



# HOUSE JOINT RESOLUTION 4220

## PROPOSED CONSTITUTIONAL AMENDMENT

Note: The ballot title and explanatory statement were written by the Attorney General as required by law. The complete text of House Joint Resolution 4220 begins on page 17.

Vote cast by the 1987 Legislature on final passage:

HOUSE: Yeas, 86; Nays, 11; Absent or not voting, 1.

SENATE: Yeas, 33; Nays, 16; Absent or not voting, 0.

### Statement for

HJR 4220 is needed to assure adequate schools for our state. Public school construction is funded by a combination of local and state monies. On the average, the state supports about one-half of the cost of each construction project. The local school district voters provide the balance through property taxes or bond issues.

#### SCHOOL CONSTRUCTION FUNDS ARE INADEQUATE

For the past twenty years state support for school construction has been met through the sale of timber from trust lands. Three major factors make this level of construction support inadequate:

1. Statewide enrollment growth necessitates new classrooms.
2. The value of trust timber has declined 50 percent in the past four years.
3. Our existing school buildings are wearing out.

#### SCHOOL PROJECTS AWAIT STATE FUNDING

Projects representing \$300 million have secured the local share and are awaiting state funds. Some of these projects have been waiting since 1984 and without the passage of HJR 4220 they may still be waiting through the 1990's.

#### HJR 4220 WILL PROVIDE FOR OUR CHILDREN'S FUTURE

This constitutional amendment allows for a state property tax levy that will not exceed 35 cents per \$1000 of assessed value and will not be collected for longer than 15 years. The money would be used solely for school construction purposes. Projected revenue from the proposition

### Official Ballot Title:

Shall the constitution be amended to permit a 15 year state-wide special property tax levy exclusively for school construction purposes?

### The law as it now exists:

The state constitution limits tax levies upon real and personal property by the state and all taxing districts, except port districts and utility districts, in any one year to in the aggregate not more than one percent of true and fair value of such property. This constitutional limit on property taxation

would fund approved projects on the waiting list within seven years. In addition, monies deposited into a permanent endowment will provide an ongoing source of funding for future school construction needs.

There are currently over 750,000 children in kindergarten through grade twelve. By 1999, enrollment will grow to over 900,000 students.

Our children deserve safe, healthful, and uncrowded schools.

### Rebuttal of Statement against

YES, HJR 4220! The opposition's argument is misleading. In politics, it is called "smoke and mirrors."

- HJR 4220 does not tamper with the Constitution.
- HJR 4220 will be directed by the voters to exist for 15 years. Period.
- Nobody likes increases in property taxes. But the longer it takes to fix schools, the more it will cost -- pure and simple.
- HJR 4220 does not interfere with local levies. The opposition mixes apples and oranges. *Vote YES!*

For additional information, call (206) 448-7348.

#### Voters' Pamphlet Statement Prepared by:

ALBERT BAUER, State Senator; DANIEL K. GRIMM, State Representative.

Advisory Committee: BRUCE HOLLAND, State Representative; REN TAYLOR, State Representative; DR. FRANK B. BROUILLET, State Superintendent of Public Instruction; PHILIP B. SWAIN, State Board of Education; TERRY BERGESON, President, Washington Education Association.

can be exceeded by taxing districts only by securing voter approval as delineated in the state constitution.

### The effect of HJR 4220, if approved into law:

The state would be authorized to impose a property tax in excess of to the current constitutional limit, at a rate not to exceed 35 cents per thousand dollars of assessed valuation adjusted to the state equalized value for a period of 15 years. The proceeds of that tax are to be used exclusively for school construction purposes.

Related provisions of the constitution would be altered to harmonize with the added language concerning a state property tax levy for school construction purposes, including

the repeal of authorization to retire bonds from the interest on the permanent common school fund. This also eliminates certain language in the constitution which expired by its own terms at some past period and is now obsolete.

### Statement Against

#### GOOD INTENTIONS, BUT A BAD IDEA

Yes, we have a problem in funding school construction projects. *But while the problem is clear, the solution is not.* Increasing property taxes is the wrong way to solve this problem.

*Should we tamper with the Constitution? No.* Amending the state Constitution for 15 years is inappropriate. The Constitution should be a permanent document protecting Washington citizens. Short-term changes are unwise.

*Do you really believe this tax will be "temporary"?* No. Proponents of this property tax plan say it will last 15 years. . . they claim it will be "temporary." But just think about all the times supposedly "temporary" taxes ended up being made permanent.

*Should we again use property taxes as the easy way to get more money for government? No.* Already this year the Legislature raised the levy lid for school districts, allowing higher property tax rates. The Legislature also allowed libraries to seek local levies that would increase taxes further. Another significant increase in our property tax burden is the last thing we need.

*Should the state pre-empt local use of property taxes? No.* Property taxes are intended to fund local government activities . . . such as road maintenance, law enforcement, fire protection, emergency medical assistance, and so on. For the state to increase our property tax burden will make it harder for local governments to win approval of the levies they must have to operate effectively.

*We should reject this proposal and keep property taxes as a local option and preserve local control.*

### Rebuttal of Statement for

The problem of school construction funding is not new; it has been on the horizon for several years. *And a temporary constitutional amendment is not the answer.*

This *property tax increase* would require property taxpayers to pay for school construction projects throughout the state. . . *in addition to projects they are already paying for in their own district.*

*We need a better way to pay for necessary school construction. . . not just higher property tax rates.*

#### Voters' Pamphlet Statement Prepared by:

EUGENE V. PRINCE, State Representative.



## COMPLETE TEXT OF Senate Joint Resolution 8212

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 XVI, section 5 of the Constitution of the state of Washington to read as follows:

Article XVI, section 5. Notwithstanding the provisions of sections 5 and 7 of Article VIII and section 9 of Article XII or any other section or article of the Constitution of the state of Washington, the permanent common school fund and other public land permanent funds of this state may be invested as authorized by law.

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.



## COMPLETE TEXT OF House Joint Resolution 4212

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 II of the Constitution of the state of Washington by repealing section 4 thereof and amending Article II, section 5 and Article II, section 6 of the state Constitution to read as follows:

Article II, section 4. Section 4, Article II of the Constitution of the state of Washington is repealed.

Article II, section 5. ~~((The next election of the members of the house of representatives after the adoption of this Constitution shall be on the first Tuesday after the first Monday of November, eighteen hundred and ninety, and thereafter, members of the house of representatives shall be elected biennially and their term of office shall be two years; and each election shall be on the first Tuesday after the first Monday in November, unless otherwise changed by law.))~~ Members of the house of representatives shall be elected for terms of four years with as near to one-half of their number as is mathematically possible retiring every two years. At the general election to be held on the first Tuesday next succeeding the first Monday in November 1988, the candidate in each representative district who receives the greatest number of votes shall be elected for a term of four years and thereafter for a term of four years, and at the same election the winning candidate in each representative district who receives the second highest number of votes shall be elected for a term of two years and thereafter for a term of four years.

Elections of the members of the house of representatives shall be on the first Tuesday after the first Monday of November in each even-numbered year unless otherwise changed by law. Persons elected to the house of representatives shall serve four-year terms unless they resign or seek other legislative office.

Article II, section 6. ~~((After the first election))~~ The senators shall be elected by single districts of convenient and contiguous territory, ~~((at the same time and))~~ in the same manner as members of the house of representatives are required to be elected; and no representative district ~~((shall))~~ may be divided in the formation of a senatorial district. They shall be elected for ~~((the))~~ terms of ~~((four))~~ six years, ~~((one-half))~~ with as near to one-third of their number retiring every two years. The senatorial districts shall be numbered consecutively, and ~~((the senators chosen at the first election had by virtue of this Constitution, in odd numbered districts, shall go out of office at the end of the first year; and the senators, elected in the even numbered districts, shall go out of office at the end of the third year))~~ shall be divided into three groups: The first group to consist of every first district, the second to consist of every second district, and the third to consist of every third district. For those districts in which senators are to be elected in 1988 the term of office shall be four years for each district in the first and second groups and six years for each district in the third group; and thereafter in each district the term of office shall be six years. For those districts in which senators are to be elected in 1990, the term of office shall be four years for each district in the first group and six years for each district in the second and third groups; and thereafter in each district the term of office shall be six years.

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.



## COMPLETE TEXT OF House Joint Resolution 4220

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 IX, section 3 and an amendment to Article VII, section 2 of the Constitution of the state of Washington to read as follows:

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

(2) The ~~((said))~~ permanent common school fund shall consist of the principal amount ~~((thereof existing on June 30, 1965))~~ under subsection (1) of this section, and such additions thereto as may be derived after June 30, 1965, from the following named sources, to wit: Appropriations and donations by the state to this fund; donations and bequests by individuals to the state or public for common schools; the proceeds of lands and other property which revert to the state by escheat and forfeiture; the proceeds of all property granted to the state when the purpose of the grant is not specified, or is uncertain; funds accumulated in the treasury of the state for the disbursement of which provision has not been made by law; the proceeds of the sale of stone, minerals, or property other than timber

and other crops from school and state lands, other than those granted for specific purposes; all moneys received from persons appropriating stone, minerals or property other than timber and other crops from school and state lands other than those granted for specific purposes, and all moneys other than rental recovered from persons trespassing on said lands; five per centum of the proceeds of the sale of public lands lying within the state, which shall be sold by the United States subsequent to the admission of the state into the Union as approved by section 13 of the act of congress enabling the admission of the state into the Union; the principal of all funds arising from the sale of lands and other property which have been, and hereafter may be granted to the state for the support of common schools. The legislature may make further provisions for enlarging said fund.

(3) There is hereby established the common school construction fund to be used exclusively for the purpose of financing the construction of facilities for the common schools. The sources of said fund shall be: ~~((4))~~ (a) Those proceeds derived from the sale or appropriation of timber and other crops from school and state lands subsequent to June 30, 1965, other than those granted for specific purposes; ~~((2))~~ (b) the interest accruing on said permanent common school fund from and after July 1, 1967, together with all rentals and other revenues derived therefrom and from lands and other property devoted to the permanent common school fund from and after July 1, 1967; and ~~((3))~~ (c) such other sources as the legislature may direct. That portion of the common school construction fund derived from interest on the permanent common school fund may be used to retire ~~((such))~~ bonds ~~((as may be))~~ authorized by law prior to January 1, 1987, for the purpose of financing the construction of facilities for the common schools.

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

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

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 one 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 "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: PROVIDED, That notwithstanding any other provision of this Constitution, any proposition pursuant to this subsection to levy additional tax for the support of the common schools may provide such support for a two year period and any proposition to levy an additional tax to support the construction, modernization, or remodeling of school facilities may provide such support for a period not exceeding six years;

(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 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;

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

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

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

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.