

**Chapter 28A.535 RCW
VALIDATING INDEBTEDNESS**

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RCW 28A.535.010 Authority to validate indebtedness. Any school district may validate and ratify the indebtedness of such school district, incurred for strictly school purposes, when the same together with all then outstanding legal indebtedness does not exceed that amount permitted for school districts in RCW 39.36.020 (1) and (3). The value of taxable property in such school district shall be ascertained as provided in Article eight, section six, Amendment 27, of the Constitution of the state of Washington. [1969 ex.s. c 223 s 28A.52.010. Prior: 1909 c 97 p 331 s 1; RRS s 4956; prior: 1897 c 118 s 128; 1895 c 21 s 1. Formerly RCW 28A.52.010, 28.52.010.]

Reviser's note: The above reference to RCW 39.36.020 (1) and (3) was apparently based upon the 1967 version of that section [1967 c 107 s 4]; the contents and organization of that section have been altered by subsequent amendments.

RCW 28A.535.020 Resolution providing for election—Vote required to validate. Whenever the board of directors of any school district shall deem it advisable to validate and ratify the indebtedness mentioned in RCW 28A.535.010, they shall provide therefor by resolution, which shall be entered on the records of such school district, which resolution shall provide for the holding of an election for the purpose of submitting the question of validating and ratifying the indebtedness so incurred to the voters of such school district for approval or disapproval, and if at such election three-fifths of the voters in such school district voting at such election shall vote in favor of the validation and ratification of such indebtedness, then such indebtedness so validated and ratified and every part thereof existing at the time of the adoption of said resolution shall thereby become and is hereby declared to be validated and ratified and a binding obligation upon such school district. [1996 c 48 s 2; 1995 c 111 s 1; 1990 c 33 s 481; 1969 ex.s. c 223 s 28A.52.020. Prior: 1909 c 97 p 331 s 2; RRS s 4957; prior: 1897 c 118 s 129; 1895 c 21 s 2. Formerly RCW 28A.52.020, 28.52.020.]

RCW 28A.535.030 Notice of election. At the time of the adoption of the resolution provided for in RCW 28A.535.020, the board of directors shall direct the school district superintendent to give notice to the county auditor of the suggested time and purpose of such election, and specifying the amount and general character of the indebtedness proposed to be ratified. Such superintendent shall also cause written or printed notices to be posted in at least five places in such school district at least twenty days before such election. In addition to his or her other duties relating thereto, the county auditor shall give notice of such election as provided for in RCW 29A.52.355. [2015 c 53 s 16; 1990 c 33 s 482; 1969 ex.s. c 223 s 28A.52.030. Prior: 1909 c 97 p 332 s 3; RRS s 4958; prior: 1897 c 118 s 131; 1895 c 21 s 4. Formerly RCW 28A.52.030, 28.52.030.]

RCW 28A.535.040 Manner and result of election. Elections hereunder shall be by ballot, and conducted in the manner provided for conducting annual school elections. The ballot must contain the words, "Validating and ratifying indebtedness, yes," or the words, "Validating and ratifying indebtedness, no." Ballots containing the words, "Validating and ratifying indebtedness, yes," shall be counted in favor of validating and ratifying such indebtedness, and ballots containing the words, "Validating and ratifying indebtedness, no," shall be counted against validating and ratifying such indebtedness. At their next meeting following ascertainment of the result of the election from the county auditor, the board of directors of any such district holding such an election shall cause to be entered a minute thereof on the records of such district. The qualifications of voters at such election shall be the same as prescribed for the election of school officials. [1969 ex.s. c 223 s 28A.52.040. Prior: 1909 c 97 p 332 s 4; RRS s 4959; prior: 1897 c 118 s 130; 1895 c 21 s 3. Formerly RCW 28A.52.040, 28.52.040.]

Conduct of elections, canvass: RCW 29A.60.010.

RCW 28A.535.050 Authority to borrow, issue bonds. If the indebtedness of such school district is validated and ratified, as provided in this chapter, by three-fifths of the voters voting at such election, the board of directors of such school district, without any further vote, may borrow money and issue and sell negotiable bonds therefor in accordance with chapter 39.46 RCW. [1984 c 186 s 14; 1983 c 167 s 28; 1975 c 43 s 2; 1969 ex.s. c 223 s 28A.52.050. Prior: 1909 c 97 p 333 s 5; RRS s 4960; prior: 1897 c 118 s 132; 1895 c 21 s 5. Formerly RCW 28A.52.050, 28.52.050.]

Purpose—1984 c 186: See note following RCW 39.46.110.

Liberal construction—Severability—1983 c 167: See RCW 39.46.010 and note following.

Effective date—1975 c 43: "The effective date of this amendatory act shall be July 1, 1975." [1975 c 43 s 37.]

Severability—1975 c 43: "If any provision of this amendatory 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." [1975 c 43 s 38.]

RCW 28A.535.060 Exchange of warrants for bonds. If bonds issued under this chapter are not sold as herein provided, the owners of unpaid warrants drawn on the county treasurer by such district for an indebtedness existing at the time of the adoption of the resolution mentioned in RCW 28A.535.020, may exchange said warrants at the face value thereof and accrued interest thereon for bonds issued under this chapter, at not less than par value and accrued interest of such bonds at the time of the exchange; such exchange to be made under such regulations as may be provided by the board of directors of such district. [1990 c 33 s 483; 1983 c 167 s 30; 1969 ex.s. c 223 s 28A.52.060. Prior: 1909 c 97 p 334 s 7; RRS s 4962; prior: 1897 c 118 s 134; 1895 c 21 s 7. Formerly RCW 28A.52.060, 28.52.060.]

Liberal construction—Severability—1983 c 167: See RCW 39.46.010 and note following.

RCW 28A.535.070 Notice to county treasurer of authority to issue bonds—Annual levy for payment of interest and principal on bonds—Penalty against officer for expenditures in excess of revenues. When authorized to issue bonds, as provided in this chapter the board of directors shall immediately cause to be sent to the appropriate county treasurer, notice thereof. The county officials charged by law with the duty of levying taxes for the payment of said bonds and interest shall do so as provided in RCW 39.46.110.

The annual expense of such district shall not thereafter exceed the annual revenue thereof, and any officer of such district who shall knowingly aid in increasing the annual expenditure in excess of the annual revenue of such district, in addition to any other penalties, whether civil or criminal, as provided by law, shall be deemed to be guilty of a misdemeanor, and shall be punished by a fine not exceeding five hundred dollars. [1985 c 7 s 90; 1969 ex.s. c 223 s 28A.52.070. Prior: 1909 c 97 p 335 s 8; RRS s 4963; prior: 1897 c 118 s 135; 1895 c 21 s 8. Formerly RCW 28A.52.070, 28.52.070.]

RCW 28A.535.080 Validating indebtedness proceedings after merger. In case any school district has heretofore incurred, or shall hereafter incur, indebtedness for strictly school purposes and has heretofore, or shall hereafter, become merged with another district as provided in *RCW 28A.315.010 through 28A.315.680 and 28A.315.900, the directors of the last named district may, after such merger, cause to be submitted to the voters within the limits of the district which incurred the obligations, the question of validating and ratifying such indebtedness. The vote shall be taken and the question determined in the manner prescribed in RCW 28A.535.020, 28A.535.030, and 28A.535.040. The directors of the district to which the district incurring the obligations was merged shall make provisions for payment of the indebtedness so validated by certifying the amount thereof in the manner prescribed in RCW 28A.535.070: PROVIDED, Such enlarged district may pay a part, or all, of such validating indebtedness from any funds available or by issuing bonds therefor when such enlarged

district has taken over property of any district and in making such adjustment and apportionment as provided in *RCW 28A.315.010 through 28A.315.680 and 28A.315.900, the value of the property received shall be found to exceed the total indebtedness of the district annexed to the extent of such value over the total indebtedness of the district annexed. [1990 c 33 s 484; 1969 ex.s. c 223 s 28A.52.080. Prior: 1913 c 136 s 1; RRS s 4964. Formerly RCW 28A.52.080, 28.52.080.]

***Reviser's note:** RCW 28A.315.010 through 28A.315.680 and 28A.315.900 were repealed or recodified by 1999 c 315.

RCW 28A.535.090 Condensed compliance reports—Second-class districts. Any compliance reporting requirements as a result of laws in this chapter that apply to second-class districts may be submitted in accordance with RCW 28A.330.250. [2011 c 45 s 42.]

Conflict with federal requirements—2011 c 45: See note following RCW 28A.330.250.