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SENATE JOINT RESOLUTION 8200

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State of Washington

65th Legislature

2017 Regular Session

By Senator Baumgartner

Prefiled 12/05/16.

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 the  
4 secretary of state shall submit to the qualified voters of the state  
5 for their approval and ratification, or rejection, an amendment to  
6 Article IX by repealing sections 1 and 4 in their entirety and an  
7 amendment to Article IX, sections 2 and 3, Article XVI, section 5,  
8 Article III, section 22, Article VII, section 2, Article VIII,  
9 section 1, and Article XXVI, section 1 of the Constitution of the  
10 state of Washington to read as follows:

11 Article IX, section 2. The legislature shall provide for a  
12 ~~((general and uniform))~~ system of ~~((public))~~ publicly funded schools.  
13 The public school system shall include ~~((common schools, and))~~ such  
14 high schools, normal schools, ~~((and))~~ technical schools, charter  
15 schools, and other schools as may hereafter be established and may be  
16 publicly funded in part or in whole. ~~((But the entire revenue derived~~  
17 ~~from the common school fund and the state tax for common schools~~  
18 ~~shall be exclusively applied to the support of the common schools.))~~  
19 The legislature is vested with the sole authority to determine the  
20 method and level of funding that is sufficient for these purposes.

21 Article IX, section 3. The principal of the common school fund as  
22 the same existed on June 30, 1965, shall remain permanent and

1 irreducible. After the effective date of this section, the said fund  
2 shall be known as the publicly funded school fund and shall consist  
3 of the principal amount thereof existing on June 30, 1965, and such  
4 additions thereto as may be derived after June 30, 1965, from the  
5 following named sources, to wit: Appropriations and donations by the  
6 state to this fund; donations and bequests by individuals to the  
7 state or public for ~~((common))~~ the publicly funded school  
8 system; the proceeds of lands and other property which revert to the  
9 state by escheat and forfeiture; the proceeds of all property granted  
10 to the state when the purpose of the grant is not specified, or is  
11 uncertain; funds accumulated in the treasury of the state for the  
12 disbursement of which provision has not been made by law; the  
13 proceeds of the sale of stone, minerals, or property other than  
14 timber and other crops from school and state lands, other than those  
15 granted for specific purposes; all moneys received from persons  
16 appropriating stone, minerals or property other than timber and other  
17 crops from school and state lands other than those granted for  
18 specific purposes, and all moneys other than rental recovered from  
19 persons trespassing on said lands; five per centum of the proceeds of  
20 the sale of public lands lying within the state, which shall be sold  
21 by the United States subsequent to the admission of the state into  
22 the Union as approved by section 13 of the act of congress enabling  
23 the admission of the state into the Union; the principal of all funds  
24 arising from the sale of lands and other property which have been,  
25 and hereafter may be granted to the state for the support of  
26 ~~((common))~~ the system of publicly funded schools. The legislature may  
27 make further provisions for enlarging said fund.

28 There is hereby established the ~~((common))~~ school construction  
29 fund to be used exclusively for the purpose of financing the  
30 construction of facilities for the ~~((common))~~ schools. The sources of  
31 said fund shall be: (1) Those proceeds derived from the sale or  
32 appropriation of timber and other crops from school and state lands  
33 subsequent to June 30, 1965, other than those granted for specific  
34 purposes; (2) the interest accruing on said permanent common school  
35 fund from and after July 1, 1967, and until the effective date of  
36 this section, and after the effective date of this section, on the  
37 permanent publicly funded school fund together with all rentals and  
38 other revenues derived therefrom and from lands and other property  
39 devoted to the permanent common school fund from and after July 1,  
40 1967, and after the effective date of this section, to the permanent

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

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

14 To the extent that the moneys in the ~~((common))~~ school  
15 construction fund are in excess of the amount necessary to allow  
16 fulfillment of the purpose of said fund, the excess shall be  
17 available for deposit to the credit of the permanent ~~((common))~~  
18 publicly funded school fund or available for the current use of the  
19 ~~((common))~~ publicly funded school~~((s))~~ system, as the legislature may  
20 direct.

21 Article XVI, section 5. The permanent common school fund until  
22 the effective date of this section, and after the effective date of  
23 this section the publicly funded school fund of this state may be  
24 invested as authorized by law.

25 Article III, section 22. The superintendent of public instruction  
26 shall ~~((have supervision over all matters pertaining to public~~  
27 ~~schools, and shall))~~ perform such specific duties as may be  
28 prescribed by law. ~~((He shall receive an annual salary of twenty five~~  
29 ~~hundred dollars, which may be increased by law, but shall never~~  
30 ~~exceed four thousand dollars per annum.))~~

31 Article VII, section 2. Except as hereinafter provided and  
32 notwithstanding any other provision of this Constitution, the  
33 aggregate of all tax levies upon real and personal property by the  
34 state and all taxing districts now existing or hereafter created,  
35 shall not in any year exceed one percent of the true and fair value  
36 of such property in money. Nothing herein shall prevent levies at the  
37 rates now provided by law by or for any port or public utility  
38 district. The term "taxing district" for the purposes of this section  
39 shall mean any political subdivision, municipal corporation,

1 district, or other governmental agency authorized by law to levy, or  
2 have levied for it, ad valorem taxes on property, other than a port  
3 or public utility district. Such aggregate limitation or any specific  
4 limitation imposed by law in conformity therewith may be exceeded  
5 only as follows:

6 (a) By any taxing district when specifically authorized so to do  
7 by a majority of at least three-fifths of the voters of the taxing  
8 district voting on the proposition to levy such additional tax  
9 submitted not more than twelve months prior to the date on which the  
10 proposed initial levy is to be made and not oftener than twice in  
11 such twelve month period, either at a special election or at the  
12 regular election of such taxing district, at which election the  
13 number of voters voting "yes" on the proposition shall constitute  
14 three-fifths of a number equal to forty percent of the total number  
15 of voters voting in such taxing district at the last preceding  
16 general election when the number of voters voting on the proposition  
17 does not exceed forty percent of the total number of voters voting in  
18 such taxing district in the last preceding general election; or by a  
19 majority of at least three-fifths of the voters of the taxing  
20 district voting on the proposition to levy when the number of voters  
21 voting on the proposition exceeds forty percent of the number of  
22 voters voting in such taxing district in the last preceding general  
23 election. Notwithstanding any other provision of this Constitution,  
24 any proposition pursuant to this subsection to levy additional tax  
25 for the support of the (~~common~~) publicly funded school(~~s~~) system  
26 or fire protection districts may provide such support for a period of  
27 up to four years and any proposition to levy an additional tax to  
28 support the construction, modernization, or remodelling of school  
29 facilities or fire facilities may provide such support for a period  
30 not exceeding six years. Notwithstanding any other provision of this  
31 subsection, a proposition under this subsection to levy an additional  
32 tax for a school district shall be authorized by a majority of the  
33 voters voting on the proposition, regardless of the number of voters  
34 voting on the proposition;

35 (b) By any taxing district otherwise authorized by law to issue  
36 general obligation bonds for capital purposes, for the sole purpose  
37 of making the required payments of principal and interest on general  
38 obligation bonds issued solely for capital purposes, other than the  
39 replacement of equipment, when authorized so to do by majority of at  
40 least three-fifths of the voters of the taxing district voting on the

1 proposition to issue such bonds and to pay the principal and interest  
2 thereon by annual tax levies in excess of the limitation herein  
3 provided during the term of such bonds, submitted not oftener than  
4 twice in any calendar year, at an election held in the manner  
5 provided by law for bond elections in such taxing district, at which  
6 election the total number of voters voting on the proposition shall  
7 constitute not less than forty percent of the total number of voters  
8 voting in such taxing district at the last preceding general  
9 election. Any such taxing district shall have the right by vote of  
10 its governing body to refund any general obligation bonds of said  
11 district issued for capital purposes only, and to provide for the  
12 interest thereon and amortization thereof by annual levies in excess  
13 of the tax limitation provided for herein. The provisions of this  
14 section shall also be subject to the limitations contained in Article  
15 VIII, Section 6, of this Constitution;

16 (c) By the state or any taxing district for the purpose of  
17 preventing the impairment of the obligation of a contract when  
18 ordered so to do by a court of last resort.

19 Article VIII, section 1. (a) The state may contract debt, the  
20 principal of which shall be paid and discharged within thirty years  
21 from the time of contracting thereof, in the manner set forth herein.

22 (b) The aggregate debt contracted by the state, as calculated by  
23 the treasurer at the time debt is contracted, shall not exceed that  
24 amount for which payments of principal and interest in any fiscal  
25 year would require the state to expend more than the applicable  
26 percentage limit of the arithmetic mean of its general state revenues  
27 for the six immediately preceding fiscal years as certified by the  
28 treasurer. The term "applicable percentage limit" means eight and  
29 one-half percent from July 1, 2014, through June 30, 2016; eight and  
30 one-quarter percent from July 1, 2016, through June 30, 2034; eight  
31 percent from July 1, 2034, and thereafter. The term "fiscal year"  
32 means that period of time commencing July 1 of any year and ending on  
33 June 30 of the following year.

34 (c) The term "general state revenues," when used in this section,  
35 shall include all state money received in the treasury from each and  
36 every source, including moneys received from ad valorem taxes levied  
37 by the state and deposited in the general fund in each fiscal year,  
38 but not including: (1) Fees and other revenues derived from the  
39 ownership or operation of any undertaking, facility, or project; (2)

1 Moneys received as gifts, grants, donations, aid, or assistance or  
2 otherwise from the United States or any department, bureau, or  
3 corporation thereof, or any person, firm, or corporation, public or  
4 private, when the terms and conditions of such gift, grant, donation,  
5 aid, or assistance require the application and disbursement of such  
6 moneys otherwise than for the general purposes of the state of  
7 Washington; (3) Moneys to be paid into and received from retirement  
8 system funds, and performance bonds and deposits; (4) Moneys to be  
9 paid into and received from trust funds and the several permanent and  
10 irreducible funds of the state and the moneys derived therefrom but  
11 excluding bond redemption funds; (5) Moneys received from taxes  
12 levied for specific purposes and required to be deposited for those  
13 purposes into specified funds or accounts other than the general  
14 fund; and (6) Proceeds received from the sale of bonds or other  
15 evidences of indebtedness.

16 (d) In computing the amount required for payment of principal and  
17 interest on outstanding debt under this section, debt shall be  
18 construed to mean borrowed money represented by bonds, notes, or  
19 other evidences of indebtedness which are secured by the full faith  
20 and credit of the state or are required to be repaid, directly or  
21 indirectly, from general state revenues and which are incurred by the  
22 state, any department, authority, public corporation, or quasi public  
23 corporation of the state, any state university or college, or any  
24 other public agency created by the state but not by counties, cities,  
25 towns, school districts, or other municipal corporations, but shall  
26 not include obligations for the payment of current expenses of state  
27 government, nor shall it include debt hereafter incurred pursuant to  
28 section 3 of this article, obligations guaranteed as provided for in  
29 subsection (g) of this section, principal of bond anticipation notes  
30 or obligations issued to fund or refund the indebtedness of the  
31 Washington state building authority. In addition, for the purpose of  
32 computing the amount required for payment of interest on outstanding  
33 debt under subsection (b) of this section and this subsection,  
34 "interest" shall be reduced by subtracting the amount scheduled to be  
35 received by the state as payments from the federal government in each  
36 year in respect of bonds, notes, or other evidences of indebtedness  
37 subject to this section.

38 (e) The state may pledge the full faith, credit, and taxing power  
39 of the state to guarantee the voter approved general obligation debt  
40 of school districts in the manner authorized by the legislature. Any

1 such guarantee does not remove the debt obligation of the school  
2 district and is not state debt.

3 (f) The state may, without limitation, fund or refund, at or  
4 prior to maturity, the whole or any part of any existing debt or of  
5 any debt hereafter contracted pursuant to section 1, section 2, or  
6 section 3 of this article, including any premium payable with respect  
7 thereto and interest thereon, or fund or refund, at or prior to  
8 maturity, the whole or any part of any indebtedness incurred or  
9 authorized prior to the effective date of this amendment by any  
10 entity of the type described in subsection (h) of this section,  
11 including any premium payable with respect thereto and any interest  
12 thereon. Such funding or refunding shall not be deemed to be  
13 contracting debt by the state.

14 (g) Notwithstanding the limitation contained in subsection (b) of  
15 this section, the state may pledge its full faith, credit, and taxing  
16 power to guarantee the payment of any obligation payable from  
17 revenues received from any of the following sources: (1) Fees  
18 collected by the state as license fees for motor vehicles; (2) Excise  
19 taxes collected by the state on the sale, distribution or use of  
20 motor vehicle fuel; and (3) Interest on the permanent common school  
21 fund until the effective date of this section, and after the  
22 effective date of this section, the publicly funded school fund:  
23 *Provided*, That the legislature shall, at all times, provide  
24 sufficient revenues from such sources to pay the principal and  
25 interest due on all obligations for which said source of revenue is  
26 pledged.

27 (h) No money shall be paid from funds in custody of the treasurer  
28 with respect to any debt contracted after the effective date of this  
29 amendment by the Washington state building authority, the capitol  
30 committee, or any similar entity existing or operating for similar  
31 purposes pursuant to which such entity undertakes to finance or  
32 provide a facility for use or occupancy by the state or any agency,  
33 department, or instrumentality thereof.

34 (i) The legislature shall prescribe all matters relating to the  
35 contracting, funding or refunding of debt pursuant to this section,  
36 including: The purposes for which debt may be contracted; by a  
37 favorable vote of three-fifths of the members elected to each house,  
38 the amount of debt which may be contracted for any class of such  
39 purposes; the kinds of notes, bonds, or other evidences of debt which  
40 may be issued by the state; and the manner by which the treasurer

1 shall determine and advise the legislature, any appropriate agency,  
2 officer, or instrumentality of the state as to the available debt  
3 capacity within the limitation set forth in this section. The  
4 legislature may delegate to any state officer, agency, or  
5 instrumentality any of its powers relating to the contracting,  
6 funding or refunding of debt pursuant to this section except its  
7 power to determine the amount and purposes for which debt may be  
8 contracted.

9 (j) The full faith, credit, and taxing power of the state of  
10 Washington are pledged to the payment of the debt created on behalf  
11 of the state pursuant to this section and the legislature shall  
12 provide by appropriation for the payment of the interest upon and  
13 installments of principal of all such debt as the same falls due, but  
14 in any event, any court of record may compel such payment.

15 (k) Notwithstanding the limitations contained in subsection (b)  
16 of this section, the state may issue certificates of indebtedness in  
17 such sum or sums as may be necessary to meet temporary deficiencies  
18 of the treasury, to preserve the best interests of the state in the  
19 conduct of the various state institutions, departments, bureaus, and  
20 agencies during each fiscal year; such certificates may be issued  
21 only to provide for appropriations already made by the legislature  
22 and such certificates must be retired and the debt discharged other  
23 than by refunding within twelve months after the date of incurrence.

24 (l) Bonds, notes, or other obligations issued and sold by the  
25 state of Washington pursuant to and in conformity with this article  
26 shall not be invalid for any irregularity or defect in the  
27 proceedings of the issuance or sale thereof and shall be  
28 incontestable in the hands of a bona fide purchaser or holder  
29 thereof.

30 Article XXVI, section 1. The following ordinance shall be  
31 irrevocable without the consent of the United States and the people  
32 of this state:

33 **First.** That perfect toleration of religious sentiment shall be  
34 secured and that no inhabitant of this state shall ever be molested  
35 in person or property on account of his or her mode of religious  
36 worship.

37 **Second.** That the people inhabiting this state do agree and  
38 declare that they forever disclaim all right and title to the  
39 unappropriated public lands lying within the boundaries of this state,



1 and to all lands lying within said limits owned or held by any Indian  
2 or Indian tribes; and that until the title thereto shall have been  
3 extinguished by the United States, the same shall be and remain  
4 subject to the disposition of the United States, and said Indian  
5 lands shall remain under the absolute jurisdiction and control of the  
6 congress of the United States and that the lands belonging to  
7 citizens of the United States residing without the limits of this  
8 state shall never be taxed at a higher rate than the lands belonging  
9 to residents thereof; and that no taxes shall be imposed by the state  
10 on lands or property therein, belonging to or which may be hereafter  
11 purchased by the United States or reserved for use: *Provided*, That  
12 nothing in this ordinance shall preclude the state from taxing as  
13 other lands are taxed any lands owned or held by any Indian who has  
14 severed his tribal relations, and has obtained from the United States  
15 or from any person a title thereto by patent or other grant, save and  
16 except such lands as have been or may be granted to any Indian or  
17 Indians under any act of congress containing a provision exempting  
18 the lands thus granted from taxation, which exemption shall continue  
19 so long and to such an extent as such act of congress may prescribe.

20 **Third.** The debts and liabilities of the Territory of Washington  
21 and payment of the same are hereby assumed by this state.

22 (~~**Fourth.** Provision shall be made for the establishment and  
23 maintenance of systems of public schools free from sectarian control  
24 which shall be open to all the children of said state.~~)

25 BE IT FURTHER RESOLVED, That this amendment is a single amendment  
26 within the meaning of Article XXIII, section 1 of the state  
27 Constitution.

28 The legislature finds that the changes contained in this  
29 amendment constitute a single integrated plan to provide for a system  
30 of publicly funded schools. If this amendment is held to be separate  
31 amendments, this joint resolution is void in its entirety and is of  
32 no further force and effect.

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

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