

---

**SENATE BILL 5386**

---

**State of Washington**

**67th Legislature**

**2021 Regular Session**

**By** Senators Randall, Wellman, Dhingra, Lovelett, Mullet, Nguyen, Robinson, Saldaña, and Wilson, C.

Read first time 01/29/21. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to school district elections; amending RCW  
2 28A.535.020, 28A.535.050, 84.52.056, 39.36.020, 28A.530.020, and  
3 28A.315.285; and providing a contingent effective date.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 **Sec. 1.** RCW 28A.535.020 and 1996 c 48 s 2 are each amended to  
6 read as follows:

7 Whenever the board of directors of any school district shall deem  
8 it advisable to validate and ratify the indebtedness mentioned in RCW  
9 28A.535.010, they shall provide therefor by resolution, which shall  
10 be entered on the records of such school district, which resolution  
11 shall provide for the holding of an election for the purpose of  
12 submitting the question of validating and ratifying the indebtedness  
13 so incurred to the voters of such school district for approval or  
14 disapproval, and if at such election (~~three-fifths~~) 55 percent of  
15 the voters in such school district voting at such election shall vote  
16 in favor of the validation and ratification of such indebtedness,  
17 then such indebtedness so validated and ratified and every part  
18 thereof existing at the time of the adoption of said resolution shall  
19 thereby become and is hereby declared to be validated and ratified  
20 and a binding obligation upon such school district.

1       **Sec. 2.** RCW 28A.535.050 and 1984 c 186 s 14 are each amended to  
2 read as follows:

3       If the indebtedness of such school district is validated and  
4 ratified, as provided in this chapter, by (~~three-fifths~~) 55 percent  
5 of the voters voting at such election, the board of directors of such  
6 school district, without any further vote, may borrow money and issue  
7 and sell negotiable bonds therefor in accordance with chapter 39.46  
8 RCW.

9       **Sec. 3.** RCW 84.52.056 and 2010 c 115 s 3 are each amended to  
10 read as follows:

11       (1) Any municipal corporation otherwise authorized by law to  
12 issue general obligation bonds for capital purposes may, at an  
13 election duly held after giving notice thereof as required by law,  
14 authorize the issuance of general obligation bonds for capital  
15 purposes only, which does not include the replacement of equipment,  
16 and provide for the payment of the principal and interest of such  
17 bonds by annual levies in excess of the tax limitations contained in  
18 RCW 84.52.050 to 84.52.056, inclusive and RCW 84.52.043. Such an  
19 election may not be held more often than twice a calendar year, and  
20 the proposition to issue any such bonds and to exceed the tax  
21 limitation must receive the affirmative vote of a three-fifths  
22 majority of those voting on the proposition and the total number of  
23 (~~persons~~) voters voting at the election must constitute not less  
24 than forty percent of the voters in the municipal corporation who  
25 voted at the last preceding general state election, except that a  
26 proposition by a school district to issue such bonds and to pay the  
27 principal and interest on the bonds by annual tax levies must be  
28 authorized by receiving the affirmative vote of 55 percent of the  
29 voters voting on the proposition.

30       (2) Any taxing district has the right by vote of its governing  
31 body to refund any general obligation bonds of said district issued  
32 for capital purposes only, and to provide for the interest thereon  
33 and amortization thereof by annual levies in excess of the tax  
34 limitations provided for in RCW 84.52.050 to 84.52.056, inclusive and  
35 RCW 84.52.043.

36       (3) For the purposes of this section, "bond" includes a municipal  
37 corporation's obligation to make payments to the state in connection  
38 with a financing contract entered into by the state by or on behalf  
39 of a municipal corporation under chapter 39.94 RCW.

1       **Sec. 4.** RCW 39.36.020 and 2000 c 156 s 1 are each amended to  
2 read as follows:

3       (1) Except as otherwise expressly provided by law or in  
4 subsections (2), (3) and (4) of this section, no taxing district  
5 shall for any purpose become indebted in any manner to an amount  
6 exceeding three-eighths of one percent of the value of the taxable  
7 property in such taxing district without the assent of three-fifths  
8 of the voters therein voting at an election to be held for that  
9 purpose, nor in cases requiring such assent shall the total  
10 indebtedness incurred at any time exceed one and one-fourth percent  
11 on the value of the taxable property therein.

12       (2) (a) (i) Public hospital districts are limited to an  
13 indebtedness amount not exceeding three-fourths of one percent of the  
14 value of the taxable property in such public hospital districts  
15 without the assent of three-fifths of the voters therein voting at an  
16 election held for that purpose.

17       (ii) Counties, cities, and towns are limited to an indebtedness  
18 amount not exceeding one and one-half percent of the value of the  
19 taxable property in such counties, cities, or towns without the  
20 assent of three-fifths of the voters therein voting at an election  
21 held for that purpose.

22       (b) In cases requiring such assent counties, cities, towns, and  
23 public hospital districts are limited to a total indebtedness of two  
24 and one-half percent of the value of the taxable property therein.  
25 However, any county that has assumed the rights, powers, functions,  
26 and obligations of a metropolitan municipal corporation under chapter  
27 36.56 RCW may become indebted to a larger amount for its authorized  
28 metropolitan functions, as provided under chapter 35.58 RCW, but not  
29 exceeding an additional three-fourths of one percent of the value of  
30 the taxable property in the county without the assent of three-fifths  
31 of the voters therein voting at an election held for that purpose,  
32 and in cases requiring such assent not exceeding an additional two  
33 and one-half percent of the value of the taxable property in the  
34 county.

35       (3) School districts are limited to an indebtedness amount not  
36 exceeding three-eighths of one percent of the value of the taxable  
37 property in such district without the assent of (~~three-fifths~~) 55  
38 percent of the voters therein voting at an election held for that  
39 purpose. In cases requiring such assent school districts are limited

1 to a total indebtedness of two and one-half percent of the value of  
2 the taxable property therein.

3 (4) No part of the indebtedness allowed in this chapter shall be  
4 incurred for any purpose other than strictly county, city, town,  
5 school district, township, port district, metropolitan park district,  
6 or other municipal purposes: PROVIDED, That a city or town, with such  
7 assent, may become indebted to a larger amount, but not exceeding two  
8 and one-half percent additional, determined as herein provided, for  
9 supplying such city or town with water, artificial light, and sewers,  
10 when the works for supplying such water, light, and sewers shall be  
11 owned and controlled by the city or town; and a city or town, with  
12 such assent, may become indebted to a larger amount, but not  
13 exceeding two and one-half percent additional for acquiring or  
14 developing open space, park facilities, and capital facilities  
15 associated with economic development: PROVIDED FURTHER, That any  
16 school district may become indebted to a larger amount but not  
17 exceeding two and one-half percent additional for capital outlays.

18 (5) Such indebtedness may be authorized in any total amount in  
19 one or more propositions and the amount of such authorization may  
20 exceed the amount of indebtedness which could then lawfully be  
21 incurred. Such indebtedness may be incurred in one or more series of  
22 bonds from time to time out of such authorization but at no time  
23 shall the total general indebtedness of any taxing district exceed  
24 the above limitation.

25 The term "value of the taxable property" as used in this section  
26 shall have the meaning set forth in RCW 39.36.015.

27 **Sec. 5.** RCW 28A.530.020 and 1996 c 48 s 1 are each amended to  
28 read as follows:

29 ~~((1) The question whether the bonds shall be issued, as provided~~  
30 ~~in RCW 28A.530.010, shall be determined at an election to be held~~  
31 ~~pursuant to RCW 39.36.050. If a majority of the votes cast at such~~  
32 ~~election favor the issuance of such bonds, the board of directors~~  
33 ~~must issue such bonds: PROVIDED, That if the amount of bonds to be~~  
34 ~~issued, together with any outstanding indebtedness of the district~~  
35 ~~that only needs a simple majority voter approval, exceeds three-~~  
36 ~~eighths of one percent of the value of the taxable property in said~~  
37 ~~district, as the term "value of the taxable property" is defined in~~  
38 ~~RCW 39.36.015, then three-fifths of the votes cast at such election~~

1 ~~must be in favor of the issuance of such bonds, before the board of~~  
2 ~~directors is authorized to issue said bonds.~~

3 ~~(2))~~) The resolution adopted by the board of directors calling  
4 ~~((the))~~ an election ~~((in subsection (1) of this section))~~ shall  
5 specify the purposes of the debt financing measure, including the  
6 specific buildings to be constructed or remodeled and any additional  
7 specific purposes as authorized by RCW 28A.530.010. If the debt  
8 financing measure anticipates the receipt of state financing  
9 assistance under chapter 28A.525 RCW, the board resolution also shall  
10 describe the specific anticipated purpose of the state assistance. If  
11 the school board subsequently determines that state or local  
12 circumstances should cause any alteration to the specific  
13 expenditures from the debt financing or of the state assistance, the  
14 board shall first conduct a public hearing to consider those  
15 circumstances and to receive public testimony. If the board then  
16 determines that any such alterations are in the best interests of the  
17 district, it may adopt a new resolution or amend the original  
18 resolution at a public meeting held subsequent to the meeting at  
19 which public testimony was received.

20 **Sec. 6.** RCW 28A.315.285 and 2012 c 186 s 12 are each amended to  
21 read as follows:

22 (1) If a special election is held to vote on a proposal or  
23 alternate proposals to form a new school district, the votes cast by  
24 the registered voters in each component district shall be tabulated  
25 separately. Any such proposition shall be considered approved only if  
26 it receives a majority of the votes cast in each separate district  
27 voting thereon.

28 (2) If a special election is held to vote on a proposal for  
29 adjustment of bonded indebtedness, the entire vote cast by the  
30 registered voters of the proposed new district or of the established  
31 district as the case may be shall be tabulated. Any such proposition  
32 shall be considered approved if ~~((three-fifths or more))~~ 55 percent  
33 of all votes cast thereon are in the affirmative ~~((and forty percent~~  
34 ~~of))~~ without regard to the total number of voters ~~((who voted at the~~  
35 ~~last preceding general election cast a ballot))~~ voting on the  
36 proposition.

37 (3) In the event of approval of a proposition or propositions  
38 voted on at a special election, the educational service district  
39 superintendent shall:

1 (a) Make an order establishing such new school district or such  
2 terms of adjustment of bonded indebtedness or both, as were approved  
3 by the registered voters and shall also order such other terms of  
4 adjustment, if there are any, of property and other assets and of  
5 liabilities other than bonded indebtedness as have been approved by  
6 the state council; and

7 (b) Certify his or her action to the county and school district  
8 officials specified in RCW 28A.315.215. The educational service  
9 district superintendent may designate, with the approval of the  
10 superintendent of public instruction, a name and number different  
11 from that of any component thereof, but must designate the new  
12 district by name and number different from any other district in  
13 existence in the county.

14 (4) The educational service district superintendent shall fix as  
15 the effective date of any order or orders he or she is required to  
16 make by this chapter, the date specified in the order of final  
17 approval of any change in the organization and extent of school  
18 districts or of any terms of adjustment of the assets and liabilities  
19 of school districts subject, for taxing purposes, to the redrawing of  
20 taxing district boundaries under RCW 84.09.030, by the regional  
21 committee.

22 (5) Upon receipt of certification under this section, the  
23 superintendent of each school district that is included in the new  
24 district shall deliver to the superintendent of the new school  
25 district those books, papers, documents, records, and other materials  
26 pertaining to the territory transferred.

27 NEW SECTION. **Sec. 7.** If any provision of this act or its  
28 application to any person or circumstance is held invalid, the  
29 remainder of the act or the application of the provision to other  
30 persons or circumstances is not affected.

31 NEW SECTION. **Sec. 8.** This act takes effect if the proposed  
32 amendment to Article VII, section 2 and Article VIII, section 6 of  
33 the state Constitution (S-0296/21) providing for 55 percent of voters  
34 voting to authorize school district bonds is validly submitted to and  
35 is approved and ratified by the voters at the next general election.

--- END ---