individual providers under RCW 74.39A.270 with the capacity to provide training, peer mentoring, and (re)certification required under this chapter, and educational career) workforce development, or other services to individual providers.

((#15)) (24) "Tribally licensed boarding home" means a boarding home licensed by a federally recognized Indian tribe which home provides services similar to boarding homes licensed under chapter 18.20 RCW.

NEW SECTION. Sec. 3. A new section is added to chapter 74.39A RCW to read as follows:

All long-term care workers for the elderly or persons with disabilities hired after January 1, 2010, shall be screened through state and federal background checks in a uniform and timely manner to ensure that they do not have a criminal history that would disqualify them from working with vulnerable persons. These background checks shall include checking against the federal bureau of investigation fingerprint identification records system and against the national sex offenders registry or their successor programs. The department shall share this information with the department of health. The department shall not pass on the cost of these criminal background checks to the workers or their employers. The department shall adopt rules to implement the provisions of this section by August 1, 2009.

NEW SECTION. Sec. 4. (1) Effective January 1, 2010, except as provided in section 7 of this act, the department of health shall require that any person hired as a long-term care worker for the elderly or persons with disabilities must be certified as a home care aide within one hundred fifty days from the date of being hired.

(2) Except as provided in section 7 of this act, certification as a home care aide requires both completion of seventy-five hours of training and successful completion of a certification examination pursuant to sections 5 and 6 of this act.

(3) No person may practice or, by use of any title or description, represent himself or herself as a certified home care aide without being certified pursuant to this chapter.

(4) The department of health shall adopt rules by August 1, 2009, to implement this section.

NEW SECTION. Sec. 5. A new section is added to chapter 74.39A RCW to read as follows:

(1) Effective January 1, 2010, except as provided in section 7 of this act, all persons employed as long-term care workers for the elderly or persons with disabilities must meet the minimum training requirements in this section within one hundred twenty calendar days of employment.

(2) All persons employed as long-term care workers must obtain seventy-five hours of entry level training approved by the department. A long-term care worker must accomplish five of these seventy-five hours before becoming eligible to provide care.

(3) Training required by subsection (4)(c) of this section will be applied towards training required under RCW 18.20.270 or 70.128.230 as well as any statutory or regulatory training requirements for long-term care work-

ers employed by supportive living providers.

(4) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The seventy-five hours of entry-level training required shall be as follows:

(a) Before a long-term care worker is eligible to provide care, he or she must complete two hours of orientation training regarding his or her role as caregiver and the applicable terms of employment;

(b) Before a long-term care worker is eligible to provide care, he or she must complete three hours of safety training, including basic safety precautions, emergency procedures, and infection control; and

(c) All long-term care workers must complete seventy hours of long-term care basic training, including training related to core competencies and population specific competencies.

(5) The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors on the competencies and training topics in this section.

(6) Individual providers under RCW 74.39A.270 shall be compensated for training time required by this section.

(7) The department of health shall adopt rules by August 1, 2009, to implement subsections (1), (2), and (3) of this section.

(8) The department shall adopt rules by August 1, 2009, to implement subsections (4) and (5) of this section.

NEW SECTION. Sec. 6. (1) Effective January 1, 2010, except as provided in section 7 of this act, the department of health shall require that all long-term care workers successfully complete a certification examination. Any long-term care worker failing to make the required grade for the examination will not be certified as a home care aide.

(2) The department of health, in consultation with consumer and worker representatives, shall develop a home care aide certification examination to evaluate whether an applicant possesses the skills and knowledge necessary to practice competently. Unless excluded by section 7 (1) and (2) of this act, only those who have completed the training requirements in section 5 of this act shall be eligible to sit for this examination.

(3) The examination shall include both a skills demonstration and a written or oral knowledge test. The examination papers, all grading of the papers, and records related to the grading of skills demonstration shall be preserved for a period of not less than one year. The department of health shall establish rules governing the number of times and under what circumstances individuals who have failed the examination may sit for the examination, including whether any intermediate remedial steps should be required.

(4) All examinations shall be conducted by fair and wholly impartial methods. The certification examination shall be administered and evaluated by the department of health or by a contractor to the department of health that is neither an employer of long-term care workers or private contractors providing training services under this chapter.

(5) The department of health has the authority to:

(a) Establish forms, procedures, and examinations necessary to certify home care aides pursuant to this chapter;

(b) Hire clerical, administrative, and investigative staff as needed to implement this section;

(c) Issue certification as a home care aide to any applicant who has successfully completed the home care aide examination;

(d) Maintain the official record of all applicants and persons with certificates;

(e) Exercise disciplinary authority as authorized in chapter 18.130 RCW; and

(f) Deny certification to applicants who do not meet training, competency examination, and conduct requirements for certification.

(6) The department of health shall adopt rules by August 1, 2009, that establish the procedures and examinations necessary to carry this section into effect.

NEW SECTION. Sec. 7. The following long-term care workers are not required to become a certified home care aide pursuant to this chapter.

(1) Registered nurses, licensed practical nurses, certified nursing assistants, medicare-certified home health aides, or other persons who hold a similar health credential, as determined by the secretary of health, or persons with special education training and an endorsement granted by the superintendent of public instruction, as described in RCW 28A.300.010, if the secretary of health determines that the circumstances do not require certification. Individuals exempted by this subsection may obtain certification as a home care aide from the department of health without fulfilling the training requirements in section 5 of this act but must successfully complete a certification examination pursuant to section 6 of this act.

(2) A person already employed as a long-term care worker prior to January 1, 2010, who completes all of his or her training requirements in effect as of the date he or she was hired, is not required to obtain certification. Individuals exempted by this subsection may obtain certification as a home care aide from the department of health without fulfilling the training requirements in section 5 of this act but must successfully complete a certification examination pursuant to section 6 of this act.

(3) All long-term care workers employed by supported living providers are not required to obtain certification under this chapter.

(4) An individual provider caring only for his or her biological, step, or adoptive child or parent is not required to obtain certification under this chapter.

(5) Prior to June 30, 2014, a person hired as an individual provider who provides twenty hours or less of care for one person in any calendar month is not required to obtain certification under this chapter.

(6) A long-term care worker exempted by this section from the training requirements contained in section 5 of this act may not be prohibited from enrolling in training pursuant to this section.

(7) The department of health shall adopt rules by August 1, 2009, to implement this section.

NEW SECTION. Sec. 8. A new section is added to chapter 74.39A RCW to read as follows:

(1) Effective January 1, 2010, a biological, step, or adoptive parent who is the individual provider only for his or her developmentally disabled son or daughter must receive twelve hours of training relevant to the needs of adults with developmental disabilities within the first one hundred twenty days of becoming an individual provider.

(2) Effective January 1, 2010, individual providers identified in (a) and (b) of this subsection must complete thirty-five hours of training within the first one hundred twenty days of becoming an individual provider. Five of the thirty-five hours must be completed before becoming eligible to provide care. Two of these five hours shall be devoted to an orientation training regarding an individual provider's role as caregiver and the applicable terms of employment, and three hours shall be devoted to safety training, including basic safety precautions, emergency procedures, and infection control. Individual providers subject to this requirement include:

(a) An individual provider caring only for his or her biological, step, or adoptive child or parent unless covered by subsection (1) of this section; and

(b) Before January 1, 2014, a person hired as an individual provider who provides twenty hours or less of care for one person in any calendar month.

(3) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors.

(4) The department shall adopt rules by August 1, 2009, to implement this section.

Sec. 9. RCW 74.39A.340 and 2007 c 361 s 4 are each amended to read as follows:

(1) The department of health shall ensure that all long-term care workers shall complete twelve hours of continuing education training in advanced training topics each year. This requirement applies beginning on January 1, 2010.

(2) Completion of continuing education as required in this section is a prerequisite to maintaining home care aide certification under this act.

(3) Unless voluntarily certified as a home care aide under this act, subsection (1) of this section does not apply to:

(a) An individual provider caring only for his or her biological, step, or adoptive child; and

(b) Before June 30, 2014, a person hired as an individual provider who provides twenty hours or less of care for one person in any calendar month.

(4) Only training curriculum approved by the department may be used to fulfill the training requirements specified in this section. The department shall only approve training curriculum that:

(a) Has been developed with input from consumer and worker representatives; and

(b) Requires comprehensive instruction by qualified instructors.

(5) Individual providers under RCW 74.39A.270 shall be compensated for training time required by this section.

(6) The department of health shall adopt rules by August 1, 2009, to implement subsections (1), (2), and (3) of this section.

(7) The department shall adopt rules by August 1, 2009, to implement subsection (4) of this section.

Sec. 10. RCW 74.39A.350 and 2007 c 361 s 5 are each amended to read as follows:

The department shall offer, directly or through contract, training opportunities sufficient for a long-term care worker to accumulate (sixty-five) sixty hours of training within a reasonable time period. For individual providers represented by an exclusive bargaining representative under RCW 74.39A.270, the training opportunities shall be offered through (a contract with) the training partnership established under RCW 74.39A.360. Training topics shall include, but are not limited to: Client rights; personal care; mental illness; dementia; developmental disabilities; depression; medication assistance; advanced communication skills; positive client behavior support; developing or improving client-centered activities; dealing with wandering or aggressive client behaviors; medical conditions; nurse delegation care training; peer mentor training; and advocacy for quality care training. The department may not require long-term care workers to obtain the training described in this section. This requirement to offer advanced training applies beginning January 1, (2010) 2011.

NEW SECTION. Sec. 11. A new section is added to chapter 18.88A RCW to read as follows:

By August 1, 2009, the department of health shall develop, in consultation with the nursing care quality assurance commission and consumer and worker representatives, rules permitting reciprocity to the maximum extent possible under federal law between home care aide certification and nursing assistant certification.

NEW SECTION. Sec. 12. A new section is added to chapter 74.39A RCW to read as follows:

- (1) The department shall deny payment to any individual provider of home care services who has not been certified by the department of health as a home care aide as required under this act or, if exempted from certification by section 7 of this act, has not completed his or her required training pursuant to this act.
- (2) The department may terminate the contract of any individual provider of home care services, or take any other enforcement measure deemed appropriate by the department if the individual provider's certification is revoked under this act or, if exempted from certification by section 7 of this act, has not completed his or her required training pursuant to this act.
- (3) The department shall take appropriate enforcement action related to the contract of a private agency or facility licensed by the state, to provide personal care services, other than an individual provider, who knowingly employs a long-term care worker who is not a certified home care aide as required under this act or, if exempted from certification by section 7 of this act, has not completed his or her required training pursuant to this act.
- (4) Chapter 34.05 RCW shall govern actions by the department under this section.
- (5) The department shall adopt rules by August 1, 2009, to implement this section.

NEW SECTION. Sec. 13. (1) The uniform disciplinary act, chapter 18.130 RCW, governs unlicensed practice, issuance of certificates, and the discipline of persons with certificates under this chapter. The secretary of health shall be the disciplinary authority under this chapter.

- (2) The secretary of health may take action to immediately suspend the certification of a long-term care worker upon finding that conduct of the long-term care worker has caused or presents an imminent threat of harm to a functionally disabled person in his or her care.
- (3) If the secretary of health imposes suspension or conditions for continuation of certification, the suspension or conditions for continuation are effective immediately upon notice and shall continue in effect pending the outcome of any hearing.
- (4) The department of health shall take appropriate enforcement action related to the licensure of a private agency or facility licensed by the state, to provide personal care services, other than an individual provider, who knowingly employs a long-term care worker who is not a certified home care aide as required under this chapter or, if exempted from certification by section 7 of this act, has not completed his or her required training pursuant to this chapter.
- (5) Chapter 34.05 RCW shall govern actions by the department of health under this section.
- (6) The department of health shall adopt rules by August 1, 2009, to implement this section.

Sec. 14. RCW 74.39A.050 and 2004 c 140 s 6 are each amended to read as follows:
The department's system of quality improvement for long-term care services shall use the following principles, consistent with applicable federal laws and regulations:

- (1) The system shall be client-centered and promote privacy, independence, dignity, choice, and a home or home-like environment for consumers consistent with chapter 392, Laws of 1997.
- (2) The goal of the system is continuous quality improvement with the focus on consumer satisfaction and outcomes for consumers. This includes that when conducting licensing or contract inspections, the department shall interview an appropriate percentage of residents, family members, resident case managers, and advocates in addition to interviewing providers and staff.
- (3) Providers should be supported in their efforts to improve quality and address identified problems initially through training, consultation, technical assistance, and case management.
- (4) The emphasis should be on problem prevention both in monitoring and in screening potential providers of services.

(5) Monitoring should be outcome based and responsive to consumer complaints and based on a clear set of health, quality of care, and safety standards that are easily understandable and have been made available to providers, residents, and other interested parties.

(6) Prompt and specific enforcement remedies shall also be implemented without delay, pursuant to RCW 74.39A.080, RCW 70.128.160, chapter 18.51 RCW, or chapter 74.42 RCW, for providers found to have delivered care or failed to deliver care resulting in problems that are serious, recurring, or uncorrected, or that create a hazard that is causing or likely to cause death or serious harm to one or more residents. These enforcement remedies may also include, when appropriate, reasonable conditions on a contract or license. In the selection of remedies, the safety, health, and well-being of residents shall be of paramount importance.

(7) ~~(To the extent funding is available, all long-term care staff directly responsible for the care, supervision, or treatment of vulnerable persons should be screened through background checks in a uniform and timely manner to ensure that they do not have a criminal history that would disqualify them from working with vulnerable persons. Whenever a state conviction record check is required by state law, persons may be employed or engaged as volunteers or independent contractors on a conditional basis according to law and rules adopted by the department.) All long-term care workers shall be screened through background checks in a uniform and timely manner to ensure that they do not have a criminal history that would disqualify them from working with vulnerable persons. This information will be shared with the department of health to advance the purposes of this act.~~

(8) No provider or (staff) long-term care worker, or prospective provider or (staff) long-term care worker, with a stipulated finding of fact, conclusion of law, an agreed order, or finding of fact, conclusion of law, or final order issued by a disciplinary authority, a court of law, or entered into a state registry finding him or her guilty of abuse, neglect, exploitation, or abandonment of a minor or a vulnerable adult as defined in chapter 74.34 RCW shall be employed in the care of and have unsupervised access to vulnerable adults.

(9) The department shall establish, by rule, a state registry which contains identifying information about (personal-aides) long-term care workers identified under this chapter who have substantiated findings of abuse, neglect, financial exploitation, or abandonment of a vulnerable adult as defined in RCW 74.34.020. The rule must include disclosure, disposition of findings, notification, findings of fact, appeal rights, and fair hearing requirements. The department shall disclose, upon request, substantiated findings of abuse, neglect, financial exploitation, or abandonment to any person so requesting this information. This information will also be shared with the department of health to advance the purposes of this act.

(10) ~~(The department shall by rule develop training requirements for individual providers and home care agency providers. Effective March 1, 2009, individual providers and home care agency providers must satisfactorily complete department-approved orientation, basic training, and continuing education within the time period specified by the department in rule. The department shall adopt rules by March 1, 2002, for the implementation of this section (based on the recommendations of the community long-term care training and education steering committee established in RCW 74.39A.190)).~~ The department shall deny payment to an individual provider or a home care provider who does not complete the training requirements within the time limit specified by the department by rule.

(11) ~~Until December 31, 2009,~~ in an effort to improve access to training and education and reduce costs, especially for rural communities, the coordinated system of long-term care training and education must include the use of innovative types of learning strategies such as internet resources, videotapes, and distance learning using satellite technology coordinated through community colleges or other entities, as defined by the department.

(12) The department shall create an approval system by March 1, 2002, for those seeking to conduct department-approved training. ~~(In the rule-making process, the department shall adopt rules based on the recommendations of the community long-term care training and education steering committee established in RCW 74.39A.190.)~~

(13) The department shall establish, by rule, (training) background checks and other quality assurance requirements for (personal-aides) long-term care workers who provide in-home services funded by Medicaid personal care as described in RCW 74.09.520, community options program entry system waiver services as described in RCW 74.39A.030, or chore services as described in RCW 74.39A.110 that are equivalent to requirements for individual providers.

(14) Under existing funds the department shall establish internally a quality improvement standards committee to monitor the development of standards and to suggest modifications.

(15) Within existing funds, the department shall design, develop, and implement a long-term care training program that is flexible, relevant, and qualifies towards the requirements for a nursing assistant certificate as established under chapter 18.88A RCW. This subsection does not require completion of the nursing assistant certificate training program by providers or their staff. The long-term care teaching curriculum must consist of a fundamental module, or modules, and a range of other available relevant training modules that provide the caregiver with appropriate options that assist in meeting the resident's care needs. Some of the training modules may include, but are not limited to, specific training on the special care needs of persons with developmental disabilities, dementia, mental illness, and the care needs of the elderly. No less than one training module must be dedicated to workplace violence prevention. The nursing care quality assurance commission shall work together with the department to develop the curriculum modules. The nursing care quality assurance commission shall direct the nursing assistant training programs to accept some or all of the skills and competencies from the curriculum modules towards meeting the requirements for a nursing assistant certificate as defined in chapter 18.88A RCW. A process may be developed to test persons completing modules from a caregiver's class to verify that they have the transferable skills and competencies for entry into a nursing assistant training program. The department may review whether facilities can develop their own related long-term care training programs. The department may develop a review process for determining what previous experience and training may be used to waive some or all of the mandatory training. The department of social and health services and the nursing care quality assurance commission shall work together to develop an implementation plan by December 12, 1998.

Sec. 15. RCW 18.130.040 and 2007 c 269 s 17, 2007 c 253 s 13, and 2007 c 70 s 11 are each reenacted and amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

- (2)(a) The secretary has authority under this chapter in relation to the following professions:
 - (i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;
 - (ii) Naturopaths licensed under chapter 18.36A RCW;
 - (iii) Midwives licensed under chapter 18.50 RCW;
 - (iv) Ocularists licensed under chapter 18.55 RCW;
 - (v) Massage operators and businesses licensed under chapter 18.108 RCW;
 - (vi) Dental hygienists licensed under chapter 18.29 RCW;
 - (vii) Acupuncturists licensed under chapter 18.06 RCW;
 - (viii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;
 - (ix) Respiratory care practitioners licensed under chapter 18.89 RCW;
 - (x) Persons registered under chapter 18.19 RCW;

- (xi) Persons licensed as mental health counselors, marriage and family therapists, and social workers under chapter 18.225 RCW;
 - (xii) Persons registered as nursing pool operators under chapter 18.52C RCW;
 - (xiii) Nursing assistants registered or certified under chapter 18.88A RCW;
 - (xiv) Health care assistants certified under chapter 18.135 RCW;
 - (xv) Dietitians and nutritionists certified under chapter 18.138 RCW;
 - (xvi) Chemical dependency professionals certified under chapter 18.205 RCW;
 - (xvii) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;
 - (xviii) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;
 - (xix) Denturists licensed under chapter 18.30 RCW;
 - (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;
 - (xxi) Surgical technologists registered under chapter 18.215 RCW;
 - (xxii) Recreational therapists;
 - (xxiii) Animal massage practitioners certified under chapter 18.240 RCW; (and)
 - (xxiv) Athletic trainers licensed under chapter 18.250 RCW; and
 - (xxv) Home care aides certified under chapter 18.1 RCW (the new chapter created in section 18 of this act).
- (b) The boards and commissions having authority under this chapter are as follows:
- (i) The podiatric medical board as established in chapter 18.22 RCW;
 - (ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;
 - (iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and licenses and registrations issued under chapter 18.260 RCW;
 - (iv) The board of hearing and speech as established in chapter 18.35 RCW;
 - (v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;
 - (vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;
 - (vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;
 - (viii) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;
 - (ix) The medical quality assurance commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;
 - (x) The board of physical therapy as established in chapter 18.74 RCW;
 - (xi) The board of occupational therapy practice as established in chapter 18.59 RCW;
 - (xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;
 - (xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW; and
 - (xiv) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses based on the conditions and criteria established in this chapter and the chapters specified in subsection (2) of this section. This chapter also governs any investigation, hearing, or proceeding related to denial of licensure or issuance of a license conditioned on the applicant's compliance with an order entered pursuant to RCW 18.130.160 by the disciplining authority.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the Uniform Disciplinary Act, among the disciplining authorities listed in subsection (2) of this section.

Sec. 16. RCW 18.130.040 and 2008 c ... (Fourth Substitute House Bill No. 1103) s 18 are each amended to read as follows:

(1) This chapter applies only to the secretary and the boards and commissions having jurisdiction in relation to the professions licensed under the chapters specified in this section. This chapter does not apply to any business or profession not licensed under the chapters specified in this section.

- (2)(a) The secretary has authority under this chapter in relation to the following professions:
 - (i) Dispensing opticians licensed and designated apprentices under chapter 18.34 RCW;
 - (ii) Naturopaths licensed under chapter 18.36A RCW;
 - (iii) Midwives licensed under chapter 18.50 RCW;
 - (iv) Ocularists licensed under chapter 18.55 RCW;
 - (v) Massage operators and businesses licensed under chapter 18.108 RCW;
 - (vi) Dental hygienists licensed under chapter 18.29 RCW;
 - (vii) Acupuncturists licensed under chapter 18.06 RCW;
 - (viii) Radiologic technologists certified and X-ray technicians registered under chapter 18.84 RCW;
 - (ix) Respiratory care practitioners licensed under chapter 18.89 RCW;
 - (x) Persons registered under chapter 18.19 RCW;
 - (xi) Persons licensed as mental health counselors, marriage and family therapists, and social workers under chapter 18.225 RCW;

- (xii) Persons registered as nursing pool operators under chapter 18.52C RCW;
- (xiii) Nursing assistants registered or certified under chapter 18.88A RCW;
- (xiv) Health care assistants certified under chapter 18.135 RCW;
- (xv) Dietitians and nutritionists certified under chapter 18.138 RCW;
- (xvi) Chemical dependency professionals certified under chapter 18.205 RCW;
- (xvii) Sex offender treatment providers and certified affiliate sex offender treatment providers certified under chapter 18.155 RCW;
- (xviii) Persons licensed and certified under chapter 18.73 RCW or RCW 18.71.205;
- (xix) Denturists licensed under chapter 18.30 RCW;
- (xx) Orthotists and prosthetists licensed under chapter 18.200 RCW;
- (xxi) Surgical technologists registered under chapter 18.215 RCW;
- (xxii) Recreational therapists;
- (xxiii) Animal massage practitioners certified under chapter 18.240 RCW; (and)
- (xxiv) Athletic trainers licensed under chapter 18.250 RCW; and
- (xxv) Home care aides certified under chapter 18.1 RCW (the new chapter created in section 18 of this act).

(b) The boards and commissions having authority under this chapter are as follows:

- (i) The podiatric medical board as established in chapter 18.22 RCW;
- (ii) The chiropractic quality assurance commission as established in chapter 18.25 RCW;
- (iii) The dental quality assurance commission as established in chapter 18.32 RCW governing licenses issued under chapter 18.32 RCW and licenses and registrations issued under chapter 18.260 RCW;
- (iv) The board of hearing and speech as established in chapter 18.35 RCW;
- (v) The board of examiners for nursing home administrators as established in chapter 18.52 RCW;
- (vi) The optometry board as established in chapter 18.54 RCW governing licenses issued under chapter 18.53 RCW;
- (vii) The board of osteopathic medicine and surgery as established in chapter 18.57 RCW governing licenses issued under chapters 18.57 and 18.57A RCW;
- (viii) The board of pharmacy as established in chapter 18.64 RCW governing licenses issued under chapters 18.64 and 18.64A RCW;
- (ix) The medical quality assurance commission as established in chapter 18.71 RCW governing licenses and registrations issued under chapters 18.71 and 18.71A RCW;
- (x) The board of physical therapy as established in chapter 18.74 RCW;
- (xi) The board of occupational therapy practice as established in chapter 18.59 RCW;
- (xii) The nursing care quality assurance commission as established in chapter 18.79 RCW governing licenses and registrations issued under that chapter;
- (xiii) The examining board of psychology and its disciplinary committee as established in chapter 18.83 RCW; and
- (xiv) The veterinary board of governors as established in chapter 18.92 RCW.

(3) In addition to the authority to discipline license holders, the disciplining authority has the authority to grant or deny licenses. The disciplining authority may also grant a license subject to conditions.

(4) All disciplining authorities shall adopt procedures to ensure substantially consistent application of this chapter, the Uniform Disciplinary Act, among the disciplining authorities listed in subsection (2) of this section.

NEW SECTION. Sec. 17. The definitions in RCW 74.39A.009 apply throughout [chapter 18. RCW (the new chapter created in section 18 of this act)] unless the context clearly requires otherwise.

NEW SECTION. Sec. 18. Sections 4, 6, 7, 13, and 17 of this act constitute a new chapter in Title 18 RCW.

NEW SECTION. Sec. 19. The provisions of this act are to be liberally construed to effectuate the intent, policies, and purposes of this act.

NEW SECTION. Sec. 20. 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. 21. This act may be known and cited as the better background checks and improved training for long-term care workers for the elderly and persons with disabilities initiative of 2008.

NEW SECTION. Sec. 22. Section 11 of this act takes effect September 1, 2009.

NEW SECTION. Sec. 23. Section 15 of this act does not take effect if section 18, chapter ... (Fourth Substitute House Bill No. 1103), Laws of 2008 is signed into law by April 6, 2008.

NEW SECTION. Sec. 24. Section 16 of this act takes effect if section 18, chapter ... (Fourth Substitute House Bill No. 1103), Laws of 2008 is signed into law by April 6, 2008.

Please send
all filled and partially
filled petitions to the
campaign headquarters
EVERY MONDAY.

- Self-Mailer Instructions:
1. DO NOT CUT
 2. Fill in return address section above right
 3. Fold in thirds so this mailing address panel shows
 4. Staple on open edge
 5. Affix a \$0.41 stamp and mail in petitions EVERY MONDAY and no later than June 25 the last day to mail petitions.

Return Address (please print)
Name _____
Address _____
City, Address, Zip _____
Phone _____
Home E-mail _____

PLACE
STAMP
HERE

Yes, I want to help! I need ___ more petitions.



SEIU Healthcare 775NW
33615 First Way S., Ste A
Federal Way, WA 98003

Please fold. DO NOT CUT. Cutting the petition invalidates your signatures.



Petition gatherer, please sign here!

I, _____, swear or affirm under penalty of law that I circulated this sheet of the foregoing petition, and that, to the best of my knowledge, every person who signed this sheet of the foregoing petition knowingly and without any compensation or promise of compensation willingly signed his or her true name and that the information provided therein is true and correct. I further acknowledge that under Chapter 29A-84 RCW, forgery of signatures on this petition constitutes a class C felony, and that offering any consideration or gratuity to any person to induce them to sign a petition is a gross misdemeanor, such violations being punishable by fine or imprisonment or both.

To avoid any problems with fraudulent signatures, we are asking that signature gatherers print their names and provide a telephone number in addition to printing your name and address in the return address section of the mailer. Thank you!

NAME _____ PHONE _____ HOME E-MAIL _____

Every signature counts! Please return every petition even if it only has one signature.

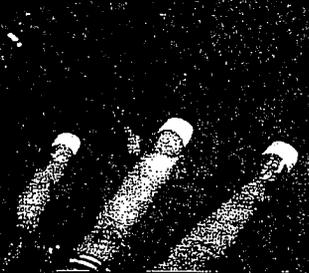
FIRST CLASS MAILING DEADLINE IS JUNE 25, 2008

WHAT'S WRONG WITH THIS PICTURE?

CURRENT TRAINING STANDARDS IN WASHINGTON STATE JUST DON'T ADD UP:



Hairdresser:
1,000 hours of training



Nail Technician:
600 hours of training



Home Care Workers:
34 hours of training

I-1029 WILL REQUIRE IMPROVED TRAINING, BACKGROUND CHECKS, CERTIFICATION FOR HOME CARE AND OTHER LONG-TERM CARE WORKERS.

EXHIBIT N

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1000 SECOND AVENUE, 30TH FLOOR
SEATTLE, WA 98104-1064

July 2, 2008

The Honorable Sam Reed
Secretary of State
P. O. Box 40220
Olympia WA 98504-0220

RE: *Initiative 1029 Petitions*

Dear Secretary Reed:

We write on behalf of our client, the Community Care Coalition of Washington (CCCW), to urge you to carefully review the Initiative 1029 petitions that proponents are scheduled to submit to your office on July 3, 2008. As we understand it, the proponents of this measure have asked you to certify Initiative 1029 to be submitted to the voters of the State of Washington for their approval or rejection at the general election to be held on November 4, 2008. Yet nothing on the face of the petitions proposes a measure for submission to the people for their approval or rejection. Rather, the petitions state:

We, the undersigned citizens and legal voters of the State of Washington, respectfully direct that this petition and the proposed measure known as Initiative Measure No. 1029 . . . be transmitted to the legislature of the State of Washington at its next ensuing regular session, and we respectfully petition the legislature to enact said proposed measure into law . . .

This plain language does not advise voters who signed the petitions that the proposed legislation is to be placed on the ballot. Rather, the persons signing the petitions placed their signature beneath a petition *to the legislature*.

When a petition states that it is for the purpose of having a matter considered in the deliberative processes of the legislature, there is no basis to submit the initiative to the general election. The Washington Constitution allows two forms of initiative: the "initiative to the people" and the "initiative to the legislature." As you know, an initiative to the people and an initiative to the legislature have very different processes and

consequences. If passed, an initiative to the people will change existing law without further review and the legislature will be restricted in amending the law for a period of two years. An initiative to the legislature is a more conservative exercise of the people's lawmaking power that calls for legislative deliberations and future options for the voters.

An initiative to the Washington Legislature is not placed immediately on the ballot. Rather, the legislature may propose an alternative, enact the initiative into law, or reject (or fail to act upon) the proposal. If the legislature proposes an alternative, then both the initiative and the alternative are placed before the voters. If the legislature enacts the measure into law, the voters may file a referendum petition on all or any part of the law. If the legislature fails or refuses to enact the initiative into law, the initiative is placed on the next general election ballot. Thus, the initiative to the legislature gives the voters choices not afforded voters in an initiative to the people.

To ignore these basic and constitutional differences in the two forms of initiative would underrate the voters of this State and their understanding of the options for the exercise of direct democracy. The voters petition to have an initiative to the people only when the requisite numbers of signers direct you, as Secretary of State, to place an initiative on the ballot at the next ensuing general election. The law regarding petition language provides that petitions for proposing measures for submission to the people at the next general election must be substantially in the form set forth in RCW 29A.72.120. This section requires petitions to set forth the warning prescribed by RCW 29A.72.140, followed by the language printed in the statute as follows:

INITIATIVE PETITION FOR SUBMISSION TO THE PEOPLE

To the Honorable, Secretary of State of the State of Washington:

We, the undersigned citizens and legal voters of the State of Washington, respectfully direct that the proposed measure known as Initiative Measure No., entitled (here insert the established ballot title of the measure), a full, true and correct copy of which is printed on the reverse side of this petition, *be submitted to the legal voters of the State of Washington for their approval or rejection at the general election* to be held on the day of November, (year); and each of us for himself or herself says: I have personally signed this petition; I am a legal voter of the State of Washington, in the city (or town) and county written after my name, my residence address is correctly stated, and I have knowingly signed this petition only once.

(Emphasis added.) The petition form for Initiative 1029 does not state it is for submission directly to the people—neither in the capitalized title form of RCW 29A.72.140 nor in the actual petitioning language. The petitions are not substantially in the required form.

The Honorable Sam Reed
July 2, 2008
Page 3

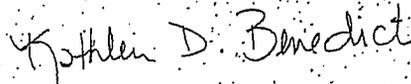
It would be a dangerous precedent to allow petitions to qualify a measure for the general election ballot without clearly indicating they are for the purpose of submitting an initiative to the general election ballot. This precedent would allow an initiative sponsor to create ambiguities about which of the two initiative processes were involved, and decide at a later day whether to argue the initiative was intended to be an initiative to the legislature or an initiative to the people. For example, initiatives could be filed on the first day proponents are allowed to file an initiative for submission to the legislature (as this one was), omit the capitalized title language, and say in language above the signatures that the proposed initiative measure was for submission to the legislature. If the proponents did not obtain the requisite number of signatures for placement on the general election ballot, they could argue the measure was actually intended to be an initiative to the legislature and only the numbering of the initiative was out of sequence. If they did obtain sufficient signatures for placement on a general election ballot, they could then argue that the petitions were really an initiative to the people and that it was the language above the signatures that was in error.

A requirement that an initiative petition be "substantially" in the proper form is violated by a form that misrepresents the basic nature of the initiative and leaves open the possibility that an initiative can be converted from one form to another in midstream. Voters are entitled to notice and clarity as they make their decisions on initiative petitions.

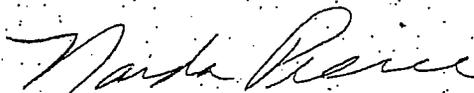
The law sets out required components of the petition form to insure notice and clarity. Indeed, in an April 4, 2008, letter to the initiative sponsor, your office offered "to review the final proof copy of your petition sheet for matters of form and style should you desire such consultation." Despite the clear law and the offer of technical assistance, the petitions that were circulated for signatures were not in substantial compliance with the law, and must be rejected. We appreciate your consideration of our concerns and look forward to your response.

Very truly yours,

BENEDICT GARRATT
POND & PIERCE, PLLC



Kathleen D. Benedict



Narda Pierce

EXHIBIT O



Rob McKenna

ATTORNEY GENERAL OF WASHINGTON

1125 Washington Street SE • PO Box 40100 • Olympia WA 98504-0100

July 14, 2008

Kathleen D. Benedict
Narda Pierce
Attorneys at Law
Benedict Garratt Pond & Pierce, PLLC
711 Capitol Way S., Suite 605
Olympia, WA 98501

Dear Ms. Benedict and Ms. Pierce:

You recently wrote a letter to Secretary of State Sam Reed on behalf of the Community Care Coalition of Washington (CCCW), concerning the petition signatures submitted on behalf of Initiative Measure 1029 (I-1029). Your letter asserts that the petitions should be rejected because language on the submitted petitions does not precisely conform to RCW 29A.72.120, which relates to proposed initiative measures for submission to the people.

The Secretary of State has consulted with our office in response to your letter, and this reply is written on his behalf. Although, in a single respect, the petitions submitted in support of I-1029 do not fully comport with the governing statute, the petitions submitted and the surrounding circumstances are sufficiently in keeping with an initiative to the people that their rejection is not warranted. Under the circumstances, the law does not require their rejection, and compelling the citizens to start over and repeat the process next year would be out of step with the constitutional legislative power of the people. Accordingly, after consulting with our office, the Secretary of State has determined that the signatures should be processed and counted as signatures in support of a petition for an initiative to the people. If sufficient signatures have been submitted, the measure will be certified for inclusion on the November 2008 general election ballot.

In support of this decision, we note first the facts surrounding the filing of I-1029. On March 12, 2008, Linda Lee filed a proposed initiative with the Secretary of State's office, concerning "long-term care services for the elderly and persons with disabilities." The initial filing met all the requirements set forth in RCW 29A.72.010 for an initiative to the people. The sponsor indicated her intent to file an initiative to the people, and the papers initially filed (including a cover letter describing the contents as a proposed initiative to the people) were transmitted to the Code Reviser (as required by RCW 29A.72.020) on the same day. On March 28, 2008, the Code Reviser issued a certificate of review as required by RCW 29A.72.020. On the same day, the



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Secretary of State assigned the measure the number 1029, the next number in the sequence of initiatives to the people, and transmitted it to the Attorney General for a ballot title and ballot measure summary.¹ The Attorney General furnished a ballot title and summary for I-1029 on April 4, 2008. No appeals were filed concerning the title and summary (see RCW 29A.72.080), so the title and summary drafted by the Attorney General became final. The proponents prepared and circulated printed petitions containing the ballot title and summary (as required by RCW 29A.72.090) and meeting the additional requirements set forth in RCW 29A.72.100.²

On or about June 25, 2008, a citizen delivered a blank petition for I-1029 to the Secretary of State's office, pointing out that the language on the face of the petition, addressed to the Secretary of State, did not contain the language prescribed in RCW 29A.72.120 for initiatives to the people ("We, the undersigned citizens and legal voters . . . respectfully direct that the proposed measure . . . be submitted to the legal voters of the State of Washington for their approval or rejection at the general election to be held on the . . . day of November (year)"). Rather, the petition in question contained the language prescribed in RCW 29A.72.110 for initiatives to the legislature ("We, the undersigned citizens and legal voters . . . respectfully direct that this petition and the proposed measure . . . be transmitted to the legislature of the State of Washington at its next ensuing regular session"). On July 3, the proponents of I-1029 delivered several thousand petitions for I-1029 to the Secretary of State's office.³ It appears that all of the signed petitions are worded in the same manner as the blank petition received on June 25—that is, they contain the statutory "petitioning" language for an initiative to the legislature rather than to the people.

The Secretary of State may refuse to file any initiative or referendum petition being submitted on any of the following grounds:

- (1) That the petition does not contain the information required by RCW 29A.72.110, 29A.72.120, or 29A.72.130.
- (2) That the petition clearly bears insufficient signatures.
- (3) That the time within which the petition may be filed has expired.

¹ The State Constitution provides for two types of initiative measures, initiatives to the people and initiatives to the legislature. Washington Constitution, Article II, §1(a). By statute, the Secretary of State uses four separate series of numbers, one each for initiatives to the people, initiatives to the legislature, and two types of referendum. RCW 29A.72.040. If this proposal had been identified when filed as an initiative to the legislature, it would have been processed as such by the Secretary of State and would have received a number in the range of No. 400 rather than the number 1029.

² The Secretary of State's office included I-1029 in its website as an initiative measure to the people.

³ July 3 was the constitutional deadline for submitting initiatives to the people in 2008 (Article II, § 1, of the Constitution requires such proposals to be filed not less than four months before the election at which they are to be voted upon). If I-1029 had been considered an initiative to the legislature, the filing deadline would be ten days before the next regular session of the legislature in January of 2009. The petition forms contain language indicating that June 25 would be "the last day to mail petitions." Despite the wording on the front page of the petitions, there is no doubt that the proponents circulated and processed the petitions as an initiative to the people, and considered themselves bound by the deadlines for this form of an initiative.

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RCW 29A.72.170.⁴ As your letter points out, the petitions submitted on I-1029 do not contain all of the information required by RCW 29A.72.120 for an initiative to the people. However, the petitions are in most respects in compliance with the requirements for petitions on initiatives to the people. There is no doubt that those who filed and circulated the petitions on I-1029 intended to file and process an initiative to the people and built their petition campaign around the constitutional deadlines for this form of an initiative. We are aware of no evidence that the proponents or the press ever described I-1029 as an initiative to the legislature, or even noted the potential ambiguity of the language on the face of the petition. Nor do we have any factual basis for believing that the form of the petition influenced the number of valid signatures gathered for the measure.

Although the petitions submitted for I-1029 do not contain all the information described by RCW 29A.72.120, the Secretary of State is not *required* to reject them for that reason, and in this circumstance, their single deficiency does not warrant the action that you seek. The alternative that you request—rejecting the petitions for I-1029—would fail to afford Washington's voters the opportunity to consider, and either approve or reject the measure, where a constitutionally requisite number of qualified voters express support for its enactment to be considered. The action that you request also would give no effect to circumstances where a requisite number of citizens in almost every way—and in what appears under the circumstances to be every critical way—meet the statutory standards for submission of an initiative to the people, and would require the entire process to be repeated. We believe that such a course would substantially and unnecessarily interfere with the people's constitutional lawmaking power.

There is precedent for accepting and processing signatures in situations such as this. In *Schrempp v. Munro*, 116 Wn.2d 929, 809 P.2d 1381 (1991), the Secretary of State accepted and processed petition signatures for a proposed Initiative 120, an initiative to the legislature. Citizens sought to restrain the Secretary from accepting and filing the measure because (1) it lacked a legislative title and (2) it contained allegedly erroneous reference to "initiative petition for submission to the people." The state supreme court (1) found that the statute permits judicial review when the Secretary of State rejects a petition but not when the Secretary accepts it and (2) otherwise upheld the Secretary's exercise of discretion in accepting the petitions on I-120.

⁴ It has not yet been determined, of course, whether sufficient signatures were submitted by the constitutional deadline to qualify I-1029 for the ballot. That determination will be made within the next few weeks.

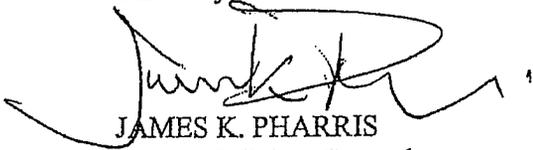
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As noted above, the Secretary of State in consultation with our office has determined to process the petitions relating to I-1029 as an initiative to the people. If it is determined that signatures have been filed in sufficient number to qualify I-1029, it will be certified for inclusion on the November 2008 ballot. We appreciate your expression of interest and your thoughtful comments on the issue.

Sincerely,

A handwritten signature in black ink, appearing to read "James K. Pharris", written over a horizontal line.

JAMES K. PHARRIS
Deputy Solicitor General
(360) 664-3027

JKP:rs

cc: Sam Reed, Secretary of State
Nick Handy, Director of Elections
Shane Hamlin, Assistant Director of Elections

EXHIBIT P

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July 18, 2008

The Honorable Rob McKenna
Attorney General
State of Washington
1125 Washington St SE
PO Box 40100
Olympia, WA 98504-0100

RE: Request for Action on Behalf of Taxpayers Regarding Initiative 1029

Dear General McKenna:

We represent Cynthia O'Neill, a taxpayer of the State of Washington, as well as other taxpayers, voters and businesses. On behalf of our clients, we request that you bring suit against the Secretary of State (1) to prevent him from processing petitions relating to Initiative 1029 as an initiative to the people, and (2) to require him to process Initiative 1029 as an initiative to the legislature.

The proponents of Initiative 1029 prepared and circulated petitions containing the following language:

We, the undersigned citizens and legal voters of the State of Washington, respectfully direct that this petition and the proposed measure known as Initiative Measure No. 1029 . . . be transmitted to the legislature of the State of Washington at its next ensuing regular session, and we respectfully petition the legislature to enact said proposed measure into law . . .

There is nothing on the face of the petitions that proposes a measure for submission to the people for their approval or rejection at the next ensuing general election. RCW 29A.72.120 specifies that petitions for proposing measures for submission to the people for their approval or rejection at the next ensuing general election "must be substantially in the following form" and sets forth petition language in the statute. That language provides in pertinent part:

INITIATIVE PETITION FOR SUBMISSION TO THE PEOPLE

To the Honorable, Secretary of State of the State of Washington:

We, the undersigned citizens and legal voters of the State of Washington, respectfully direct that the proposed measure known as Initiative Measure No. . . . , entitled (here insert the established ballot title of the measure), a full, true and correct copy of which is printed on the reverse side of this petition, be submitted to the legal voters of the State of Washington for their approval or rejection at the general election to be held on the day of November, (year); and each of us for himself or herself says: I have personally signed this petition; I am a legal voter of the State of Washington, in the city (or town) and county written after my name, my residence address is correctly stated, and I have knowingly signed this petition only once.

In a letter dated July 14, 2008, written by Deputy Solicitor General James K. Pharris, on behalf of Secretary of State Sam Reed, we were advised that the Secretary of State "has determined to process the petitions relating to I-1029 as an initiative to the people." We were further advised that "[i]f it is determined that signatures have been filed in sufficient number to qualify I-1029, it will be certified for inclusion on the November 2008 ballot."

Such action would be contrary to the directive of RCW 29A.72.120 requiring petitions to state that the signers are directing that the proposed measure be submitted directly to the voters. The Secretary of State has no right to certify an initiative to the ballot if the petitions are not substantially in the form set forth in RCW 29A.72.120.

State law sets forth different language for submission of an initiative to the legislature, and the petitions that were circulated for Initiative 1029 were substantially in the form for an initiative to the legislature. RCW 29A.72.110 specifies that petitions for proposing measures for submission to the legislature at its next regular session "must be substantially in the following form" and sets forth petition language. The language provides in pertinent part:

INITIATIVE PETITION FOR SUBMISSION TO THE LEGISLATURE

To the Honorable, Secretary of State of the State of Washington:

We, the undersigned citizens and legal voters of the State of Washington, respectfully direct that this petition and the proposed measure known as Initiative Measure No. . . . and entitled (here set forth the established ballot title of the measure), a full, true, and correct copy of

The Honorable Rob McKenna
July 18, 2008
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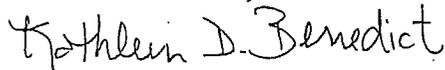
which is printed on the reverse side of this petition, be transmitted to the legislature of the State of Washington at its next ensuing regular session, and we respectfully petition the legislature to enact said proposed measure into law; and each of us for himself or herself says: I have personally signed this petition; I am a legal voter of the State of Washington in the city (or town) and county written after my name, my residence address is correctly stated, and I have knowingly signed this petition only once.

The petitions that were submitted to the Secretary of State are substantially in the form set forth in RCW 29A.72.110, specifically direct the Secretary to transmit the proposed measure to the legislature, and further petition the legislature to enact the proposed measure into law. RCW 29A.72.230 directs: "For an initiative to the legislature, the secretary of state shall transmit a certified copy of the proposed measure to the legislature at the opening of its session and, as soon as the signatures on the petition have been verified and canvassed, the secretary of state shall send to the legislature a certificate of the facts relating to the filing, verification, and canvass of the petition." The Secretary of State has no right to decline to certify an initiative that is directed to the legislature and instead certify it directly to the ballot, bypassing the legislature's consideration of the measure and its determination of whether to enact, reject, or propose an alternative to the measure.

We request a response to our request no later than July 21, 2008, as the Secretary of State's election calendar will require expeditious consideration of this matter by the court. Thank you for your consideration.

Very truly yours,

BENEDICT GARRATT
POND & PIERCE, PLLC



Kathleen D. Benedict



Narda Pierce

cc: The Honorable Sam Reed
Secretary of State

Maureen Hart
Solicitor General

EXHIBIT Q



Rob McKenna

ATTORNEY GENERAL OF WASHINGTON

1125 Washington Street SE • PO Box 40100 • Olympia WA 98504-0100

July 29, 2008

Kathleen D. Benedict
Narda Pierce
Benedict, Garratt Pond & Pierce
711 Capital Way S, Suite 605
Olympia, WA 98501

Re: Request for Taxpayer Action Regarding I-1029

Dear Ms. Benedict and Ms. Pierce:

Thank you for your letter of Friday, July 18, 2008, requesting that this office bring an action on behalf of taxpayers to prevent the Secretary of State from processing petitions for I-1029 to the people, and requiring him to process I-1029 as an initiative to the legislature. On Tuesday, July 22, 2008, your clients brought an action against the Secretary of State in the State Supreme Court seeking those remedies.

As a matter of longstanding practice, this office considers litigation on behalf of taxpayers to be appropriate where the matter that we are asked to challenge is clearly contrary to law and where such litigation ultimately would provide a benefit to taxpayers. After reviewing your letter (and subsequently filed pleadings), I find no basis to conclude that these standards would be satisfied in this case. Rather, the Secretary of State's decision was within his lawful discretion, and as you are aware, this office is defending the Secretary of State's decision in the action that you have filed.

To the extent your request was made as a prerequisite to asserting taxpayer standing, this letter should not be taken as expressing the view that requirements for taxpayer standing would be met.

Thank you for your consideration.

Sincerely,

Maureen Hart
Solicitor General
(360) 753-2536

MH:rs