

SSB 6138 - H AMD 1001

By Representative Priest

NOT CONSIDERED 04/26/2009

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 84.52.0531 and 2009 c 4 s 908 are each amended to  
4 read as follows:

5 The maximum dollar amount which may be levied by or for any school  
6 district for maintenance and operation support under the provisions of  
7 RCW 84.52.053 shall be determined as follows:

8 (1) For excess levies for collection in calendar year 1997, the  
9 maximum dollar amount shall be calculated pursuant to the laws and  
10 rules in effect in November 1996.

11 (2) For excess levies for collection in calendar year 1998 and  
12 thereafter, the maximum dollar amount shall be the sum of (a) plus or  
13 minus (b) and (c) of this subsection minus (d) of this subsection:

14 (a) The district's levy base as defined in subsection(~~(3)~~) (3)  
15 (~~(and (4))~~) of this section multiplied by the district's maximum levy  
16 percentage as defined in subsection (~~(+5)~~) (4) of this section;

17 (b) For districts in a high/nonhigh relationship, the high school  
18 district's maximum levy amount shall be reduced and the nonhigh school  
19 district's maximum levy amount shall be increased by an amount equal to  
20 the estimated amount of the nonhigh payment due to the high school  
21 district under RCW 28A.545.030(3) and 28A.545.050 for the school year  
22 commencing the year of the levy;

23 (c) For districts in an interdistrict cooperative agreement, the  
24 nonresident school district's maximum levy amount shall be reduced and  
25 the resident school district's maximum levy amount shall be increased  
26 by an amount equal to the per pupil basic education allocation included  
27 in the nonresident district's levy base under subsection (3) of this  
28 section multiplied by:

29 (i) The number of full-time equivalent students served from the  
30 resident district in the prior school year; multiplied by:

1 (ii) The serving district's maximum levy percentage determined  
2 under subsection ~~((+5+))~~ (4) of this section; increased by:

3 (iii) The percent increase per full-time equivalent student as  
4 stated in the state basic education appropriation section of the  
5 biennial budget between the prior school year and the current school  
6 year divided by fifty-five percent;

7 (d) The district's maximum levy amount shall be reduced by the  
8 maximum amount of state matching funds for which the district is  
9 eligible under RCW 28A.500.010.

10 (3) For excess levies for collection in calendar year ~~((2005))~~ 2010  
11 and thereafter, a district's levy base shall be the sum of allocations  
12 in (a) through ~~((+e+))~~ (e) of this subsection received by the district  
13 for the prior school year and the amounts determined under this  
14 subsection ~~((+4+ of this section))~~, including allocations for  
15 compensation increases, plus the sum of such allocations multiplied by  
16 the percent increase per full-time equivalent student as stated in the  
17 state basic education appropriation section of the biennial budget  
18 between the prior school year and the current school year and divided  
19 by fifty-five percent. A district's levy base shall not include local  
20 school district property tax levies or other local revenues, or state  
21 and federal allocations not identified in (a) through ~~((+e+))~~ (e) of  
22 this subsection.

23 (a) The district's basic education allocation as determined  
24 pursuant to RCW 28A.150.250, 28A.150.260, and 28A.150.350;

25 (b) State and federal categorical allocations for the following  
26 programs:

27 (i) Pupil transportation;

28 (ii) Special education;

29 (iii) Education of highly capable students;

30 (iv) Compensatory education, including but not limited to learning  
31 assistance, migrant education, Indian education, refugee programs, and  
32 bilingual education;

33 (v) Food services; and

34 (vi) Statewide block grant programs; ~~((and))~~

35 (c) Any other federal allocations for elementary and secondary  
36 school programs, including direct grants, other than federal impact aid  
37 funds and allocations in lieu of taxes(~~-~~

1       ~~(4) For levy collections in calendar years 2005 through 2011, in~~  
2 ~~addition to the allocations included under subsection (3)(a) through~~  
3 ~~(c) of this section, a district's levy base shall also include the~~  
4 ~~following:~~

5       ~~(a))~~);

6       (d) The difference between the allocation the district would have  
7 received in the current school year (~~(had RCW 84.52.068 not been~~  
8 ~~amended by chapter 19, Laws of 2003 1st sp. sess.)~~) using the  
9 Initiative 728 base and the allocation the district received in the  
10 current school year pursuant to RCW 84.52.068(~~(. The office of the~~  
11 ~~superintendent of public instruction shall offset the amount added to~~  
12 ~~a district's levy base pursuant to this subsection (4)(a) by any~~  
13 ~~additional per student allocations included in a district's levy base~~  
14 ~~pursuant to the enactment of an initiative to the people subsequent to~~  
15 ~~June 10, 2004))~~); and

16       ~~((b))~~ (e) The difference between the allocations the district  
17 would have received the prior school year (~~(had RCW 28A.400.205 not~~  
18 ~~been amended by chapter 20, Laws of 2003 1st sp. sess.)~~) using the  
19 Initiative 732 base and the allocations the district actually received  
20 the prior school year pursuant to RCW 28A.400.205. (~~(The office of the~~  
21 ~~superintendent of public instruction shall offset the amount added to~~  
22 ~~a district's levy base pursuant to this subsection (4)(b) by any~~  
23 ~~additional salary increase allocations included in a district's levy~~  
24 ~~base pursuant to the enactment of an initiative to the people~~  
25 ~~subsequent to June 10, 2004.~~

26       ~~(5))~~ (4) A district's maximum levy percentage shall be twenty-two  
27 percent in 1998 and twenty-four percent in 1999 and every year  
28 thereafter; plus, for qualifying districts, the grandfathered  
29 percentage determined as follows:

30       (a) For 1997, the difference between the district's 1993 maximum  
31 levy percentage and twenty percent; and

32       (b) For 1998 and thereafter, the percentage calculated as follows:

33       (i) Multiply the grandfathered percentage for the prior year times  
34 the district's levy base determined under subsection (3) of this  
35 section;

36       (ii) Reduce the result of (b)(i) of this subsection by any levy  
37 reduction funds as defined in subsection ~~((6))~~ (5) of this section  
38 that are to be allocated to the district for the current school year;

1 (iii) Divide the result of (b)(ii) of this subsection by the  
2 district's levy base; and

3 (iv) Take the greater of zero or the percentage calculated in  
4 (b)(iii) of this subsection.

5 ~~((+6))~~ (5) "Levy reduction funds" shall mean increases in state  
6 funds from the prior school year for programs included under  
7 subsection~~((s))~~ (3) ~~((and--(4))~~) of this section: (a) That are not  
8 attributable to enrollment changes, compensation increases, or  
9 inflationary adjustments; and (b) that are or were specifically  
10 identified as levy reduction funds in the appropriations act. If levy  
11 reduction funds are dependent on formula factors which would not be  
12 finalized until after the start of the current school year, the  
13 superintendent of public instruction shall estimate the total amount of  
14 levy reduction funds by using prior school year data in place of  
15 current school year data. Levy reduction funds shall not include  
16 moneys received by school districts from cities or counties.

17 ~~((+7) For the purposes of this section,)~~ (6) The definitions in  
18 this subsection apply throughout this section unless the context  
19 clearly requires otherwise.

20 (a) "Prior school year" means the most recent school year completed  
21 prior to the year in which the levies are to be collected.

22 ~~((+8) For the purposes of this section,)~~ (b) "Current school year"  
23 means the year immediately following the prior school year.

24 (c) "Initiative 728 base" means the allocation to the student  
25 achievement fund for the prior year that would have been made under  
26 chapter 3, Laws of 2001, as approved by the voters, if all annual  
27 adjustments to the initial 2001 allocation had been made in previous  
28 years and in each subsequent year as provided for under chapter 3, Laws  
29 of 2001.

30 (d) "Initiative 732 base" means the prior year's annual salary  
31 cost-of-living increases as they would have been calculated under  
32 chapter 4, Laws of 2001, as approved by the voters, if each annual  
33 cost-of-living increase had been made in previous years and in each  
34 subsequent year as provided for under chapter 4, Laws of 2001.

35 ~~((+9))~~ (7) Funds collected from transportation vehicle fund tax  
36 levies shall not be subject to the levy limitations in this section.

37 ~~((+10))~~ (8) The superintendent of public instruction shall develop

1 rules (~~and regulations~~) and inform school districts of the pertinent  
2 data necessary to carry out the provisions of this section.

3 ~~((11))~~ (9) For calendar year 2009, the office of the  
4 superintendent of public instruction shall recalculate school district  
5 levy authority to reflect levy rates certified by school districts for  
6 calendar year 2009.

7 NEW SECTION. **Sec. 2.** A new section is added to chapter 84.52 RCW  
8 to read as follows:

9 The legislature recognizes that school districts request voter  
10 approval for two-year through four-year levies based on their projected  
11 levy capacities at the time that the levies are submitted to the  
12 voters. It is the intent of the legislature to permit school districts  
13 with voter-approved maintenance and operation levies to seek an  
14 additional approval from the voters, if subsequently enacted  
15 legislation would permit a higher levy.

16 **Sec. 3.** RCW 84.52.053 and 2007 c 129 s 3 are each amended to read  
17 as follows:

18 (1) The limitations imposed by RCW 84.52.050 through 84.52.056, and  
19 84.52.043 shall not prevent the levy of taxes by school districts, when  
20 authorized so to do by the voters of such school district in the manner  
21 and for the purposes and number of years allowable under Article VII,  
22 section 2(a) of the Constitution of this state. Elections for such  
23 taxes shall be held in the year in which the levy is made or, in the  
24 case of propositions authorizing two-year through four-year levies for  
25 maintenance and operation support of a school district, authorizing  
26 two-year levies for transportation vehicle funds established in RCW  
27 28A.160.130, or authorizing two-year through six-year levies to support  
28 the construction, modernization, or remodeling of school facilities,  
29 which includes the purposes of RCW 28A.320.330(2)(f), in the year in  
30 which the first annual levy is made.

31 (2) Once additional tax levies have been authorized for maintenance  
32 and operation support of a school district for a two-year through four-  
33 year period as provided under subsection (1) of this section, no  
34 further additional tax levies for maintenance and operation support of  
35 the district for that period may be authorized, except for additional  
36 levies to provide for subsequently enacted increases affecting the

1 district's levy base or maximum levy percentage. For the purpose of  
2 applying the limitation of this subsection, a two-year through six-year  
3 levy to support the construction, modernization, or remodeling of  
4 school facilities shall not be deemed to be a tax levy for maintenance  
5 and operation support of a school district.

6 (3) A special election may be called and the time therefor fixed by  
7 the board of school directors, by giving notice thereof by publication  
8 in the manner provided by law for giving notices of general elections,  
9 at which special election the proposition authorizing such excess levy  
10 shall be submitted in such form as to enable the voters favoring the  
11 proposition to vote "yes" and those opposed thereto to vote "no".

12 NEW SECTION. **Sec. 4.** The following acts or parts of acts are each  
13 repealed:

- 14 (1) 2004 c 21 s 3 (uncodified);
- 15 (2) 2006 c 119 s 3 (uncodified); and
- 16 (3) 2009 c 4 s 909 (uncodified)."

17 Correct the title.

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