

# HOUSE BILL REPORT

## HJR 4205

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**As Reported by House Committee On:**  
Education

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

**Sponsors:** Representatives Schual-Berke, Haigh, Jarrett, Quall, Tom, Hunter, Hunt, Fromhold, Chase, Appleton, Darneille, Williams, Clibborn, McDermott, Simpson, P. Sullivan, Dickerson, O'Brien, Wood, Sells, Roberts, Green, Conway, Hudgins, Kirby, Kenney, McIntire, Dunshee, Hasegawa, Linville, Santos, Kagi, Ormsby, Lantz, Moeller and Blake.

**Brief History:**

**Committee Activity:**

Education: 1/31/05, 2/3/05 [DPS].

**Brief Summary of Substitute Bill**

- The Legislature will submit to the voters a proposed amendment to the Constitution that would allow school levies to be approved by a simple majority of voters voting in an election.

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### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 10 members: Representatives Quall, Chair; P. Sullivan, Vice Chair; Talcott, Ranking Minority Member; Anderson, Assistant Ranking Minority Member; Curtis, Haigh, Hunter, Santos, Shabro and Tom.

**Staff:** Susan Morrissey (786-7111).

**Background:**

The Washington State Constitution gives school districts the power to levy additional taxes. 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.

School districts may submit a levy proposition to the voters at a special or regular election but not more than twice in 12 months.

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 at the next general election.

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**Summary of Substitute Bill:**

An amendment to the Washington State Constitution is proposed to provide for a simple majority of voters to authorize excess levies for school districts. The amendment removes the 40 percent election validation requirement for levy elections.

**Substitute Bill Compared to Original Bill:**

A technical amendment was adopted to ensure that the underlying bill was based on the current version of the constitution.

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**Appropriation:** None.

**Fiscal Note:** Available.

**Testimony For:** The funding provided by school levies is essential for school districts. In most districts, it supplements state funding and provides programs and services that state funds don't cover. This legislation asks voters whether they want to change the constitutional approval requirements for school levies. Voters have not had an opportunity to vote on the issue since 1944 when the supermajority requirement was put into the Constitution. The requirement was first adopted by initiative during the depression, a time that people were losing their homes. At the time, there were over 2,000 school districts and many people didn't know the school district in which they lived. They also were concerned that their taxes might be raised in an election that they didn't even know about. Finally, fewer people owned homes then and people were concerned that renters and others who didn't own property could vote to raise property taxes for everyone else. All those conditions have changed. There are only 296 school districts, most voters vote by absentee ballot so they know when an election is held, and more people own their own homes than was true 50 or more years ago. The current supermajority requirement is undemocratic because, in school levy or bond elections, the minority, including people who choose not to vote, have a greater say in the outcome than the majority of voters. Most levies pass on their first or second try, but the effort to pass a levy on the second attempt diverts valuable time and effort from providing programs for kids to convincing voters to support the levy. Levies approved by 59 or more percent still fail and that failure results in devastating program cuts for students, and employee layoffs that can be heartbreaking for school staff and the communities in which they live. The approval process for school levies should not be higher than the approval requirements for either a football stadium or legislator elections. Voters don't have the power to change the requirements by initiative; they need legislative help to put the question on the ballot. Good schools help keep a

community economically vibrant so making it simpler to pass levies makes good economic sense.

**Testimony Against:** Any tax increase should require a 60 percent "yes" vote. In order for a levy to pass, current law requires that the number of people who vote "yes" in a levy or bond election must equal 24 percent of the people who voted "yes" in the last election. This allows about 15-21 percent of the registered voters, or 8 percent of the people, to raise taxes for everyone else.

**Persons Testifying:** (In support) Representative Schual-Berke; Mallory Gitt, Julie Ford, Nichole Best, and Julie Nordgren, Bethel High School Students; Dale McDaniel, Superintendent Onalaska School District; Catherine Ahl, League of Women Voters; Don Rash, Association of Washington School Principals; Barb Mertens, Washington Association of School Administrators; Dan Steele, Washington School Directors' Association; Gary King, Washington Education Association; Cherise Khaund, League of Education Voters, Mitch Denning, Alliance of Educational Associations; Jean Strothier, Kelly Munn, and Pat Montgomery, Parent Teacher Association; and Robert Butts, Office of the Superintendent of Public Instruction.

(Opposed) Myrtle Cooper, citizen.

**Persons Signed In To Testify But Not Testifying:** None.