
SENATE BILL 5334

State of Washington

67th Legislature

2021 Regular Session

By Senators Dozier, Braun, Hawkins, Rivers, Schoesler, Short, and Warnick

Read first time 01/22/21. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to transparency in levy authorization information
2 provided by school districts; amending RCW 28A.320.090 and 84.52.053;
3 and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature recognizes the importance
6 of providing accurate levy authorization information so that
7 Washington voters are able to make informed decisions about ballot
8 measures and engage as full participants in local elections. The
9 legislature also recognizes that the format and delivery of this
10 information can vary greatly across school districts and communities.
11 The current lack of standardization in communication between school
12 districts and voters can lead to confusion and misinformation about
13 the cost, duration, and impact of school district levies, impacting
14 property taxes within communities. Therefore, it is the intent of the
15 legislature to provide a uniform template to increase transparency
16 and ensure that voters are provided with access to accurate
17 information about school funding measures that impact their
18 communities and their taxes.

19 **Sec. 2.** RCW 28A.320.090 and 1969 ex.s. c 283 s 11 are each
20 amended to read as follows:

1 (1) The board of directors of any school district shall have
2 authority to authorize the expenditure of funds for the purpose of
3 preparing and distributing information to the general public to
4 explain the instructional program, operation and maintenance of the
5 schools of the district: PROVIDED, That nothing contained herein
6 shall be construed to authorize preparation and distribution of
7 information to the general public for the purpose of influencing the
8 outcome of a school district election.

9 (2) (a) When using public resources to provide information to the
10 general public regarding the authorization of a levy under RCW
11 84.52.053(1) including, but not limited to, school district
12 newsletters, handouts, phone calls, or emails, a school district must
13 use a standardized template that contains only the following
14 information:

15 (i) The title of the measure;

16 (ii) The year or years funded by the measure;

17 (iii) The total dollar amount of levy revenue the school district
18 collects under the levy as it currently exists, if applicable;

19 (iv) The total dollar amount of levy revenue the school district
20 will be authorized to collect under the proposed levy if the measure
21 is approved;

22 (v) The total difference between the dollar amount collected
23 under the current levy and the dollar amount to be collected under
24 the proposed levy, for each year in the proposed levy period;

25 (vi) Whether the proposed levy is a replacement levy and, if so,
26 the percentage of qualified voters that authorized the existing levy;

27 (vii) A statement acknowledging that the school district cannot
28 predict how an individual's overall property taxes will be affected
29 by the levy authorization;

30 (viii) A statement from the school district, not to exceed 100
31 words, describing the proposed levy;

32 (ix) A list of the current school board members and the school
33 superintendent, and their official contact information.

34 (b) School districts may not use the words "replacement levy,"
35 "not a new tax," or "same rate" to describe a proposed levy if the
36 total dollar amount requested represents an increased amount from the
37 prior approved levy.

38 (c) This subsection (2) does not apply to political committees as
39 defined in RCW 42.17A.005.

1 **Sec. 3.** RCW 84.52.053 and 2018 c 266 s 306 are each amended to
2 read as follows:

3 (1) The limitations imposed by RCW 84.52.050 through 84.52.056,
4 and 84.52.043 shall not prevent the levy of taxes by school
5 districts, when authorized so to do by the voters of such school
6 district in the manner and for the purposes and number of years
7 allowable under Article VII, section 2(a) and Article IX, section 1
8 of the Constitution of this state. Elections for such taxes shall be
9 held in the year in which the levy is made or, in the case of
10 propositions authorizing two-year through four-year levies for
11 enrichment funding for a school district, authorizing two-year levies
12 for transportation vehicle funds established in RCW 28A.160.130 or
13 authorizing two-year through six-year levies to support the
14 construction, modernization, or remodeling of school facilities,
15 which includes the purposes of RCW 28A.320.330(2) (f) and (g), in the
16 year in which the first annual levy is made.

17 (2)(a) Once additional tax levies have been authorized for
18 enrichment funding for a school district for a two-year through four-
19 year period as provided under subsection (1) of this section, no
20 further additional tax levies for enrichment funding for the district
21 for that period may be authorized, except for additional levies to
22 provide for subsequently enacted increases affecting the district's
23 maximum levy.

24 (b) Notwithstanding (a) of this subsection, any school district
25 that is required to annex or receive territory pursuant to a
26 dissolution of a financially insolvent school district pursuant to
27 RCW 28A.315.225 may call either a replacement or supplemental levy
28 election within the school district, including the territory annexed
29 or transferred, as follows:

30 (i) An election for a proposition authorizing two-year through
31 four-year levies for enrichment funding for a school district may be
32 called and held before the effective date of dissolution to replace
33 existing enrichment levies and to provide for increases due to the
34 dissolution.

35 (ii) An election for a proposition authorizing additional tax
36 levies may be called and held before the effective date of
37 dissolution to provide for increases due to the dissolution.

38 (iii) In the event a replacement levy election under (b)(i) of
39 this subsection is held but does not pass, the affected school
40 district may subsequently hold a supplemental levy election pursuant

1 to (b)(ii) of this subsection if the supplemental levy election is
2 held before the effective date of dissolution. In the event a
3 supplemental levy election is held under (b)(ii) of this subsection
4 but does not pass, the affected school district may subsequently hold
5 a replacement levy election pursuant to (b)(i) of this subsection if
6 the replacement levy election is held before the effective date of
7 dissolution. Failure of a replacement levy or supplemental levy
8 election does not affect any previously approved and existing
9 enrichment levy within the affected school district or districts.

10 (c) For the purpose of applying the limitation of this subsection
11 (2), a two-year through six-year levy to support the construction,
12 modernization, or remodeling of school facilities shall not be deemed
13 to be a tax levy for enrichment funding for a school district.

14 (3) A special election may be called and the time therefor fixed
15 by the board of school directors, by giving notice thereof by
16 publication in the manner provided by law for giving notices of
17 general elections, at which special election the proposition
18 authorizing such excess levy shall be submitted in such form as to
19 enable the voters favoring the proposition to vote "yes" and those
20 opposed thereto to vote "no."

21 (4)(a) Beginning September 1, 2018, school districts may use
22 enrichment levies solely to enrich the state's statutory program of
23 basic education as authorized under RCW 28A.150.276.

24 (b) Beginning with propositions for enrichment levies for
25 collection in calendar year 2020 and thereafter, a district must
26 receive approval of an enrichment levy expenditure plan from the
27 superintendent of public instruction under RCW 28A.505.240 before
28 submission of the proposition to the voters.

29 (5) Information provided by school districts to the general
30 public regarding the authorization of levies under subsection (1) of
31 this section must be provided in the manner prescribed in RCW
32 28A.320.090. Nothing in this subsection (5) applies to political
33 committees as defined in RCW 42.17A.005.

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