

HOUSE BILL REPORT

ESHJR 4204

As Passed House
March 15, 1993

Brief Description: Amending the Constitution to provide for a simple majority of electors voting to authorize school district and library district levies and bonds.

Sponsors: By House Committee on Education (originally sponsored by Representatives G. Cole, Brough, Flemming, Dorn, Peery, Karahalios, Rust, Sheldon, Jones, Chappell, Holm, Shin, R. Johnson, Johanson, J. Kohl, Springer, Cooke, Wood, Lemmon, Jacobsen, Wang, Leonard, Quall, Brumsickle, Thomas, H. Myers, Rayburn and King; by request of Washington State School Directors Association, Board of Education and Superintendent of Public Instruction.)

Brief History:

Reported by House Committee on:
Education, February 18, 1993, DPS;
Passed House, March 15, 1993, 78-20.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 16 members: Representatives Dorn, Chair; Cothorn, Vice Chair; Brough, Ranking Minority Member; Thomas, Assistant Ranking Minority Member; Brumsickle; Carlson; G. Cole; Eide; Hansen; Holm; Jones; Karahalios; J. Kohl; Patterson; Pruitt; and Roland.

Minority Report: Do not pass. Signed by 2 members: Representatives Stevens and Vance.

Staff: Margaret Allen (786-7191).

Background: Ordinarily, when a school district seeks the approval of a bond issue or a tax levy, 60 percent of the votes cast at the election must be in favor of the issue or levy.

In addition, the number of persons voting on the proposal must equal at least 40 percent of the total number of votes cast in the district voting at the most recent general election.

Unofficial results of recent school financing elections indicated all failed school bond issues and levies received a majority of favorable votes, but either lacked the requisite 60 percent favorable votes, or a sufficient number of votes to validate the election.

The 60 percent supermajority and 40 percent validation requirements are imposed by Article VII, Section 2 and Article VIII, Section 6 of the state constitution, and by statutes.

A bill introduced this session amends the statutes to remove the 60 and 40 percent requirements for school districts. The bill takes effect only if the constitution is amended.

Article VII, Section 2 of the constitution refers to "votes cast," "electors voting," and "persons voting," rather than to the term "voters voting" used in Article VIII, Section 6.

Summary of Bill: An amendment to Article VII, Section 2 and Article VIII, Section 6 of the state constitution is to be submitted to the voters at the next general election.

The amendment would remove the 60 percent supermajority and 40 percent validation requirements for most school financing elections. If the amendment is approved, a proposal to issue bonds with a term of nine years or less, or to levy taxes, will pass if approved by a simple majority of the voters voting on the issue or levy. However, a proposal to issue bonds with a term exceeding nine years still will require the approval of 60 percent of the voters voting in the election. Also, the number of voters voting on the proposal to issue bonds with a term exceeding nine years will have to equal at least 40 percent of the total number of voters voting in the district at the most recent general election.

The terms "votes cast," "electors voting," and "persons voting" are changed to "voters voting" throughout Article VII, Section 2.

In addition, the bill clarifies that a school district need only submit a tax levy proposal to the voters within twelve months of the date on which the initial tax is to be levied.

The Legislature finds the proposed changes in the constitution are a single integrated plan providing for a simple majority of electors voting to authorize school district levies and bonds. If the amendment is held to be separate amendments, the joint resolution is void.

Fiscal Note: Requested February 10, 1993.

Effective Date: Upon ratification by the voters.

Testimony For: The validation requirement allows "no" votes to count more than "yes" votes. The supermajority requirement allows a minority to rule. Let the voters decide whether to drop the supermajority and validation requirements. Money spent rerunning failed levies and bonds could be better spent on teachers and schools.

Testimony Against: Eliminating the supermajority and validation requirements will adversely affect taxpayers on fixed incomes. Mailing a ballot to every registered voter would eliminate any validation problems.

Witnesses: Kathleen Anderson, state Board of Education (for); Debbie Severn, Marcia Holland, Washington State PTA (for); Donna Rivers, Steilacoom Historical School District (for); Jan Shellgren, Seattle School Board (for); Jean Shefreland, Highline Citizens for Schools (for); Val Torrens (for); Marcia Costello, WASA (for); Charles Hall, Yelm Community Schools (for); and Chester Gill (against).