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HOUSE JOINT RESOLUTION 4242

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State of Washington                      52nd Legislature                      1992 Regular Session

By Representatives Belcher, Fraser, G. Cole, Valle, Rust, Wineberry, H. Sommers, Paris, Pruitt, Basich, Brekke, Bray and O'Brien

Read first time 01/29/92. Referred to Committee on Capital Facilities & Financing.

1            BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE  
2 STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

3            THAT, At the next general election to be held in this state there  
4 shall be submitted to the qualified voters of the state for their  
5 approval and ratification, or rejection, an amendment to Article IX,  
6 section 3 and an amendment to Article VII, section 2 of the  
7 Constitution of the state of Washington to read as follows:

8            Article IX, section 3. (1) The principal of the permanent common  
9 school fund as the same existed on June 30, 1965, and including any  
10 revenue dedicated to the fund from a state property tax shall remain  
11 permanent and irreducible.

12            (2) The ((said)) permanent common school fund shall consist of the  
13 principal amount ((thereof existing on June 30, 1965)) under subsection  
14 (1) of this section, and such additions thereto as may be derived after  
15 June 30, 1965, from the following named sources, to wit:  
16 Appropriations and donations by the state to this fund; donations and

1 bequests by individuals to the state or public for common schools; the  
2 proceeds of lands and other property which revert to the state by  
3 escheat and forfeiture; the proceeds of all property granted to the  
4 state when the purpose of the grant is not specified, or is uncertain;  
5 funds accumulated in the treasury of the state for the disbursement of  
6 which provision has not been made by law; the proceeds of the sale of  
7 stone, minerals, or property other than timber and other crops from  
8 school and state lands, other than those granted for specific purposes;  
9 all moneys received from persons appropriating stone, minerals or  
10 property other than timber and other crops from school and state lands  
11 other than those granted for specific purposes, and all moneys other  
12 than rental recovered from persons trespassing on said lands; five per  
13 centum of the proceeds of the sale of public lands lying within the  
14 state, which shall be sold by the United States subsequent to the  
15 admission of the state into the Union as approved by section 13 of the  
16 act of congress enabling the admission of the state into the Union; the  
17 principal of all funds arising from the sale of lands and other  
18 property which have been, and hereafter may be granted to the state for  
19 the support of common schools. The legislature may make further  
20 provisions for enlarging said fund.

21 (3) There is hereby established the common school construction fund  
22 to be used exclusively for the purpose of financing the construction of  
23 facilities for the common schools. The sources of said fund shall be:  
24 ~~((+1))~~ (a) Those proceeds derived from the sale or appropriation of  
25 timber and other crops from school and state lands subsequent to June  
26 30, 1965, other than those granted for specific purposes; ~~((+2))~~ (b)  
27 the interest accruing on said permanent common school fund from and  
28 after July 1, 1967, together with all rentals and other revenues  
29 derived therefrom and from lands and other property devoted to the  
30 permanent common school fund from and after July 1, 1967; and ~~((+3))~~

1 (c) such other sources as the legislature may direct. That portion of  
2 the common school construction fund derived from interest on the  
3 permanent common school fund may be used to retire (~~(such)~~) bonds (~~(as~~  
4 ~~may be)~~) authorized by law prior to January 1, 1987, for the purpose of  
5 financing the construction of facilities for the common schools.

6 The interest accruing on the permanent common school fund together  
7 with all rentals and other revenues accruing thereto pursuant to (b) of  
8 this subsection (~~((2) of this section)~~) during the period after the  
9 effective date of this amendment and prior to July 1, 1967, shall be  
10 exclusively applied to the current use of the common schools.

11 (4) To the extent that the moneys in the common school construction  
12 fund are in excess of the amount necessary to allow fulfillment of the  
13 purpose of said fund, the excess shall be available for deposit to the  
14 credit of the permanent common school fund or available for the current  
15 use of the common schools, as the legislature may direct.

16 Article VII, section 2. Except as hereinafter provided and  
17 notwithstanding any other provision of this Constitution, the aggregate  
18 of all tax levies upon real and personal property by the state and all  
19 taxing districts now existing or hereafter created, shall not in any  
20 year exceed one per centum of the true and fair value of such property  
21 in money: PROVIDED, HOWEVER, That nothing herein shall prevent levies  
22 at the rates now provided by law by or for any port or public utility  
23 district. The term "taxing district" for the purposes of this section  
24 shall mean any political subdivision, municipal corporation, district,  
25 or other governmental agency authorized by law to levy, or have levied  
26 for it, ad valorem taxes on property, other than a port or public  
27 utility district. Such aggregate limitation or any specific limitation  
28 imposed by law in conformity therewith may be exceeded only

29 (a) By any taxing district when specifically authorized so to do by  
30 a majority of at least three-fifths of the electors thereof voting on

1 the proposition to levy such additional tax submitted not more than  
2 twelve months prior to the date on which the proposed levy is to be  
3 made and not oftener than twice in such twelve month period, either at  
4 a special election or at the regular election of such taxing district,  
5 at which election the number of persons voting "yes" on the proposition  
6 shall constitute three-fifths of a number equal to forty per centum of  
7 the total votes cast in such taxing district at the last preceding  
8 general election when the number of electors voting on the proposition  
9 does not exceed forty per centum of the total votes cast in such taxing  
10 district in the last preceding general election; or by a majority of at  
11 least three-fifths of the electors thereof voting on the proposition to  
12 levy when the number of electors voting on the proposition exceeds  
13 forty percentum of the total votes cast in such taxing district in the  
14 last preceding general election: PROVIDED, That notwithstanding any  
15 other provision of this Constitution, any proposition pursuant to this  
16 subsection to levy additional tax for the support of the common schools  
17 may provide such support for a two year period and any proposition to  
18 levy an additional tax to support the construction, modernization, or  
19 remodelling of school facilities may provide such support for a period  
20 not exceeding six years;

21 (b) By any taxing district otherwise authorized by law to issue  
22 general obligation bonds for capital purposes, for the sole purpose of  
23 making the required payments of principal and interest on general  
24 obligation bonds issued solely for capital purposes, other than the  
25 replacement of equipment, when authorized so to do by majority of at  
26 least three-fifths of the electors thereof voting on the proposition to  
27 issue such bonds and to pay the principal and interest thereon by an  
28 annual tax levy in excess of the limitation herein provided during the  
29 term of such bonds, submitted not oftener than twice in any calendar  
30 year, at an election held in the manner provided by law for bond

1 elections in such taxing district, at which election the total number  
2 of persons voting on the proposition shall constitute not less than  
3 forty per centum of the total number of votes cast in such taxing  
4 district at the last preceding general election: PROVIDED, That any  
5 such taxing district shall have the right by vote of its governing body  
6 to refund any general obligation bonds of said district issued for  
7 capital purposes only, and to provide for the interest thereon and  
8 amortization thereof by annual levies in excess of the tax limitation  
9 provided for herein, AND PROVIDED FURTHER, That the provisions of this  
10 section shall also be subject to the limitations contained in Article  
11 VIII, Section 6, of this Constitution;

12 (c) By the state or any taxing district for the purpose of paying  
13 the principal or interest on general obligation bonds outstanding on  
14 December 6, 1934; or for the purpose of preventing the impairment of  
15 the obligation of a contract when ordered so to do by a court of last  
16 resort;

17 (d) By the state for a property tax at a rate not to exceed  
18 thirty-five cents per thousand dollars assessed valuation adjusted to  
19 the state equalized value, levied for a maximum of fifteen years and  
20 used exclusively for school construction purposes.

21 BE IT FURTHER RESOLVED, That the foregoing amendment shall be  
22 construed as a single amendment within the meaning of Article XXIII,  
23 section 1 of this Constitution.

24 The legislature finds that the changes contained in the foregoing  
25 amendment constitute a single integrated plan for funding common school  
26 capital projects. If the foregoing amendment is held to be separate  
27 amendments, this joint resolution shall be void in its entirety and  
28 shall be of no further force and effect; and

29 BE IT FURTHER RESOLVED, That the secretary of state shall cause  
30 notice of the foregoing constitutional amendment to be published at

- 1 least four times during the four weeks next preceding the election in
- 2 every legal newspaper in the state.