

SENATE BILL REPORT

SB 5144

As Reported By Senate Committee On:
Early Learning, K-12 & Higher Education, February 2, 2005
Ways & Means, February 22, 2005

Title: An act relating to school district elections.

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

Sponsors: Senators Eide, Keiser, Doumit, Poulsen, Weinstein, Fairley, Schmidt, Regala, Jacobsen, Kastama, Fraser, Berkey, Kline, Brown, Spanel, Kohl-Welles, Shin, Rasmussen and Pridemore.

Brief History:

Committee Activity: Early Learning, K-12 & Higher Education: 1/26/05, 2/2/05 [DP-WM, DNP].
Ways & Means: 2/22/05 [DP, DNP].

SENATE COMMITTEE ON EARLY LEARNING, K-12 & HIGHER EDUCATION

Majority Report: Do pass and be referred to Committee on Ways & Means.

Signed by Senators McAuliffe, Chair; Schmidt, Ranking Minority Member; Berkey, Eide, Kohl-Welles, Pflug, Pridemore, Rasmussen, Rockefeller, Shin and Weinstein.

Minority Report: Do not pass.

Signed by Senators Carrell, Delvin, Mulliken and Schoesler.

Staff: Susan Mielke (786-7422)

SENATE COMMITTEE ON WAYS & MEANS

Majority Report: Do pass.

Signed by Senators Prentice, Chair; Doumit, Vice Chair; Fraser, Vice Chair; Fairley, Kohl-Welles, Pridemore, Rasmussen, Regala, Rockefeller and Thibaudeau.

Minority Report: Do not pass.

Signed by Senators Zarelli, Ranking Minority Member; Hewitt and Schoesler.

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.

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: None 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.

Testimony For: 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 are on the community and the students. Last year over 62,000 students were impacted by levy failures. There is growing evidence that school facilities do make a difference in a student's learning, and inequalities in school facilities across the state due to the inability in some areas to pass levies contribute to the inequality in student learning.

Testimony Against: 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. Low-income, small school districts can pass levies and bonds under the current requirements because small communities see the schools as the heart of the community. It is not a lack of voting that defeats levies and bonds; it is people choosing not to support the levy. There is a fear and concern over voting in our state and there is a perception that Seattle is controlling the voting of the state and some people in this state may not believe that they have a fair representation at the ballot right now.

Who Testified: PRO: Senator Eide, prime sponsor; Greg Kirsch, Chehalis School District; Dale McDaniel, Onalaska School District; Charles, Hoff, Federal Way School Board; Marcia Fromhold, Evergreen and Vancouver School District; Mitch Denning, Alliance of Educational Associations; Marcie Maxwell, Renton School Board; Mary Jane Glaser, Tahoma School Board; Carol VanNory Riverview School District; Mary Kenfield, Jean Strother, Pat Montgomery, PTA; Mark Laurel, CFFWS; Lisa MacFarlane, League of Education Voters; Deborah L. Heart, WSSDA; Rainer Houser, AWSP; Gary King, WEA; Robert Butts, OSPI; Ken Kanikeberg, Public School Employees of WA; Barbara Mertens, WASA.

CON: Senator Joyce Mulliken, citizen.

Signed in, Unable to Testify & Submitted Written Testimony: Dan Steele, WSSDA.