



ENGROSSED

HOUSE JOINT RESOLUTION 4204

Proposed to the People by the Legislature
Amendment to the State Constitution

Official Ballot Title:

The legislature has proposed a constitutional amendment on school district tax levies.

This amendment would provide for approval of school district excess property tax levies by simple majority vote of participating voters, and would eliminate supermajority approval requirements based on voter turnout in previous elections.

Should this constitutional amendment be:

Approved [] Rejected []

Votes cast by the 2007 Legislature on final passage:

Senate: Yeas, 33; Nays, 16; Absent, 0; Excused, 0.

House: Yeas, 79; Nays, 19; Absent, 0; Excused, 0.

Note: The Official Ballot Title and Explanatory Statement were written by the Attorney General as required by law. The complete text of Engrossed House Joint Resolution 4204 begins on page 32.

Explanatory Statement

The constitutional provision as it presently exists:

The State Constitution (Article 7, section 2) generally limits state and local property taxes in any one year to a total not exceeding one percent (1%) of the true and fair money value of the property being taxed, unless that limit is exceeded for certain local taxing districts in the manner described in the Constitution. Levies exceeding the 1% limitation are commonly called "excess levies."

Most local government bodies, including school districts, may exceed the 1% limitation only with voter approval at an excess levy election where the vote satisfies one of two requirements. (1) If the number of voters who vote in the excess levy election exceeds 40% of the number who voted in the last general election in the district, then the excess levy is approved if at least 60% vote "yes." (2) If the number of voters who vote in the excess levy election is 40% or less than the number who voted in the last general election in the district, then the levy is approved if the "yes" votes total at least 60% of 40% of the number of voters who voted in the preceding general election in the district.

An excess levy proposition must be submitted to the voters not more than twelve months prior to the date on which the proposed levy would be made. An excess levy proposition may not be submitted more than twice in any twelve-month period. The vote may occur either at a regular or at a special election. A levy for the support of the common schools may provide such support for up to four years. A levy of additional taxes to support the construction, modernization, or remodeling of school facilities may provide support for up to six years.

The effect of the proposed amendment, if it is approved:

EHJR 4204 would amend Article 7, section 2, of the Constitution, to permit voter approval of a school district "excess levy" proposition by a majority of the voters voting on the proposition. In other words, the amendment would eliminate the 60% supermajority requirements based on the number of votes cast in the last general election in the district. The excess levy requirements would not change for levies by other local government bodies, and school districts would still be subject to the existing requirements concerning timing of levy elections. The amendments would also clarify that a proposition must be submitted not more than twelve months before the initial levy is to be made. The constitutional provisions permitting certain kinds of levies for up to four or six years would not be changed.

EHJR 4204 would also make several minor amendments to Article 2, section 7, of the Constitution to conform the language to current legislation drafting style. These changes are not intended to affect the substance or meaning of the Constitution.



Statement For EHJR 4204

VOTE YES ON 4204 TO SUPPORT OUR SCHOOLS

Most Washingtonians recognize the importance of public education – and the importance of local levies in providing our schools with vital, basic funding. That’s why nearly all levies win majority-level support. The problem is that levies currently require a 60% “supermajority” to pass. 4204 will fix that, allowing a much more common “simple majority” of voters in a community to decide whether a school levy should pass.

LEVIES SUPPORT BASIC SCHOOL NEEDS

Local school levies provide many of our basic school needs, such as textbooks, building maintenance and repair, and smaller class sizes. And almost all school levies enjoy majority support. But many fail anyway – sometimes with 59% of the vote. That’s just not fair to our kids.

LEVY FAILURES HURT OUR KIDS – AND WASTE MONEY

When a local levy fails, it results in deep budget cuts, teacher layoffs and other disruptions that hurt our kids and can take years to fix. Most levies eventually pass, sometimes on the second or third try. But this means that school districts waste a great deal of time and taxpayer money holding multiple elections when a majority of voters supported the levy in the first place.

SIMPLE MAJORITY ENJOYS STRONG BIPARTISAN SUPPORT

Lawmakers from both parties understand how important local levies are to our schools. That’s why a two-thirds majority in both houses of the legislature – Republicans and Democrats alike – voted to put 4204 on the ballot. It is endorsed by parents, teachers, business leaders and citizens across Washington.

A vote for 4204 is a vote for our schools and provides for the basic needs of our students. Vote YES on 4204.

For more information, call (206) 658-5211.

Rebuttal of Statement Against

The NO statement is misleading. The current system is unfair to our children.

4204 will:

- Require majority support of voters for school levies.
- Strengthen schools for our kids, by enabling voters to provide vital needs such as textbooks, lower class size and safe, secure buildings.
- Save money by reducing delays and costly repeat elections.
- Simplify a complicated system created in the 1940s.

A vote for 4204 is a vote for schools.

Voters’ Pamphlet Argument Prepared by:

LAURA BAY, President, Washington State PTA; RICH HADLEY, President/CEO, Greater Spokane Incorporated; MARY LINDQUIST, President, Washington Education Association and high school teacher; JIM KOWALKOWSKI, Director, Rural Education Center and Pomeroy Schools Superintendent; JAMES KELLY, President/CEO, Urban League of Metropolitan Seattle; LISA MACFARLANE, President, League of Education Voters.

Statement Against EHJR 4204

THE BOTTOM LINE: THIS IS A PROPERTY TAX INCREASE – VOTE NO!

Why make it easier to raise property taxes when taxes are already rising rapidly? Property taxes will go up with this measure by allowing much larger levies to pass, making housing less affordable for seniors and working families.

PROTECT OUR STATE’S CONSTITUTIONAL TAX LIMIT CREATED BY YOU – THE VOTERS. VOTE NO!

Our Constitution limits state and local government property taxes to 1% of market value. You, the voters, said any increase *by any government* above this limit – an “excess levy” – must receive 60% approval by a minimum number of voters. The bar should remain higher to raise taxes above the 1% limit. EHJR 4204 *eliminates* this common-sense protection.

Should A Small Minority Be Able To Raise Your Taxes? EHJR 4204 also eliminates the voter turnout protection in our Constitution, enabling a very small number of voters to raise everyone’s property taxes. For example: *If only 100 people voted and 51 voted “Yes,” everyone’s property taxes would be raised!* Currently, school districts ensure high voter turnouts, EHJR 4204 would discourage that.

OUR GOVERNOR’S AND LEGISLATURE’S CONSTITUTIONAL “PARAMOUNT DUTY” IS TO FUND EDUCATION FOR ALL WASHINGTON CHILDREN!

Should the quality of your child’s education depend on where they attend school? EHJR 4204 hurts our children by widening disparities in per-pupil funding based on local property wealth. Since 1986, the state has pushed more school funding responsibility onto local school districts. The local responsibility of school funding has doubled, while the state’s has declined – 4204 would accelerate that trend. It’s time legislators and the governor make funding education #1.

EHJR 4204 WILL RAISE YOUR PROPERTY TAXES, WITHOUT IMPROVING EDUCATION – VOTE NO!

For more than 70 years, voters have repeatedly reaffirmed these property tax protections. Send Olympia a message: *Vote “NO” on EHJR 4204!*

Rebuttal of Statement For

Don’t believe “many” levies fail. In 2006, 271 of 279 districts *passed* levies. Since 2000, the levy success rate is 98.2%.

What’s not fair to kids and their parents is an excessive property tax bill. Our Constitution ensures affordable and accountable levies. If these constitutional protections are removed, your property taxes will increase faster.

It’s the *state’s constitutional* responsibility to provide for our schools’ basic needs – *not* shift the responsibility to local taxpayers.

VOTE NO!

Voters’ Pamphlet Argument Prepared by:

JANÉA HOLMQUIST, Senator, Ranking Republican, Early Learning, K-12 Committee; ED ORCUTT, State Representative, homeowner, and forester; ANGIE DORMAN, nationally-recognized teacher, 2006 American Star of Teaching; KELLY NIEMI, family forester and small business owner; STEVE APPEL, President, representing Washington Farm Bureau’s 35,000 families; WYNN CANNON, Chairman, on behalf of League of Washington Taxpayers.



BE IT RESOLVED, BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE STATE OF WASHINGTON, IN LEGISLATIVE SESSION ASSEMBLED:

THAT, At the next general election to be held in this state the secretary of state shall submit to the qualified voters of the state for their approval and ratification, or rejection, an amendment to Article VII, section 2 of the Constitution of the state of Washington to read as follows:

Article VII, section 2. Except as hereinafter provided and notwithstanding any other provision of this Constitution, the aggregate of all tax levies upon real and personal property by the state and all taxing districts now existing or hereafter created, shall not in any year exceed one percent of the true and fair value of such property in money(~~(-Provided, however, That)~~). Nothing herein shall prevent levies at the rates now provided by law by or for any port or public utility district. The term "taxing district" for the purposes of this section shall mean any political subdivision, municipal corporation, district, or other governmental agency authorized by law to levy, or have levied for it, ad valorem taxes on property, other than a port or public utility district. Such aggregate limitation or any specific limitation imposed by law in conformity therewith may be exceeded only as follows:

(a) By any taxing district when specifically authorized so to do by a majority of at least three-fifths of the voters of the taxing district voting on the proposition to levy such additional tax submitted not more than twelve months prior to the date on which the proposed initial levy is to be made and not oftener than twice in such twelve month period, either at a special election or at the regular election of such taxing district, at which election the number of voters voting "yes" on the proposition shall constitute three-fifths of a number equal to forty percent of the total number of voters voting in such taxing district at the last preceding general election when the number of voters voting on the proposition does not exceed forty percent of the total number of voters voting in such taxing district in the last preceding general election; or by a majority of at least three-fifths of the voters of the taxing district voting on the proposition to levy when the number of voters voting on the proposition exceeds forty percent of the number of voters voting in such taxing district in the last preceding general election(~~(-Provided, That)~~). Notwithstanding any other provision of this Constitution, any proposition pursuant to this subsection to levy additional tax for the support of the common schools or fire protection districts may provide such support for a period of up to four years and any proposition to levy an additional tax to support the construction, modernization, or remodelling of school facilities or fire facilities may provide such support for a period not exceeding six years. Notwithstanding any other provision of this subsection, a proposition under this subsection to levy an additional

tax for a school district shall be authorized by a majority of the voters voting on the proposition, regardless of the number of voters voting on the proposition;

(b) By any taxing district otherwise authorized by law to issue general obligation bonds for capital purposes, for the sole purpose of making the required payments of principal and interest on general obligation bonds issued solely for capital purposes, other than the replacement of equipment, when authorized so to do by majority of at least three-fifths of the voters of the taxing district voting on the proposition to issue such bonds and to pay the principal and interest thereon by annual tax levies in excess of the limitation herein provided during the term of such bonds, submitted not oftener than twice in any calendar year, at an election held in the manner provided by law for bond elections in such taxing district, at which election the total number of voters voting on the proposition shall constitute not less than forty percent of the total number of voters voting in such taxing district at the last preceding general election(~~(-Provided, That)~~). Any such taxing district shall have the right by vote of its governing body to refund any general obligation bonds of said district issued for capital purposes only, and to provide for the interest thereon and amortization thereof by annual levies in excess of the tax limitation provided for herein(~~(-And provided further, That) The provisions of this section shall also be subject to the limitations contained in Article VIII, Section 6, of this Constitution;~~

(c) By the state or any taxing district for the purpose of preventing the impairment of the obligation of a contract when ordered so to do by a court of last resort.

BE IT FURTHER RESOLVED, That the secretary of state shall cause notice of this constitutional amendment to be published at least four times during the four weeks next preceding the election in every legal newspaper in the state.

PLEASE NOTE

In the text of the measures, any language in double parentheses with a line through it is existing state law and will be taken out of the law if the measure is approved by voters. Any underlined language does not appear in current state law but will be added to the law if the measure is approved by voters.