

SENATE BILL REPORT

SSJR 8202

As of Third Reading, March 16, 2005

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

Sponsors: Senate Committee on Early Learning, K-12 & Higher Education (originally sponsored by Senators Eide, Keiser, Doumit, Poulsen, Weinstein, Fairley, Schmidt, Jacobsen, Kastama, Regala, Fraser, Berkey, Kline, Brown, Spanel, Kohl-Welles, Shin, Rasmussen and Pridemore).

Brief History:

Committee Activity: Early Learning, K-12 & Higher Education: 1/26/05, 2/2/05 [DPS-WM, DNPS], 2/02/05.

Ways & Means: 2/21/05, 2/22/05 [DPS(EDU), DNP].

Failed Senate: 3/16/05, 25-23.

SENATE COMMITTEE ON EARLY LEARNING, K-12 & HIGHER EDUCATION

Majority Report: That Substitute Senate Joint Resolution No. 8202 be substituted therefor, and the substitute joint resolution do pass and be referred to Committee on Ways & Means.

Signed by Senators McAuliffe, Chair; Schmidt, Ranking Minority Member; Berkey, Eide, Kohl-Welles, Pflug, Pridemore, Rasmussen, Rockefeller, Shin and Weinstein.

Minority Report: Do not pass substitute.

Signed by Senators Carrell, Delvin, Mulliken and Schoesler.

Staff: Heather Lewis-Lechner (786-7448)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: That Substitute Senate Joint Resolution No. 8202 as recommended by Committee on Early Learning, K-12 & Higher Education be substituted therefor, and the substitute joint resolution do pass.

Signed by Senators Prentice, Chair; Doumit, Vice Chair; Fraser, Vice Chair; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau.

Minority Report: Do not pass.

Signed by Senators Zarelli, Ranking Minority Member; Hewitt and Schoesler.

Staff: Bryon Moore (786-7726)

Background: The Washington State Constitution gives school districts the power to levy additional taxes and assume debt upon voter approval.

Excess Property Tax Levies: There are two methods for authorizing excess property taxes for school districts. The first method requires a 40 percent voter turnout; the other does not. In the first method, a levy is approved if at least 60 percent of those voting in a school district election vote "yes" and the number of voters who turn out exceeds 40 percent of the voters who participated in the district's last general election. In the second method, a levy is approved if the number of "yes" votes is at least equal to 60 percent of the 40 percent of the number of voters who voted in the district's last general election.

General Obligation Bonds: A school district may issue general obligation bonds for capital purposes in excess of set limits only if at least 60 percent of those voting in a district election vote "yes" and the number of voters who turn out equals or exceeds 40 percent of the number of voters who participated in the district's last general election.

Incurring Debt: Under the Constitution, a school district may incur debt up to 5 percent of the value of the taxable property in the district if the proposition is approved by 60 percent of the votes cast in an election for that purpose. A school district may incur debt for capital outlays up to 10 percent of the value of the taxable property in the district if the proposition is approved by 60 percent of the votes cast in an election for that purpose.

To amend the Constitution, a bill must be passed by a two-thirds majority of both houses of the Legislature and approved by a majority of the people.

Summary of Bill: An amendment to the Washington State Constitution is proposed to provide for a simple majority of voters to authorize excess levies and general obligation bonds for school districts. The amendment removes the 40 percent election validation requirement for levy and bond elections. The amendment also provides for a simple majority for voter approval of school district debt.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Upon approval by the voters.

Testimony For: We have been trying for a very long time to pass this legislation and this is the year. It is the number one priority for many organizations. Under the current super majority with validation requirements those people who stay home and do not vote have more power than the people who actually vote. That is unfair and is not the way democracy should work. The legislators have reviewed and debated this issue for years and it is time to finally let the voters of Washington debate this issue. School districts are spending a great deal of time and resources trying to get levies and bonds passed under the current requirements that could be better spent educating our children. Many times school districts come within just a few votes of passing the levies and this process becomes morally draining and frustrating for parents and educators. The levy and bond failures have prevented many schools from building and maintaining their facilities and often, when levies fail, the best and the brightest teachers start leaving because they see that resources are getting tighter and they are fearful for their jobs. The impact of levy failures are on the community and the students. Last year over 62,000 students were impacted by levy failures. There is growing evidence that school

facilities do make a difference in a student's learning and inequalities in school facilities across the state due to the inability in some areas to pass levies contribute to the inequality in student learning.

Testimony Against: Opposition to a change in the Constitution and current law to allow a simple majority does not equate to a lack of support for education. Low-income, small school districts can pass levies and bonds under the current requirements because small communities see the schools as the heart of the community. It is not a lack of voting that defeats levies and bonds it is people choosing not to support the levy. There is a fear and concern over voting in our state and there is a perception that Seattle is controlling the voting of the state and some people in this state may not believe that they have a fair representation at the ballot right now.

Who Testified: PRO: Senator Eide, prime sponsor; Greg Kirsch, Chehalis School District; Dale McDaniel, Onalaska School District; Charles Hoff, Federal Way School Board; Marcia Fromhold, Evergreen and Vancouver School District; Mitch Denning, Alliance of Educational Associations; Marcie Maxwell, Renton School Board; Mary Jane Glaser, Tahoma School Board; Carol VanNory Riverview School District; Mary Kenfield, Jean Strother, Pat Montgomery, PTA; Mark Laurel, CFFWS; Lisa MacFarlane, League of Education Voters; Deborah L. Heart, WSSDA; Rainer Houser, AWSP; Gary King, WEA; Robert Butts, OSPI; Ken Kanikeberg, Public School Employees of WA; Barbara Mertens, WASA.

CON: Senator Joyce Mulliken, citizen.

Signed in, Unable to Testify & Submitted Written Testimony: Dan Steele, WSSDA.