

# SENATE BILL REPORT

## SB 6059

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As Passed Senate, June 4, 2003

**Title:** An act relating to teachers' cost-of-living increases.

**Brief Description:** Modifying teacher cost-of-living provisions.

**Sponsors:** Senator Oke; by request of Office of Financial Management.

**Brief History:**

**Committee Activity:** Ways & Means: 4/2/03, 4/3/03 [DP, DNP].

Passed Senate: 4/16/03, 27-22.

**First Special Session:** Passed Senate: 6/4/03, 26-20.

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### SENATE COMMITTEE ON WAYS & MEANS

**Majority Report:** Do pass.

Signed by Senators Rossi, Chair; Hewitt, Vice Chair; Zarelli, Vice Chair; Hale, Honeyford, Johnson, Parlette, Sheahan and Winsley.

**Minority Report:** Do not pass.

Signed by Senators Brown, Doumit, Fairley, Fraser, Poulsen, Regala and B. Sheldon.

**Staff:** Bryon Moore (786-7726)

**Background:** Prior to the passage of Initiative 732 (I-732), cost-of-living adjustments (COLA) were provided for K-12 public school employees and higher education employees at the discretion of the Legislature within the state biennial operating budget.

I-732 was approved by voters in the November 2000 general election. Beginning in the 2001-02 school year, I-732 required provision of an annual COLA for K-12 teachers and other public school employees, and community college and technical college academic and classified employees.

During the 2001-03 biennium, the Legislature appropriated sufficient funding to cover the costs associated with providing a cost-of-living adjustment to K-12 and community college and technical college staff included in state funding formulas. The Legislature did not provide funding for K-12 staff funded from local levies or federal funds, but adjusted the per pupil inflator for local levies and increased federal spending authority to allow the cost-of-living adjustment to be funded from those sources.

In December 2002, the Washington State Supreme Court issued its ruling in the case of *McGowan vs. State* (case no. 71947-1) which was brought by school districts and school employees to compel the state to fund the I-732 cost-of-living increases for school employees who are not paid from state dollars.

In its decision, the Supreme Court ruled:

- (1) All K-12 employees are entitled to receive the cost-of-living-adjustment, and the state is required to provide state dollars to fund the COLA for all of these employees (including the employees who are being paid from local levy dollars or federal grants).
- (2) However, these COLAs are not protected by the state Constitution provisions regarding "basic education." While the initiative declared the COLAs to be part of basic education, the court ruled that portion of the initiative to be unconstitutional.
- (3) The court declined to order the state to appropriate the money for the COLAs and indicated that it did not want to speculate on what future appropriations might be made in light of its decision.

**Summary of Bill:** Provisions requiring the annual cost-of-living requirement for the 2003-05 biennium are removed. The provisions declaring the COLAs as "basic education" are eliminated. The language of I-732 that directed the state to provide funding for all staff of the school district rather than just those included in state formula staff allocations is removed.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** None.

**Testimony Against:** Initiative 732 was supported with an overwhelming vote of the people. The polling data continues to show that the people want to provide additional compensation increases for all education staff, not just some of the staff. The increases are a down payment to provide adequate compensation for quality staff.

**Testified:** Terry Bergeson, Superintendent of Public Instruction (con); Doug Nelson, Public School Employees of Washington (concerns); Bob Maier, Washington Education Association (con).