

# SENATE BILL REPORT

## ESJR 8207

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As of Third Reading

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

**Sponsors:** Senators Eide, Pridemore, Marr, McAuliffe, Weinstein, Shin, Tom, Kohl-Welles, Rasmussen, Kilmer, Franklin and Regala; by request of Governor Gregoire.

**Brief History:**

**Committee Activity:** Early Learning & K-12 Education: 1/15/07, 1/18/07 [DP, DNP].  
Failed Senate: 2/28/07, 30-17 (3/14/07 notice to reconsider).

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Majority Report:** Do pass.

Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Eide, Hobbs, Kauffman, Oemig and Weinstein.

**Minority Report:** Do not pass.

Signed by Senators Holmquist, Ranking Minority Member; Clements and Hewitt.

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

**Background:** The Washington State Constitution gives school districts the power 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.

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.

**Summary of Bill:** An amendment to the Washington State Constitution is proposed to provide for a simple majority of voters to authorize excess capital, maintenance and operation, and transportation levies for school districts. The amendment removes the 40 percent election validation requirement for levy elections.

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*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.*

**Appropriation:** None.

**Fiscal Note:** Available.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Upon approval by the voters.

**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.