
Education Appropriations & Oversight Committee

HB 2533

Brief Description: Prioritizing expenditures for K-12 education within the state appropriations process.

Sponsors: Representatives Dammeier, Haigh, Dahlquist, Finn, Anderson, Miloscia, Fagan, Kelley, Hargrove, Eddy, Harris, Probst, Wilcox, Haler, Parker, Alexander, Taylor, Ross, Kristiansen, DeBolt, Kretz, Shea, Short, Bailey, Zeiger, Smith, Pearson and Hurst.

Brief Summary of Bill

- Requires that the legislature enact K-12 appropriations before it may take action on other budget bills.

Hearing Date: 1/31/12

Staff: Kristen Fraser (786-7148).

Background:

The appropriations process

Article VIII, section 4 of the state Constitution vests the appropriation power in the Legislature: moneys in the state treasury may not be spent without an appropriation in law. This section of the Constitution also places the state on a two-year budget cycle and makes appropriations temporary in nature by limiting their duration to that cycle.

The Legislature typically enacts three "omnibus" budget bills each biennium: operating, transportation, and capital. Under the procedures established by the Budget & Accounting Act, the governor proposes these budgets as separate bills. In addition to these three omnibus appropriations bills, the Legislature may also enact separate bills that contain individual

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appropriations. The omnibus operating appropriations bill contains the appropriations for K-12 and other education programs, and for other programs, such as general government, human services, natural resources, and higher education.

Legislative procedures and rules

Under Article II, section 9 of the state Constitution, the two houses of the Legislature adopt rules to govern their own internal proceedings on the floor and in legislative committees. The state Constitution also places various requirements on the process of enacting legislation.

The State's basic education funding obligation

Article IX, section 1 of the state Constitution declares that it is the paramount duty of the state to make ample provision for the education of all children. Beginning with *Seattle School District No. 1 v. State* (1978) and most recently in *McCleary v. State* (2012), the state Supreme Court has ruled that this section creates a state duty to define and fully fund a program of basic education, and creates a corresponding right in the state's children to receive educational opportunities. Because this funding duty arises from the Constitution, the *Seattle School District* court declared that it takes precedence over other statutory programs. Each biennium the Legislature must appropriate funding for the program of basic education.

Summary of Bill:

Appropriations for K-12 education must be made in legislation that is separate from the Omnibus Operating Appropriations Act. Before either house of the Legislature may take executive action on other omnibus operating or transportation budget bills, the Legislature must first enact into law the appropriations for basic education and other K-12 education purposes. The houses of the Legislature may adopt rules to implement this requirement.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.