

FORMATTING NOTE:

In initiatives, legislative bills and other proposed measures, language that is to be deleted from current statutes is represented by a "strikethrough" character and language that is to be added is underlined. Because these special characters cannot be formatted in all Internet browsers, a different set of symbols is used for presenting these proposals on-line. The symbols are as follows:

- Text that is surrounded by (({- text here -})) is text that will be DELETED FROM the existing statute if the proposed measure is approved.
- Text that is surrounded by {+ text here +} is text that will be ADDED TO the existing statute if the proposed measure is approved.
- {+ NEW SECTION+} (found at the beginning of a section or paragraph) indicates that ALL of the text in that section will become law if the proposed measure is approved.

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INITIATIVE 210

AN ACT Relating to elected, appointed, and management officials; amending RCW 50.32.010; reenacting and amending RCW 9A.04.080; adding a new section to chapter 43.03 RCW; adding a new section to chapter 41.40 RCW; adding a new section to chapter 41.04 RCW; adding a new section to chapter 42.04 RCW; creating new sections; and prescribing penalties.

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

{+ NEW SECTION. +} Sec. 1. A new section is added to chapter 43.03 RCW to read as follows:

The salary of any elected, appointed, or management (government) official in the state of Washington shall not exceed four times the average annual income for the citizens of the state of Washington as defined by the World Almanac.

Sec. 2. RCW 9A.04.080 and 1997 c 174 s 1 and 1997 c 97 s 1 are each reenacted and amended to read as follows:

(1) Prosecutions for criminal offenses shall not be commenced after the periods prescribed in this section.

(a) The following offenses may be prosecuted at any time after their commission:

- (i) Murder;
- (ii) Homicide by abuse;
- (iii) Arson if a death results;
- (iv) Vehicular homicide;
- (v) Vehicular assault if a death results;
- (vi) Hit-and-run injury-accident if a death results (RCW 46.52.020(4)){+ ;
- (vii) Any job-related felony or job-related misdemeanor committed by an elected, appointed, or management (government) official;
- (viii) Any violation of chapter 49.60 RCW committed by an elected, appointed, or management (government) official against an employee +}.

(b) The following offenses shall not be prosecuted more than ten years after their commission:

- (i) Any felony committed by a public officer if the commission is in connection with the duties of his or her office or constitutes a

breach of his or her public duty or a violation of the oath of office;

(ii) Arson if no death results; or

(iii) Violations of RCW 9A.44.040 or 9A.44.050 if the rape is reported to a law enforcement agency within one year of its commission; except that if the victim is under fourteen years of age when the rape is committed and the rape is reported to a law enforcement agency within one year of its commission, the violation may be prosecuted up to three years after the victim's eighteenth birthday or up to ten years after the rape's commission, whichever is later. If a violation of RCW 9A.44.040 or 9A.44.050 is not reported within one year, the rape may not be prosecuted: (A) More than three years after its commission if the violation was committed against a victim fourteen years of age or older; or (B) more than three years after the victim's eighteenth birthday or more than seven years after the rape's commission, whichever is later, if the violation was committed against a victim under fourteen years of age.

(c) Violations of the following statutes shall not be prosecuted more than three years after the victim's eighteenth birthday or more than seven years after their commission, whichever is later: RCW 9A.44.073, 9A.44.076, 9A.44.083, 9A.44.086, 9A.44.070, 9A.44.080, 9A.44.100(1)(b), or 9A.64.020.

(d) The following offenses shall not be prosecuted more than six years after their commission: Violations of RCW 9A.82.060 or 9A.82.080.

(e) The following offenses shall not be prosecuted more than five years after their commission: Any class C felony under chapter 74.09, 82.36, or 82.38 RCW.

(f) Bigamy shall not be prosecuted more than three years after the time specified in RCW 9A.64.010.

(g) A violation of RCW 9A.56.030 must not be prosecuted more than three years after the discovery of the offense when the victim is a tax exempt corporation under 26 U.S.C. Sec. 501(c)(3).

(h) No other felony may be prosecuted more than three years after its commission.

(i) No gross misdemeanor may be prosecuted more than two years after its commission.

(j) No misdemeanor may be prosecuted more than one year after its commission.

(2) The periods of limitation prescribed in subsection (1) of this section do not run during any time when the person charged is not usually and publicly resident within this state.

(3) If, before the end of a period of limitation prescribed in subsection (1) of this section, an indictment has been found or a complaint or an information has been filed, and the indictment, complaint, or information is set aside, then the period of limitation is extended by a period equal to the length of time from the finding or filing to the setting aside.

{+ NEW SECTION. +} Sec. 3. A new section is added to chapter 41.40 RCW to read as follows:

An elected, appointed, or management (government) official shall have his or her pension and retirement rights under this chapter reduced or revoked for any felony, misdemeanor, or violation of chapter 49.60 RCW committed against an employee.

{+ NEW SECTION. +} Sec. 4. A new section is added to chapter 41.04 RCW to read as follows:

Government managers shall be required to take a polygraph to determine if they have ever falsified a document (including job applications), time sheet, or per diem report or given or ordered a subordinate to give false reports to the legislature, a supervisor, or the media. The work history and job application of any manager who fails the polygraph test shall be immediately investigated for crimes or misrepresentations. Proof of these violations shall be grounds for immediate dismissal upon conviction or verification.

{+ NEW SECTION. +} Sec. 5. A new section is added to chapter 42.04 RCW to read as follows:

The state shall recover wasted funds from elected, appointed, and management officials. A panel of seven citizens chosen at random from the juror pool shall oversee the process of recovering wasted funds. Funding for this new agency shall come from the money saved from the salary cap and elimination of administrative judge positions. The director of this new agency shall be paid at salary range sixty and be elected every four years into this nonpartisan position. The panel shall:

- (1) Determine if there is waste and the amount for which each official is liable; and
- (2) Direct the state auditor to recover the wasted amount from the official's pay, pension, personal property, or other assets.

Sec. 6. RCW 50.32.010 and 1981 c 67 s 30 are each amended to read as follows:

The commissioner shall establish one or more impartial appeal tribunals, each of which shall consist of (({- an administrative law judge appointed under chapter 34.12 RCW -})) {+ a panel of three citizens chosen at random from the jury pool +} who shall decide the issues submitted to the tribunal. No administrative law judge may hear or decide any disputed claim (({- in any case in which he is an interested party -})). Wherever the term "appeal tribunal" or "the appeal tribunal" is used in this title the same refers to an appeal tribunal established under the provisions of this section. Notice of any appeal or petition for hearing taken to an appeal tribunal in any proceeding under this title may be filed with such agency as the commissioner may by regulation prescribe.

{+ NEW SECTION. +} Sec. 7. The legislature shall establish and fund grand jury capabilities.

{+ NEW SECTION. +} Sec. 8. Section 2 of this act applies retroactively to acts committed by elected, appointed, or manage (government) officials within the past fifty years.

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