



Senate Joint Resolution 143

PROPOSED CONSTITUTIONAL AMENDMENT

NOTE: The ballot title and explanatory statement were written by the Attorney General as required by state law. The complete text of Senate Joint Resolution 143 begins on page 21.

Vote cast by the 1982 Legislature on final passage:
HOUSE: Yeas, 73; Nays, 22; Absent or not voting, 3.
SENATE: Yeas, 36; Nays, 11; Absent or not voting, 2.

Official Ballot Title:

Shall financing of public improvements from taxes on increased property values as a result of such improvements be constitutionally authorized?

The law as it now exists:

Currently, any county or any city or town (municipal corporation) may construct public improvements authorized by law, within their jurisdictions. If such improvements bring about increased values in existing properties or attract new investments in the area, ad valorem (property) tax revenues from such increased property values may be greater than those taxes that would have been collected if such public improvements had not been built.

Any additional or incremental property tax revenues derived from an increase in property tax values generated by a public improvement will be available for general budgetary purposes to any taxing district authorized to levy taxes on properties within its jurisdiction, the values of which are increased by the construction and operation of a public improvement. The uniformity clause of the constitution requires a county, city or town sponsoring a public improvement to share any increase in revenue from that project with other taxing districts in which the project is also located.

Under current law the costs of some public improvements may be financed from charges and fees, other than tax revenues, for the use of the facilities themselves. If, however, a municipal corporation seeks to use general tax revenues to finance such projects, any indebtedness incurred by the project will be subject to overall constitutional and statutory limitations on the amount of local government indebtedness.

The effect of SJR 143, if approved into law:

This proposed amendment would add a new section to Article VII of the Constitution, authorizing the legislature to permit any county,

city or town (municipal corporation) to create "boundaries" or districts within urban areas which will contain those real properties whose value are likely to be increased by the construction of a public improvement within a district. The constitutional amendment does not define public improvement, but limits its definition to those projects which the legislature under existing constitutional limitations has already or may in the future authorize a municipal corporation to construct and finance.

Under this proposed amendment the constitutional requirement of uniformity will not prevent the legislature from authorizing a county, city or town to finance public improvements through the use of all or a portion of the property tax revenues derived from the increase in the true and fair value of real property affected by the presence of the public improvement. Bonds or other public obligations which are used to finance such public improvements and which are to be repaid solely from such tax revenues will not be subject to the limitations on general indebtedness imposed on a county, city or town by Article VIII, § 6 of the Constitution.

The amendment provides, however, that when a municipal corporation seeks in addition to pledge other tax revenues or to pledge its full faith and credit to the repayment of obligations incurred for

(continued on page 26)

Statement for

YES ON 143 MEANS STRONG COMMUNITIES AND NO NEW TAXES

SJR 143 is a proposed amendment to the Washington State Constitution that provides a new way to raise *private investment dollars* for local public improvements, i.e. streets, sidewalks, street lighting, park improvements and parking.

The program is called Community Redevelopment Financing. It has been used successfully in 28 other states to promote economic stability in areas that are deteriorating and in need of rehabilitation.

YES ON 143 MEANS NEW JOBS

SJR 143 provides for a partnership between business and local governments that will result in new construction and new jobs. In Rosemont, Illinois, private developments of hotel, office and retail structures resulted in extensive public improvements. The redevelopment projects produced 6,000 new jobs.

YES ON 143 MEANS A STRONG LOCAL ECONOMY

Declining urban areas are a fiscal drain on taxpayers and public services. New private investment in those areas will provide increased revenues, which would otherwise not be available. The revenues will first pay for the public improvements and then will be used to support local government services, relieving the property tax burden on all other taxpayers.

**SAY YES TO SJR 143!
BUILD A STRONG COMMUNITY**



Rebuttal of Statement against

SJR 143 WILL NOT RAISE YOUR PROPERTY TAXES – Statistics from 28 other states prove it. SJR 143 CREATES JOBS – Both Democratic and Republican legislative leaders included it in their Economic Recovery programs. After a thorough study, it was passed by two-thirds of our state legislators and is supported by the Washington State Labor Council, State League of Women Voters, Chambers of Commerce statewide, Business and Civic Leaders. Opposition arguments are unfounded and untrue.

Voters Pamphlet Statement Prepared by:

GEORGE FLEMING, State Senator; ART GALLAGHAN, State Senator; RICHARD H. BARRETT, State Representative.

Advisory Committee: ROBERT S. O'BRIEN, State Treasurer; FRAN DREW, President, League of Women Voters of Washington; MARVIN L. WILLIAMS, President, Washington State Labor Council, AFL-CIO; DONALD E. KUHN, President, Association of Washington Cities; HERBERT M. BRIDGE, Chairman, Ben Bridge Jeweler, Inc.

Statement against

SJR 143 WILL FORCE PROPERTY TAXES EVER HIGHER

Citizens living near the project area can expect to see a huge increase in their property taxes, because the increased property values associated with the public projects will force the county assessor to raise the assessments of surrounding property.

SJR 143 WILL HURT SMALL BUSINESS

Unfair competition from publicly subsidized developments will decrease profits and drive some businesses into probable bankruptcy.

SJR 143 WILL ELIMINATE JOBS

Tax increment financing will cause jobs to be lost due to the failure of surrounding businesses hurt by the unfair subsidized competition.

SJR 143 WILL INCREASE INTEREST RATES

The bonds authorized by SJR 143 will compete with other projects for a limited pool of investor funds, thereby driving up interest costs. The national debt is already one trillion dollars with annual interest of \$100 billion. Can we really allow these astronomical costs to go still higher?

SJR 143 WILL DESTROY NEIGHBORHOODS

If SJR 143 passes, many neighborhoods will have their character radically altered or completely destroyed by the unfettered expansion of unnecessary or questionable projects.

TAX INCREMENT FINANCING WAS PREVIOUSLY DEFEATED BY THE VOTERS

In 1973 a very similar tax increment financing constitutional amendment (HJR 22) was placed upon the ballot. The citizens rejected the issue by a margin of nearly 3 to 1. How many times do we have to say "no"?

Rebuttal of Statement for

The proponents suggest that spending more and more of the taxpayers' money is an effective way to improve our economy. If that were true, then why are the economies of England and Mexico in so much trouble? The belief that we can spend ourselves into prosperity is an impossible and dangerous dream. Vote against fiscal irresponsibility and funny money. Vote "no" on SJR 143.

Voters Pamphlet Statement Prepared by:

KENT PULLEN, State Senator; A. L. RASMUSSEN, State Senator; MARGARET LEONARD, State Representative.

Advisory Committee: GLADYS E. EDWARDS, Property Owners Protection Association; WILLIAM FOSBRE, Thurston County Chapter, Overtaxed.

chairs, or counters or from trays, glasses, dishes, or other tableware whether provided by the retailer or by a person with whom the retailer contracts to furnish, prepare, or serve food products to others, except for food products furnished as meals under a state administered nutrition program for the aged as provided for in the Older American Act (P.L. 95-478 Title III) and RCW 74.38.040(6), or (b) when the food products are ordinarily sold for immediate consumption on or near a location at which parking facilities are provided primarily for the use of patrons in consuming the products purchased at the location, even though such products are sold on a "takeout" or "to go" order and are actually packaged or wrapped and taken from the premises of the retailer, or (c) when the food products are sold for consumption within a place, the entrance to which is subject to an admission charge, except for national and state parks and monuments.

NEW SECTION. Sec. 37. The following acts or parts of acts are each repealed:

(1) Section 28, chapter . . . (SB 4250), Laws of 1982 1st ex. sess. and RCW 82.08. . . ;

(2) Section 29, chapter . . . (SB 4250), Laws of 1982 1st ex. sess. and RCW 82.12. . . ;

(3) Section 33, chapter . . . (SB 4250), Laws of 1982 1st ex. sess. and RCW 82.08. . . ; and

(4) Section 34, chapter . . . (SB 4250), Laws of 1982 1st ex. sess. and RCW 82.12. . . .

NEW SECTION. Sec. 38. Section headings and captions included in this act do not constitute any part of the law.

NEW SECTION. Sec. 39. Sections 1 through 33 of this act shall be codified as a new title in the Revised Code of Washington, to be numbered Title 82A.

NEW SECTION. Sec. 40. The people believe that the changes contained in this initiative constitute a single integrated plan for a balanced revision of the tax structure for state government. In the event this initiative is found violative of Article II, section 19 of the Washington state Constitution, this initiative shall be void in its entirety and shall be of no further force and effect.

NEW SECTION. Sec. 41. If approved by the voters at the November, 1982 general election, this act shall take effect on January 1, 1983, except sections 35 through 37 of this act shall take effect on February 1, 1983.

true and fair value by reason of specified public improvements to redevelop areas within those boundaries, and may provide that all or a portion of the ad valorem taxes levied within those boundaries against increases in the true and fair value of such real property may be used to pay for the specified public improvements or to pay public obligations incurred to fund the specified public improvements. Public obligations incurred for these public improvements and payable solely from revenues from these public improvements and such ad valorem taxes levied against the increases in real property value shall not constitute general indebtedness.

For the purposes of this section, "ad valorem taxes" means:

(1) Ad valorem taxes subject to the aggregate limitation on tax levies by the state and all taxing districts in section 2 of this Article; and

(2) Ad valorem taxes levied by port districts and public utility districts, except for ad valorem taxes levied specifically for the purpose of making required payments of principal and interest on general indebtedness.

Nothing in this section authorizes the provision of public improvements which counties, cities, and towns may not otherwise provide.

Nothing in this section authorizes a county, city, or town to exercise powers of eminent domain contrary to the provisions of Article I, section 16.

Nothing in this section authorizes a county, city, or town to pledge all or part of its full faith and credit or any other tax revenues without complying with the laws relating to the incurring of general indebtedness, including Article VIII, section 1 and Article VIII, section 6, or to aggregate tax levies in excess of the limitation on levies in section 2 of this Article: PROVIDED, That no bonds that constitute general indebtedness and which use the funding mechanism contained in this section shall be issued to fund all or a portion of such specified public improvements unless a public hearing on the issue of such bonds is held prior to the time boundaries are created pursuant to this section. The notice for such a public hearing shall include: (1) A statement that the county, city, or town must pledge its full faith and credit toward the payment of any general indebtedness which uses the funding mechanism contained in the section; (2) A statement that in the absence of sufficient revenues under this funding mechanism, the debt service must be made from then existing taxes or other revenues, which may result in an increase in taxes or reduction in existing programs; and (3) An estimate of the dollar amount of debt service on such bonds per year, and an estimate of the total principal and interest payments required for the full term of the bonds. The use of the funding mechanism contained in this section to pay principal and interest on general indebtedness, which is not required to be approved by the voters pursuant to Article VIII, section 6, shall be subject to potential referendum approval by simple majority vote of the voters of the county, city, or town.

After the initial adoption of a law by the legislature authorizing the use of ad valorem taxes levied against increases in the true and fair value of real property to finance specified public improvements, no amendment to such act which expands the nature of the areas within which ad valorem taxes levied against increases in the true and fair value of real property may be used to finance specified public



COMPLETE TEXT OF Senate Joint Resolution 143

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 VII of the state Constitution by adding a new section to read as follows:

Article VII, section Notwithstanding any provision of this Constitution, the legislature may by general law authorize the legislative authority of any county, city, or town to create boundaries in urban areas, within its jurisdiction, containing only that real property which is determined will be increased in

improvements, or adds to the purposes and types of public improvements that may be financed with such revenues, or reduces the requirements which must be met if public obligations are incurred to fund the specified public improvements, shall be valid unless the amendment is enacted by a favorable vote of three-fifths of the members elected to each house of the legislature and is subject to referendum petition.

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.

SPECIAL NOTE: The following is the complete text of Chapter 42, Laws of 1982, First Extraordinary Session. Although this measure will *not* be voted upon at the state general election on November 2, it contains the implementing statutes for Senate Joint Resolution 143 and will become effective if that proposed constitutional amendment is approved by a majority of the voters. The text of this law is included to facilitate each voter's understanding of the effect of the adoption of that proposed amendment to the state constitution.

AN ACT Relating to public improvements financing; adding a new chapter to Title 39 RCW; and adding a new section to chapter 84.55 RCW.

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

NEW SECTION. Section 1. SHORT TITLE. This chapter may be known and cited as the Community Redevelopment Financing Act of 1982.

NEW SECTION. Sec. 2. DECLARATION. It is declared to be the public policy of the state of Washington to promote and facilitate the orderly development and economic stability of its urban areas. The provision of adequate government services and the creation of employment opportunities for the citizens within urban areas depends upon the economic growth and the strength of their tax base. The construction of necessary public improvements in accordance with local community planning will encourage investment in job-producing private development and will expand the public tax base.

It is the purpose of this chapter to allocate a portion of regular property taxes for limited periods of time to assist in the financing of public improvements which are needed to encourage private development of urban areas; to prevent or arrest the decay of urban areas due to the inability of existing financing methods to provide needed public improvements; to encourage local taxing districts to cooperate in the allocation of future tax revenues arising in urban areas in order to facilitate the long-term growth of their common tax base; and to encourage private investment within urban areas.

NEW SECTION. Sec. 3. DEFINITIONS. As used in this chapter the following terms have the following meanings unless a different meaning is clearly indicated by the context:

(1) "Apportionment district" means the geographic area, within an urban area, from which regular property taxes are to be apportioned to finance a public improvement contained therein.

(2) "Assessed value of real property" means the valuation of real property as placed on the last completed assessment roll of the county.

(3) "City" means any city or town.

(4) "Ordinance" means any appropriate method of taking

a legislative action by a county or city, whether known as a statute, resolution, ordinance, or otherwise.

(5) "Public improvement" means an undertaking to provide public facilities in an urban area which the sponsor has authority to provide.

(6) "Public improvement costs" means the costs of design, planning, acquisition, site preparation, construction, reconstruction, rehabilitation, improvement, and installation of the public improvement; costs of relocation, maintenance, and operation of property pending construction of the public improvement; costs of utilities relocated as a result of the public improvement; costs of financing, including interest during construction, legal and other professional services, taxes, and insurance; costs incurred by the assessor to revalue real property for the purpose of determining the tax allocation base value that are in excess of costs incurred by the assessor in accordance with his revaluation plan under chapter 84.41 RCW, and the costs of apportioning the taxes and complying with this chapter and other applicable law; and administrative costs reasonably necessary and related to these costs. These costs may include costs incurred prior to the adoption of the public improvement ordinance, but subsequent to the effective date of this act.

(7) "Public improvement ordinance" means the ordinance passed under section 5(4) of this act.

(8) "Regular property taxes" means regular property taxes as now or hereafter defined in RCW 84.04.140, except regular property taxes levied by port districts or public utility districts specifically for the purpose of making required payments of principal and interest on general indebtedness.

(9) "Sponsor" means any county or city initiating and undertaking a public improvement.

(10) "Tax allocation base value of real property" means the true and fair value of real property within an apportionment district for the year in which the apportionment district was established.

(11) "Tax allocation bonds" means any bonds, notes, or other obligations issued by a sponsor pursuant to section 10 of this act.

(12) "Tax allocation revenues" means those tax revenues allocated to a sponsor under section 8(1)(b) of this act.

(13) "Taxing districts" means any governmental entity which levies or has levied for it regular property taxes upon real property located within a proposed or approved apportionment district.

(14) "Value of taxable property" means value of taxable property as defined in RCW 39.36.015.

(15) "Urban area" means an area in a city or located outside of a city that is characterized by intensive use of the land for the location of structures and receiving such urban services as sewers, water, and other public utilities and services normally associated with urbanized areas. Not more than twenty-five percent of the area within the urban area proposed apportionment district may be vacant land.

NEW SECTION. Sec. 4. AUTHORITY—LIMITATIONS. (1) Only public improvements which are determined by the legislative authority of the sponsor to meet the following criteria are eligible to be financed under this chapter:

(a) The public improvement is located within an urban area;

(b) The public improvement will encourage private development within the apportionment district;

(c) The public improvement will increase the fair market value of the real property located within the apportionment district;

(d) The private development which is anticipated to occur within the apportionment district as a result of the public improvement is consistent with an existing comprehensive land use plan and approved growth policies of the jurisdiction within which it is located;

(e) A public improvement located within a city has been approved by the legislative authority of such city; and

(f) A public improvement located within an urban area in an unincorporated area has been approved by the legislative authority of the county within whose boundaries the area lies.

(2) Apportionment of regular property tax revenues to finance the public improvements is subject to the following limitations:

(a) No apportionment of regular property tax revenues may take place within a previously established apportionment district where regular property taxes are still apportioned to finance public improvements without the concurrence of the sponsor which established the district;

(b) No apportionment district may be established which includes any geographic area included within a previously established apportionment district which has outstanding bonds payable in whole or in part from tax allocation revenues;

(c) The total amount of outstanding bonds payable in whole or in part from tax allocation revenues arising from property located within a city shall not exceed two percent of the value of taxable property within the city, and the total amount of outstanding bonds payable in whole or in part from tax allocation revenues arising from property located within the unincorporated areas of a county shall not exceed two percent of the value of taxable property within the entire unincorporated area of the county; and

(d) No taxes other than regular property taxes may be apportioned under this chapter.

(3) Public improvements may be undertaken and coordinated with other programs or efforts undertaken by the sponsor or others and maybe funded in whole or in part from sources other than those provided by this chapter.

NEW SECTION. Sec. 5. PROCEDURE FOR ADOPTION OF PUBLIC IMPROVEMENT. Public improvements funded by tax allocation revenues may only be located within an urban area. In order to secure an allocation of regular property taxes to finance a public improvement, a sponsor shall:

(1) Propose by ordinance a plan for the public improvement which includes a description of the contemplated public improvement, the estimated cost thereof, the boundaries of the apportionment district, the estimated period during which tax revenue apportionment is contemplated, and the ways in which the sponsor plans to use tax allocation revenues to finance the public improvement, and which sets at least three public hearings thereon before the legislative authority of the sponsor or a committee thereof: PROVIDED, That public hearings for the public improvement that is undertaken in combination or coordination by two or more sponsors may be held jointly; and public hearings, held before the legislative authority or a committee of a majority thereof may be combined with public hearings held for other purposes;

(2) At least fifteen days in advance of the hearing:

(a) Deliver notice of the hearing to all taxing districts, the county treasurer, and the county assessor, which notice includes a map or drawing showing the location of the contemplated public improvement and the boundaries of the proposed apportionment district, a brief description of the public improvement, the estimated cost thereof, the anticipated increase in property values within the apportionment district, the location of the sponsor's principal business office where it will maintain information concerning the public improvement for public inspection, and the date and place of hearing; and

(b) Post notice in at least six public places located in the proposed apportionment district and publish notice in a legal newspaper of general circulation within the sponsor's jurisdiction briefly describing the public improvement, the proposed apportionment, the boundaries of the proposed apportionment district, the location where additional information concerning the public improvement may be inspected, and the date and place of hearing;

(3) At the time and place fixed for the hearing under subsection (1) of this section, and at such times to which the hearing may be adjourned, receive and consider all statements and materials as may be submitted, and objections and letters filed before or within ten days thereafter;

(4) Within one hundred twenty days after completion of the public hearings, pass an ordinance establishing the apportionment district and authorizing the proposed public improvement, including any modifications which in the sponsor's opinion the hearings indicated should be made, which includes the boundaries of the apportionment district, a description of the public improvement, the estimated cost thereof, the portion of the estimated cost thereof to be reimbursed from tax allocation revenues, the estimated time during which regular property taxes are to be apportioned, the date upon which apportionment of the regular property taxes will commence, and a finding that the public improvement meets the conditions of section 4 of this act.

NEW SECTION. Sec. 6. NOTICE OF PUBLIC IMPROVEMENT. Within fifteen days after enactment of the public improvement ordinance, the sponsor shall publish notice in a legal newspaper circulated within the designated apportionment district summarizing the final public improvement, including a brief description of the public improvement, the boundaries of the apportionment district, and the location where the public improvement ordinance and any other information concerning the public improvement may be inspected.

Within fifteen days after enactment of the public improvement ordinance, the sponsor shall deliver a certified copy thereof to each taxing district, the county treasurer, and the county assessor.

NEW SECTION. Sec. 7. DISAGREEMENTS BETWEEN TAXING DISTRICTS. (1) Any taxing district that objects to the apportionment district, the duration of the apportionment, the manner of apportionment, or the propriety of cost items established by the public improvement ordinance of the sponsor may, within thirty days after receipt of the ordinance, petition for review thereof by the state board of tax appeals. The state board of tax appeals shall meet within a reasonable time, hear all the evidence presented by the parties on matters in dispute;

and determine the issues upon the evidence as may be presented to it at the hearing. The board may approve or deny the public improvement ordinance as enacted or may grant approval conditioned upon modification of the ordinance by the sponsor. The decision by the state board of tax appeals shall be final and conclusive but shall not preclude modification or discontinuation of the public improvement.

(2) If the sponsor modifies the public improvement ordinance as directed by the board, the public improvement ordinance shall be effective without further hearings or findings and shall not be subject to any further appeal. If the sponsor modifies the public improvement ordinance in a manner other than as directed by the board, the public improvement ordinance shall be subject to the procedures established pursuant to sections 5 and 6 of this act.

NEW SECTION. Sec. 8. APPORTIONMENT OF TAXES. (1) Upon the date established in the public improvement ordinance, but not sooner than the first day of the calendar year following the passage of the ordinance, the regular property taxes levied upon the assessed value of real property within the apportionment district shall be divided as follows:

(a) That portion of the regular property taxes produced by the rate of tax levied each year by or for each of the taxing districts upon the tax allocation base value of real property, or upon the assessed value of real property in each year, whichever is smaller, shall be allocated to and paid to the respective taxing districts; and

(b) That portion of the regular property taxes levied each year by or for each of the taxing districts upon the assessed value of real property within an apportionment district which is in excess of the tax allocation base value of real property shall be allocated and paid to the sponsor, or the sponsor's designated agent, until all public improvement costs to be paid from the tax allocation revenues have been paid, except that the sponsor may agree to receive less than the full amount of such portion as long as bond debt service, reserve, and other bond covenant requirements are satisfied, in which case the balance of the taxes shall be allocated to the respective taxing districts as the sponsor and the taxing districts may agree.

(2) The county assessor shall revalue the real property within the apportionment district for the purpose of determining the tax allocation base value for the apportionment district and shall certify to the sponsor the tax allocation base value as soon as practicable after the assessor receives notice of the public improvement ordinance and shall certify to the sponsor the total assessed value of real property within thirty days after the property values for each succeeding year have been established, except that the assessed value of state-assessed real property within the apportionment district shall be certified as soon as the values are provided to the assessor by the department of revenue. Nothing in this section authorizes revaluations of real property by the assessor for property taxation that are not made in accordance with the assessor's revaluation plan under chapter 84.41 RCW.

(3) The date upon which the apportionment district was established shall be considered the date upon which the public improvement ordinance was enacted by the sponsor.

(4) The apportionment of regular property taxes under this section shall cease when tax allocation revenues are no longer necessary or obligated to pay public improvement costs or to pay principal of and interest on bonds issued to finance public

improvement costs and payable in whole or in part from tax allocation revenues. At the time of termination of the apportionment, any excess money and any earnings thereon held by the sponsor shall be returned to the county treasurer and distributed to the taxing districts which were subject to the allocation in proportion to their regular property tax levies due for the year in which the funds are returned.

NEW SECTION. Sec. 9. APPLICATION OF TAX ALLOCATION REVENUES. Tax allocation revenues may be applied as follows:

(1) To pay public improvement costs;

(2) To pay principal of and interest on, and to fund any necessary reserves for, tax allocation bonds;

(3) To pay into bond funds established to pay the principal of and interest on general obligation bonds issued pursuant to law to finance public facilities that are specified in the public improvement ordinance and constructed following the establishment of and within the apportionment district; or

(4) To pay any combination of the foregoing.

NEW SECTION. Sec. 10. GENERAL OBLIGATION BONDS. General obligation bonds which are issued to finance public facilities that are specified in the public improvement ordinance, and for which part or all of the principal or interest is paid by tax allocation revenues, shall be subject to the following requirements:

(1) The intent to issue such bonds and the maximum amount which the sponsor contemplates issuing are specified in the public improvement ordinance; and

(2) A statement of the intent of the sponsor to issue such bonds is included in all notices required by sections 5 and 6 of this act.

In addition, the ordinance or resolution authorizing the issuance of such general obligation bonds shall be subject to potential referendum approval by the voters of the issuing entity when the bonds are part of the non-voter approved indebtedness limitation established pursuant to RCW 39.36.020. If the voters of the county or city issuing such bonds otherwise possess the general power of referendum on county or city matters, the ordinance or resolution shall be subject to that procedure. If the voters of the county or city issuing such bonds do not otherwise possess the general power of referendum on county or city matters, the referendum shall conform to the requirements and procedures for referendum petitions provided for code cities in RCW 35A.11.100.

NEW SECTION. Sec. 11. TAX ALLOCATION BONDS. (1) A sponsor may issue such tax allocation bonds as it may deem appropriate for the financing of public improvement costs and a reasonable bond reserve and for the refunding of any outstanding tax allocation bonds.

(2) The principal and interest of tax allocation bonds may be made payable from:

(a) Tax allocation revenues;

(b) Project revenues which may include (i) nontax income, revenues, fees, and rents from the public improvement financed with the proceeds of the bonds, or portions thereof, and (ii) contributions, grants, and nontax money available to the sponsor for payment of costs of the public improvement or the debt service of the bonds issued therefor;

(c) Any combination of the foregoing.

(3) Tax allocation bonds shall not be the general obligation

of or guaranteed by all or any part of the full faith and credit of the sponsor or any other state or local government, or any tax revenues other than tax allocation revenues, and shall not be considered a debt of the sponsor or other state or local government for general indebtedness limitation purposes.

(4) The terms and conditions of tax allocation bonds may include provisions for the following matters, among others:

(a) The date of issuance, maturity date or dates, denominations, form, series, negotiability, registration, rank or priority, place of payment, interest rate or rates which may be fixed or may vary over the life of the tax allocation bonds, bond reserve, coverage, and such other terms related to repayment of the tax allocation bonds;

(b) The application of tax allocation bond proceeds; the use, sale, or disposition of property acquired; consideration or rents and fees to be charged in the sale or lease of property acquired; consideration or rents and fees to be charged in the sale or lease of property within a public improvement; the application of rents, fees, and revenues within a public improvement; the maintenance, insurance, and replacement of property within a public improvement; other encumbrances, if any, upon all or part of property within a public improvement, then existing or thereafter acquired; and the type of debts that may be incurred;

(c) The creation of special funds; the money to be so applied; and the use and disposition of the money;

(d) The securing of the tax allocation bonds by a pledge of property and property rights, by assignment of income generated by the public improvement, or by pledging such additional specifically described resources other than tax revenues as are available to the sponsor;

(e) The terms and conditions for redemption;

(f) The replacement of lost and destroyed bond instruments;

(g) Procedures for amendment of the terms and conditions of the tax allocation bonds;

(h) The powers of a trustee to enforce covenants and take other actions in event of default; the rights, liabilities, powers, and duties arising upon the breach of any covenant, condition, or obligation; and

(i) When consistent with the terms of this chapter, such other terms, conditions, and provisions which may make the tax allocation bonds more marketable and further the purposes of this chapter.

(5) Tax allocation bonds may be issued and sold in such manner as the legislative authority of the sponsor shall determine.

(6) The sponsor may also issue or incur obligations in anticipation of the receipt of tax allocation bond proceeds or other money available to pay public improvement costs.

NEW SECTION. Sec. 12. There is added to chapter 84.55 RCW a new section to read as follows:

ADJUSTMENT TO TAX LIMITATION. Pursuant to chapter 39. . . RCW (sections 1 through 10 and 12 through 15 of this act), any increase in the assessed value of real property within an apportionment district resulting from new construction, improvements to property, or any increase in the assessed value of state-assessed property shall not be included in the increase in assessed value resulting from new construction, improvements, or any increase in the assessed value of state-assessed property for purposes of calculating any limitations

upon regular property taxes under this chapter until the termination of apportionment as set forth in section 8(4) of this act, as now or hereafter amended, except to the extent a taxing district actually will receive the taxes levied upon this value. Tax allocation revenues, as defined in section 3 of this act, as now or hereafter amended, shall not be deemed to be "regular property taxes" for purposes of this chapter.

NEW SECTION. Sec. 13. **LEGAL INVESTMENTS.** Tax allocation bonds authorized in this chapter shall be legal investments for any of the funds of the state and of municipal corporations, for trustees, and for other fiduciaries.

NEW SECTION. Sec. 14. **NOTICE TO STATE.** Whenever notice is required to be given to the state, notice shall be given to the director of revenue.

NEW SECTION. Sec. 15. **CONCLUSIVE PRESUMPTION OF VALIDITY.** No direct or collateral attack on any public improvement, public improvement ordinance, or apportionment district purported to be authorized or created in conformance with applicable legal requirements, including the requirements of this chapter, may be commenced more than thirty days after publication of notice as required by section 6 of this act.

NEW SECTION. Sec. 16. **SUPPLEMENTAL NATURE OF CHAPTER.** This chapter supplements and neither restricts nor limits any powers which the state or any municipal corporation might otherwise have under any laws of this state.

NEW SECTION. Sec. 17. **CAPTIONS NOT PART OF LAW.** As used in this act, captions constitute no part of the law.

NEW SECTION. Sec. 18. **SEVERABILITY.** 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. Sections 1 through 10 and 12 through 15 of this act shall constitute a new chapter in Title 39 RCW.

Conclusion of explanatory statement on Initiative Measure 412

The maximum annual interest rate for purchases made on a revolving charge agreement, or on a credit card, would be 1% above the federal discount rate on 90-day commercial paper, or 12% (both of which would be computed on outstanding unpaid balances), or \$12.00, whichever is the greater. This would be true even though the issuer of the credit card was not engaged regularly in the sale of goods or services.

If approved into law, Initiative 412 would also subject all other personal loans made by state-chartered savings banks, mutual savings banks, and savings and loan associations, as well as federally chartered savings and loan associations, to the general state usury limit of 4% above the equivalent coupon issue yield for 26-week Treasury Bills at the first bill auction of the preceding month, or 12%, whichever is higher.

Initiative 412 would not affect the federally imposed maximum interest rates on most residential mortgage loans, which apply regardless of the maker of such loan, nor would it affect the maximum rate which may be charged by federal credit unions. State-chartered credit unions would continue to be able to charge the same rates as federally chartered credit unions except on retail installment and credit card transactions.

Finally, the provisions of federal law which limit the rate which may be charged on loans by national banks would not be altered by the passage of Initiative 412 – however, the applicable state law rates incorporated within that provision would be changed with respect to retail installment and credit card transactions as discussed above.

Conclusion of explanatory statement on Senate Joint Resolution 143

public improvements; such indebtedness will be subject to the limitations of existing law, including voter approval when required to exceed existing debt limitations. The amendment also requires notice and opportunity for public hearing on any proposal to utilize such general indebtedness. Further, if voter approval is not otherwise required by the Constitution, the amendment would permit the use of a referendum on any such proposal.

The legislature earlier this year passed and the Governor signed into law Chapter 42, Laws of 1982, 1st Ex. Sess., the "Community Redevelopment Financing Act of 1982", to implement the provisions of this proposed amendment, should it be approved by the voters at the forthcoming general election. Any subsequent changes in the law aimed at enlarging the nature of public improvements, or their locations, which may utilize the tax financing of such projects through the use of increased property values will require a favorable vote of three-fifths of the members of each house of the legislature and be further subject to approval of the voters by referendum.
