

CERTIFICATION OF ENROLLMENT
SUBSTITUTE HOUSE BILL 2332

56th Legislature
2000 Regular Session

Passed by the House March 4, 2000
Yeas 96 Nays 0

Speaker of the House of Representatives

Speaker of the House of Representatives

Passed by the Senate March 2, 2000
Yeas 45 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

We, Timothy A. Martin and Cynthia Zehnder, Co-Chief Clerks of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2332** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2332

Passed Legislature - 2000 Regular Session

AS AMENDED BY THE SENATE

State of Washington

56th Legislature

2000 Regular Session

By House Committee on Education (originally sponsored by Representatives Schual-Berke, Edmonds, Dickerson, Keiser, Carlson, Hurst, Lantz and Stensen)

Read first time 01/27/2000. Referred to Committee on .

1 AN ACT Relating to associated student body fund-raising activities;
2 amending RCW 28A.325.030; and creating a new section.

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

4 NEW SECTION. **Sec. 1.** The legislature finds that current law
5 permits associated student bodies to conduct fund-raising activities,
6 including but not limited to soliciting donations, to raise money for
7 school sports programs and school clubs. However, students also want
8 to conduct fund-raising activities for charitable causes, such as to
9 fund scholarships and student exchange programs, assist families whose
10 homes have been destroyed, to fund community projects, and to rebuild
11 the Statue of Liberty.

12 The legislature further finds that current law is not clear how
13 student groups may raise funds for charitable purposes, whether
14 proceeds from any fund-raising activities can be used for charitable
15 purposes or only donations may be used for charitable purposes, and
16 whether recipients must be "poor or infirm." This has resulted in
17 considerable confusion on the part of students regarding what type of
18 fund-raising is permissible when funds are raised for charitable
19 purposes by student groups.

1 It is the intent of the legislature to allow students to broaden
2 the types of fund-raisers that they may conduct for charitable purposes
3 in their private nonassociated student body capacities, and ensure that
4 these funds will be separate from student body funds to avoid
5 constitutional issues pertaining to the gifting of public funds.

6 **Sec. 2.** RCW 28A.325.030 and 1990 c 33 s 340 are each amended to
7 read as follows:

8 (1)(a) There is hereby created a fund on deposit with each county
9 treasurer for each school district of the county having an associated
10 student body as defined in RCW 28A.325.020. Such fund shall be known
11 as the associated student body program fund. Rules ~~((and regulations~~
12 ~~promulgated))~~ adopted by the superintendent of public instruction under
13 RCW 28A.325.020 shall require separate accounting for each associated
14 student body's transactions in the school district's associated student
15 body program fund.

16 (b) All moneys generated through the programs and activities of any
17 associated student body shall be deposited in the associated student
18 body program fund. Such funds may be invested for the sole benefit of
19 the associated student body program fund in items enumerated in RCW
20 28A.320.320 and the county treasurer may assess a fee as provided
21 therein. Disbursements from such fund shall be under the control and
22 supervision, and with the approval, of the board of directors of the
23 school district, and shall be by warrant as provided in chapter 28A.350
24 RCW: PROVIDED, That in no case shall such warrants be issued in an
25 amount greater than the funds on deposit with the county treasurer in
26 the associated student body program fund. To facilitate the payment of
27 obligations, an imprest bank account or accounts may be created and
28 replenished from the associated student body program fund.

29 (c) The associated student body program fund shall be budgeted by
30 the associated student body, subject to approval by the board of
31 directors of the school district. All disbursements from the
32 associated student body program fund or any imprest bank account
33 established thereunder shall have the prior approval of the appropriate
34 governing body representing the associated student body.
35 Notwithstanding the provisions of RCW 43.09.210, it shall not be
36 mandatory that expenditures from the district's general fund in support
37 of associated student body programs and activities be reimbursed by
38 payments from the associated student body program fund.

1 ((Nothing in this section shall prevent those portions of student-
2 generated moneys in the associated student body program fund, budgeted
3 or otherwise, which constitute bona fide voluntary donations and are
4 identified as donations at the time of collection from being used for
5 such scholarship, student exchange and charitable purposes as the
6 appropriate governing body representing the associated student body
7 shall determine, and for such purposes, said moneys shall not be deemed
8 public moneys under section 7, Article VIII, of the state
9 Constitution.))

10 (2) Subject to applicable school board policies, student groups may
11 conduct fund-raising activities, including but not limited to
12 soliciting donations, in their private capacities for the purpose of
13 generating nonassociated student body fund moneys. The school board
14 policy shall include provisions to ensure appropriate accountability
15 for these funds. Nonassociated student body program fund moneys
16 generated and received by students for private purposes~~((, including~~
17 ~~but not limited))~~ to use for scholarship, student exchange, and/or
18 charitable purposes~~((, may, in the discretion of the board of directors~~
19 ~~of any school district,))~~ shall be held in trust in one or more
20 separate accounts within an associated student body program fund and be
21 disbursed for such purposes as the student group conducting the fund-
22 raising activity shall determine: PROVIDED, That the school district
23 shall either withhold an amount from such moneys as will pay the
24 district for its direct costs in providing the service or otherwise be
25 compensated for its cost for such service. Nonassociated student body
26 program fund moneys shall not be deemed public moneys under section 7,
27 Article VIII of the state Constitution. Notice shall be given
28 identifying the intended use of the proceeds. The notice shall also
29 state that the proceeds are nonassociated student body funds to be held
30 in trust by the school district exclusively for the intended purpose.
31 "Charitable purpose" under this section does not include any activity
32 related to assisting a campaign for election of a person to an office
33 or for the promotion or opposition to a ballot proposition.

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