

# HOUSE BILL REPORT

## HJR 4219

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### As Reported by House Committee On:

Education  
Capital Budget

**Brief Description:** Amending the Constitution to provide for a simple majority of voters voting to authorize school district levies.

**Sponsors:** Representatives Schual-Berke, Hatfield, Conway, Doumit, Dunshee, Veloria, Darneille, O'Brien, Ruderman, Fromhold, Cody, Chase, Morris, Dickerson, Rockefeller, Linville, Cooper, Berkey, Reardon, Hurst, Hunt, Upthegrove, Edwards, Lantz, Romero, Santos, Lysen, Kagi, McIntire, Sommers, Wood, McDermott, Haigh, Kenney, Simpson and Lovick; by request of Governor Locke and Superintendent of Public Instruction.

### Brief History:

#### Committee Activity:

Education: 1/23/02, 1/30/02 [DP];  
Capital Budget: 2/6/02, 2/12/02 [DPA].

#### Brief Summary of Amended Bill

- The Legislature will submit to the voters a proposed amendment to the state constitution that would allow school levies and bonds to be approved by a simple majority of voters voting at an election when the measure is presented at a property or general election.

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### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** Do pass. Signed by 9 members: Representatives Quall, Chair; Haigh, Vice Chair; Anderson, Cox, McDermott, Rockefeller, Santos, Schmidt and Upthegrove.

**Minority Report:** Without recommendation. Signed by 1 member: Representative Talcott, Ranking Minority Member.

**Staff:** Susan Morrissey (786-7111).

### Background:

### School Levies and Bonds - Statutory and Constitutional Approval Requirements

The Washington Constitution gives school districts the authority to collect property tax revenues in excess of 1 percent of the assessed value of property for capital or operating purposes, and to assume excess debt when voters approve a levy or bond issue by certain margins. The constitution also specifies the timing and frequency of such "excess" levies and bond elections.

General Obligation Bonds and Debt: A school district is authorized to issue general obligation bonds or to assume debt for capital purposes in excess of set limits only when the number of voters voting on the proposition is not less than 40 percent of district voters who participated in the last preceding general election. Additionally, at least 60 percent of those voting on the proposition must vote "yes".

Excess Property Tax Levies: There are two methods for authorizing a school district excess levy. The first method results in approval if 60 percent vote "yes" so long as the number of voters voting on the proposition equals or exceeds 40 percent of district voters who participated in the last preceding general election.

The second method can result in approval where voters turn out in fewer numbers than the requisite "40 percent". In this case, the "yes" count threshold is higher for levy approval. The number of "yes" votes must equal or exceed three-fifths (60 percent) of a number that represents 40 percent of district voters who participated in the last preceding general election.

Timing and Frequency: School excess levies or bond issues may be submitted at a special or regular election, but not more than twice in a 12-month period. Levy propositions may not be submitted more than 12 months prior to the effective date.

Process for Changing the Requirement: Any amendment to change the Washington Constitution must be approved by a two-thirds majority of both houses of the Legislature. In addition, four laws must be changed to implement the constitutional amendment.

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### **Summary of Bill:**

The Legislature will submit to the voters a proposed amendment to the state constitution that would allow school levies and bonds to be approved by a simple majority of voters voting at an election. The amendment would change the current constitutional requirement that school levies and bonds be approved by 60 percent of the voters.

It would also change the current validation requirement that either the number of people voting must equal or exceed 40 percent of those voting at the last general election, or if fewer than 40 percent of the voters turn out for the election, the number of "yes" votes must equal or exceed 60 percent of a number that represents 40 percent of district voters who participated in the last preceding general election.

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**Appropriation:** None.

**Fiscal Note:** Preliminary fiscal note available.

**Testimony For:** Winning an election to the Legislature by 59.9 percent is a landslide for legislators; for a school levy the same percentage is a crushing defeat. The people of Washington have shown through recent initiatives that they value their schools and want to improve the funding levels provided for the children those schools educate. This legislation asks the people how they want to fund their schools and whether they want to change the voting requirements for school levies. Voters don't have the power to change the requirements by initiative, they need legislative help to put the question on the ballot. With the passage of recent initiatives that limit local governmental levies to a 1 percent increase a year, ballots will be crowded and confusing, making the passage of school levies more challenging. Good schools help keep a community economically vibrant so making it simpler to pass levies makes good economic sense. When levies fail, property values decline, employee morale suffers, teachers leave, and educational quality suffers. The current 60 percent approval requirement for the passage of school bonds is crippling the ability of some communities to pay for much needed school construction and renovation. Most levies pass eventually, but the delay in providing funding for capital projects balloons the cost of those projects and ends up hurting students.

**Testimony Against:** None.

**Testified:** Representative Schual-Berke, prime sponsor; Robert Butts and Ken Kanikeberg, Office of the Superintendent of Public Instruction; Kristen Bunce, Governor's Office; Julie Salvi, Office of Financial Management; Robby Stern, Washington State Labor Council; Roger Boatwright, Washington State Building Trades; Carol Taylor Cann, Lynn Goebel, Matt Webster, Kristie Mahan, Joseph Mosolino, Jean Strother, Suzanne Spiller, and Pat Montgomery, Washington State Parent Teacher Association; Denny Eliason, Highline Citizens for Schools; Ryan Spiller, Washington Fire Commissioners Association; Jim Richardson, Public School Employees; Bill Lahmann, Olympia School District; Connie Fletcher, Susan Cross, and Martin Boyle, Washington State School Directors' Association; Russ Hartman, Bremerton Levy Committee; Patricia Metropulos, Evergreen School District; Carol Gregory, Highline School District; Barbara Mertens, Washington Association of School Administrators; Ray Tobiason, Alliance of Educational Associations; Cheryl Bond, South Kitsap Education Association and Washington Education Association; Jean Brown, Association of Washington School Principals; Christie Perkins, Washington State Special Education Coalition; Pamela Crone, League of Women Voters; Glenn Gorton, Public School Employees of Washington; Patti Holmgren, Washington School Public Relations Association; Nancy Moffatt, Bethel School District; Cheryl Ellsworth, Seattle Public Schools; Judy Hartmann, Tacoma Public Schools; Warren Smith, Washington State Board of Education; Kurt Miller, Tacoma Citizens Commission; Kathleen Lopp, Washington

Association for Career and Technical Education; and Nick Johnson, private citizen.

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## **HOUSE COMMITTEE ON CAPITAL BUDGET**

**Majority Report:** Do pass as amended. Signed by 14 members: Representatives Murray, Chair; McIntire, Vice Chair; Armstrong, Bush, Casada, Chase, Hankins, Hunt, Lantz, O'Brien, Ogden, Reardon, Veloria and Woods.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Alexander, Ranking Minority Member; Esser and Schoesler.

**Staff:** Charlie Gavigan (786-7340).

### **Summary of Recommendation of Committee On Capital Budget Compared to Recommendation of Committee On Education:**

The Capital Budget Committee amendments: (1) authorize a simple majority for school bond and levy passage when the proposal is presented to the voters at a primary or general election (special elections still require a super-majority); and (2) retain provisions regarding school district debt that are in current law.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Amended Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** This resolution should be approved by the Legislature and to let the voters decide what it should take to pass a school levy or bond issue. A number of things have changed since the current approach was adopted. School district levies and bond measures should be validated with a simple majority rather than a 60 percent super-majority. Many of the levy failures receive well over half the vote, sometimes over 59 percent. Most ballot measures only need a 50 percent plus one majority to pass; our children's education should not have to meet a higher standard. School facilities need to support education reform and changing technology. Parents, community leaders, and school officials must put significant effort and resources into a levy or bond measure; it is disheartening for the community when school facility needs go unmet even though most of the voters, but maybe not 60 percent, support it. Most school ballot measures eventually pass; postponing passage because of the super-majority requirement substantially increases the cost of the project. The increasing number of measures on the ballot for voter approval will make it more difficult to pass school levies unless a change is made to the validation requirements.

**Testimony Against:** None.

**Testified:** Representative Schual-Berke, prime sponsor; Robert Butts, the Office of the Superintendent of Public Instruction; Kristin Bunce, the Governor's Office; Ken Kanikeberg, the Office of the Superintendent of Public Instruction; Barbara Mertens, Washington Association of School Administration; Ranier Houser, Association of Washington School Principals; Glenn Gorton, Public School Employees; Bob Maier, Washington Education Association; Carol Taylor Cann, Washington State Parent Teachers Association; Dan Steele, Washington State School Directors Association; and Charlie Brown, King County School Coalition.