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Education Committee

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HB 1212

**Brief Description:** Providing for a simple majority of voters voting to authorize school district bonds.

**Sponsors:** Representatives Haigh, Armstrong, Hunter, Wallace, Rockefeller, Fromhold, Eickmeyer, Miloscia, Conway, Cooper, Lantz, McCoy, Voloria, Schual-Berke, Lovick, Ruderman, Hunt, Kirby, Hudgins, Dickerson, Pettigrew, Wood, Upthegrove, Morrell, Simpson, Darneille and Chase.

**Brief Summary of Bill**

- If, at the next general election, a constitutional amendment is passed by the voters that will permit school bonds to be approved by a simple majority of people voting in an election, state law is changed to permit that as well. If the constitutional amendment does not pass, the bill is null and void.

**Hearing Date:** 2/12/03

**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 county 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, followed by approval of a majority of the people voting in the election. In addition, several laws must be changed to implement the constitutional amendment.

### **Summary of Bill:**

If, at the next general election, a constitutional amendment is passed by the voters that will permit school bonds to be approved by a simple majority of people voting at an election, state law is changed to permit that as well. The new provisions would change the current statutory requirement that school bonds be approved by 60 percent of the voters.

It also changes the current validation requirement that either the number of people voting must equal or exceed 40 percent of those who voted 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.

**Appropriation:** None.

**Fiscal Note:** Requested on 1/22/03.

**Effective Date:** The bill takes effect ninety days after adjournment of session in which bill is passed.