

SENATE BILL REPORT

SB 5028

As of January 9, 2007

Title: An act relating to school district elections.

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

Sponsors: Senators Eide, McAuliffe, Weinstein, Jacobsen, Shin, Kohl-Welles, Pridemore, Kastama, Spanel, Rockefeller, Fairley, Tom, Poulsen, Hatfield, Prentice, Kline, Haugen, Regala, Keiser, Kilmer, Murray, Fraser, Marr, Rasmussen, Franklin and Kauffman.

Brief History:

Committee Activity: Early Learning & K-12 Education: 1/15/07.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Bryon Moore (786-7726)

Background: School districts have constitutional and statutory authority 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: By statute, a school district may incur debt up to 2.5 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 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.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

Summary of Bill: Statutes are amended to provide for a simple majority of voters to approve the incurring of debt by school districts. Statutes are amended to provide for a simple majority of voters to authorize general obligation bonds by school districts. The amendments remove the 40 percent election validation requirement for levy and bond elections.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

Effective Date: The bill contains a contingency clause and takes effect if a constitutional amendment providing for a simple majority vote to authorize school district levies and bonds is validly submitted, approved, and ratified by the voters and certified by the Secretary of State.

Staff Summary of Public Testimony: PRO: 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 is on the community and the students.

CON: 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. The super majority provisions for excess levies were put into place to protect the citizens and it is still serving that purpose. If the Legislature singles out school districts over the other taxing entities that are subject to the 60 percent vote requirement, this pits one entity against the other and is unfair. The super majority vote requirement is needed to protect citizens from excessive property tax increases and control government spending.

Persons Testifying: PRO: Senator Eide, prime sponsor; Jason Perrins, Battle Ground School District; Jon Haugen, PTA; Donna Christensen, PTA; John Vornbrock, Yakima School Board; Lucinda Young, WEA; Dan Steele, WASDA; Barbara Mertens, WASA; Patty Wood, Kelso School Board; Ross Gallagher, self; Mitch Denning, Alliance of Education Associations; Kris Van Gorkom, WASBO; Jennifer Priddy, OSPI.

CON: Paul Locke, citizen; Don Whiting, WA State Grange; Chris Shardelman, Cure.