



HJR 47

House Joint Resolution

Proposed Constitutional Amendment

NOTE: New special toll-free telephone service offered to voters requesting in-depth information on state measures. See page 5 for details.

Changing Excess Levy Election Formula

Shall the formula governing certain excess property tax levies approved by sixty percent of the voters be changed so the election authorizing the levy will be valid either—

(1) if (as now) the total of all votes cast on the proposition is at least forty percent of the number cast at the taxing district's last general election; or

(2) if the total of "yes" votes is at least three-fifths of forty percent of that number of votes?

Vote cast by members of the 1971 Legislature on final passage:

HOUSE: (99 members) Yeas, 91; Nays, 3; Absent or not voting, 5.

SENATE: (49 members) Yeas, 33; Nays, 3; Absent or not voting, 13.

Statement for

Present System Unfairly Favors Non-Voting Opponents

It should not be possible to directly affect the outcome of an election by staying at home. And yet you can today because of constitutional requirements relating to special levy elections.

HJR 47 would change this for annual special levies designed to meet current expenses, most notably for school district maintenance and operation. Presently one condition necessary for passage of such a levy is that a minimum number of persons must vote on the levy proposition. That minimum is forty percent of the total number of persons voting in the previous General Election. HJR 47 would continue to require the same minimum number of "yes" votes, but would remove the minimum total vote requirement.

60% Approval Still Required

It is important to note what HJR 47 does not change as well. The sixty percent "yes" vote will still be required for passage of the levy.

40% Rule Leads to Needless Second Election

The approval of HJR 47 would also save the cost of additional elections. In 1970, for instance, a total of seven special school levies failed the first election for lack of the forty percent, all passed when resubmitted. In 1971 the figure was seventeen, and again all passed on the second try. Of these twenty-four, only in three instances was the levy amount lowered for the second election, and in one case the amount was increased. The twenty-four additional elections cost hundreds of thousands of dollars.

Voters Will Decide Fate of the Measures

In summary we urge a "yes" vote on HJR 47. Its passage can mean avoidance of the needless financial burden of second levy elections. But most important it will help provide for the passage or failure of a levy based on the merits of the proposed levy itself rather than on the number of people who simply stay home on election day.

Committee appointed to compose statement FOR House Joint Resolution No. 47:

PAUL KRAABEL, State Representative; JONATHAN WHETZEL, State Senator; MR. RICHARD R. ALBRECHT, Shoreline School District.

Advisory Committee: MR. PETER LESOURD, Seattle; MRS. FRED C. FENSKE, JR., Spokane; MR. L. H. PEDERSEN, Tacoma; MR. JOHN L. HAGENSEN, Vancouver.

The Law as it now exists:

Amendment 17 of the state constitution (commonly referred to as the forty mill limit) restricts the aggregate of property tax levies to forty mills on the dollar of assessed valuation unless the voters of a taxing district have authorized levies in excess of that limit. Excess levies may be authorized by the voters on either an annual basis for current expenses of the taxing district or on a long-term basis to fund general obligation bonds. In order for either type of excess levy to be imposed the following two conditions must be met:

(1) The tax must be approved by at least sixty percent of the electors voting on the proposition to levy such additional tax; and

(2) the total number of persons voting on the proposition must constitute not less than forty percent of the total number of votes cast in the taxing district at its last preceding general election.

Effect of HJR No. 47 if approved into Law:

This proposed constitutional amendment would retain the requirement that an excess levy proposition be approved by at least sixty percent of the electors voting thereon. However, in the case of annual excess property tax levy elections only (but not long-term excess levies for the funding of general obligation bonds) the proposed amendment would provide that the election would be valid either—

(1) if (as now) the total number of all votes cast on the proposition is not less than forty percent of the number cast at the district's last preceding election;

(2) if, where the total number of votes cast on the proposition is less than forty percent of the number cast at the district's last preceding general election, the total number of "yes" votes is, nevertheless, equal to at least three-fifths of forty percent (i.e., twenty-four percent) of the number of votes cast at the district's last general election.

By thus providing for this second, or alternative, method of validating an election held by a taxing district to obtain voter approval of an excess levy for current expenses, this proposed amendment would withdraw the present ability of voters who are opposed to a levy proposition to defeat it by declining to vote on the opposed measure at all.

NOTE:—Ballot title and the above explanatory comment were written by the Attorney General as required by state law. Complete text of House Joint Resolution No. 47 starts on Page 104.

Statement against

Before any constitutional amendment can be submitted to the voters for decision, our state constitution requires that the proposal must first be approved by at least two-thirds of the members of each branch of the state legislature.

House Joint Resolution No. 47 was so approved by the 1971 Legislature and no member could be enlisted to write a statement against the measure for publication in this pamphlet.

to a petition proposed under this section for the election of freeholders to frame a city-county charter, the election of freeholders, and to the framing and adoption of such city-county charter pursuant to such petition. Except as otherwise provided in this section, the provisions of section 4 applicable to a county home rule charter shall apply to a city-county charter. If there are not sufficient legal newspapers published in the county to meet the requirements of publication of a proposed charter under section 4 of this Article, publication in a legal newspaper circulated in the county may be substituted for publication in a legal newspaper published in the county. No such ~~(city and county)~~ "city-county" shall be formed except by a majority vote of the qualified electors ~~((of))~~ voting thereon in the ~~((area proposed to be included therein and also by a majority vote of the qualified electors of the remainder of that county from which such area is to be taken. Any such city and county shall be permitted to frame a charter for its own government, and amend the same, in the manner provided for cities by section 10 of this article: PROVIDED, HOWEVER, That the first charter of such city and county shall be framed and adopted in a manner to be specified in the general law authorizing the formation of such corporations:))~~ county ~~((PROVIDED FURTHER, That every such))~~. The charter shall designate the respective officers of such ~~((city and county))~~ city-county who shall perform the duties imposed by law upon county officers. Every such ~~((city and county))~~ city-county shall have and enjoy all rights, powers and privileges asserted in its charter, ~~((not inconsistent with general laws,))~~ and in addition thereto, such rights, powers and privileges as may be granted to it, or to any city or county or class or classes of cities and counties ~~((possessed and enjoyed by cities and counties of all population separately organized)).~~ In the event of a conflict in the constitutional provisions applying to cities and those applying to counties or of a conflict in the general laws applying to cities and those applying to counties, a city-county shall be authorized to exercise any powers that are granted to either the cities or the counties.

No legislative enactment which is a prohibition or restriction, appointment or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed)) city-county. ((In case an

~~((No county or county government existing outside the territorial limits of such county and city shall exercise any police, taxation or other powers within the territorial limits of such county and city, but all such powers shall be exercised by the city and county and the officers thereof, subject to such constitutional provisions and general laws as apply to either cities or counties: PROVIDED, That))~~ The provisions of sections 2, 3, ~~((4))~~ 5, 6, ~~((7))~~ and 8 and of the first paragraph of section 4 of this article shall not apply to any such ~~((city and county: PROVIDED FURTHER, That the salary of any elective or appointive officer of a city and county shall not be changed after his election, appointment or during his term of office; nor shall the term of any such officer be extended beyond the period for which he is elected or appointed))~~ city-county. ~~((In case an existing county is divided in the formation of a city and county, such city and county shall be liable for a just proportion of the existing debts or liabilities of the former county, and shall account for and pay the county remaining a just proportion of the value of any real estate or other property owned by the former county and taken over by the county and city, the method of determining such just proportion to be prescribed by general law, but such division shall not affect the rights of creditors. The officers of a city and county, their compensation, qualifications, terms of office and manner of election or appointment shall be as provided for in its charter, subject to general laws and applicable constitutional provision))~~

Municipal corporations may be retained or otherwise provided for within the city-county. The formation, powers and

one hundred four

duties of such municipal corporations shall be prescribed by the charter.

No city-county shall for any purpose become indebted in any manner to an amount exceeding three percentum of the taxable property in such city-county without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor in cases requiring such assent shall the total indebtedness at any time exceed ten percentum of the value of the taxable property therein, to be ascertained by the last assessment for city-county purposes previous to the incurring of such indebtedness: PROVIDED, That no part of the indebtedness allowed in this section shall be incurred for any purpose other than strictly city-county, or other municipal purposes: PROVIDED FURTHER, That any city-county, with such assent may be allowed to become indebted to a larger amount, but not exceeding five percentum additional for supplying such city-county with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the city-county.

No municipal corporation which is retained or otherwise provided for within the city-county shall for any purpose become indebted in any manner to an amount exceeding one and one-half percentum of the taxable property in such municipal corporation without the assent of three-fifths of the voters therein voting at an election to be held for that purpose, nor shall the total indebtedness at any time exceed five percentum of the value of the taxable property therein, to be ascertained by the last assessment for city-county purposes previous to the incurring of such indebtedness: PROVIDED, That no part of the indebtedness allowed in this section shall be incurred for any purpose other than strictly municipal purposes: PROVIDED FURTHER, That any such municipal corporation, with such assent, may be allowed to become indebted to a larger amount, but not exceeding five percentum additional for supplying such municipal corporation with water, artificial light, and sewers, when the works for supplying such water, light, and sewers shall be owned and controlled by the municipal corporation. All taxes which are levied and collected within a municipal corporation for a specific purpose shall be expended within that municipal corporation.

The authority conferred on the city-county government shall not be restricted by the second sentence of Article 7, section 1, or by Article 8, section 6 of this Constitution.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed the Senate May 10, 1971.
JOHN A. CHERBERG,
President of the Senate.

Passed the House May 10, 1971.
THOMAS A. SWAYZE, JR.,
Speaker of the House.

EXPLANATORY COMMENT

All words in double parentheses and lined through are in our State Constitution at the present and are being taken out by this amendment. All words underscored do not appear in the State Constitution as it is now written but will be put in if this amendment is adopted.

COMPLETE TEXT OF

House Joint Resolution

47

Proposed Constitutional Amendment

Ballot Title as issued by the Attorney General:

Changing Excess Levy Election Formula

Shall the formula governing certain excess property tax levies

approved by sixty percent of the voters be changed so the election authorizing the levy will be valid either—

(1) if (as now) the total of all votes cast on the proposition is at least forty percent of the number cast at the taxing district's last general election; or

(2) if the total of "yes" votes is at least three-fifths of forty percent of that number of votes?

BE IT RESOLVED, By the Senate and the House of Representatives of the State of Washington, in Legislative Session Assembled:

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article VII of the Constitution of the state of Washington by amending section 2 (Amendment 17) thereof to read as follows:

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

(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the electors thereof voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of persons voting ~~((on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election))~~ "yes" on the proposition shall constitute three-fifths of a number equal to forty per centum of the total votes cast in such taxing district at the last preceding general election when the number of electors voting on the proposition does not exceed forty per centum of the total votes cast in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the electors thereof voting on the proposition to levy when the number of electors voting on the proposition exceeds forty per centum of the total votes cast in such taxing district in the last preceding general election;

(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by a majority of at least three-fifths of the electors thereof voting on the proposition to issue such bonds and to pay the principal and interest thereon by an annual tax levy in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of persons voting on the proposition shall constitute not less than forty per centum of the total number of votes cast in such taxing district at the last preceding general election: PROVIDED, That any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital

purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein, AND PROVIDED FURTHER, That the provisions of this section shall also be subject to the limitations contained in Article VIII, Section 6, of this Constitution;

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

BE IT FURTHER RESOLVED, That the foregoing amendment shall be submitted to the qualified electors of the state in such a manner that they may vote for or against it separately from the proposed amendment to Article VII, section 2, (Amendment 17) of the Constitution of the State of Washington contained in Senate Joint Resolution No. 1: PROVIDED, That if both proposed amendments are approved and ratified, both shall become part of the Constitution.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of the foregoing constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

Passed the House May 1, 1971.
THOMAS A. SWAYZE, JR.,
Speaker of the House.

Passed the Senate May 10, 1971.
JOHN A. CHERBERG,
President of the Senate.

EXPLANATORY COMMENT

All words in double parentheses and lined through are in our State Constitution at the present and are being taken out by this amendment. All words underscored do not appear in the State Constitution as it is now written but will be put in if this amendment is adopted.

COMPLETE TEXT OF

House Joint Resolution

52

Proposed Constitutional Amendment

Ballot Title as issued by the Attorney General:

Changing Constitutional Debt Limitation Formula

Shall the present \$400,000 limitation upon certain state debts incurred without voter approval be replaced with a limitation allowing those debts covered by the amendment only if—

(1) their aggregate amount will not require annual principal and interest payments to exceed 9% of the average amount of general state revenues for the three immediately preceding fiscal years; and

(2) the laws authorizing such debts are approved by a three-fifths majority of both houses of the legislature?

BE IT RESOLVED, By the Senate and House of Representatives of the State of Washington in Legislative Session Assembled:

THAT, At the next general election to be held in this state there shall be submitted to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article VIII, section 1, and Article VIII, section 3 (Amendment 48), of the Constitution of the State of Washington, by amending said sections to read as follows:

Article VIII, section 1. (a) The state may ~~((to meet casual deficits or failure in revenues, or for expenses not provided for, contract debts, but such debts, direct and contingent, singly or in the aggregate, shall not at any time exceed four~~