

RULING ON ENGROSSED SUBSTITUTE SENATE BILL 6614

March 7, 2018

In responding to the Point of Parliamentary Inquiry raised by Senator Baumgartner as to the number of votes required for final passage of Engrossed Substitute Senate Bill 6614, the President finds and rules as follows:

Article 7, Section 12 of the Washington State Constitution requires a three-fifths vote of the Senate for appropriations of funds from the Budget Stabilization Account, commonly referred to as the Rainy Day Fund. Under this bill, a portion of revenue from a new state property tax levy adopted in the 2017 Legislative Session will be deposited directly into the Education Legacy Trust Account, rather than the General Fund.

In considering the question of how many votes are required for final passage of Engrossed Substitute Senate Bill 6614, the Presidents finds that a simple constitutional majority is required on the basis of two distinct lines of reasoning.

First and foremost, the bill does not contain an appropriation from the Rainy Day Fund. The diversion of extraordinary revenue from existing sources that have historically been deposited in the General Fund would, under Article 7, Section 12, require an adjustment to the Rainy Day Fund to reflect the statutory change. However, the revenue collected through the new property tax levy, enacted in 2017 by the 65th Legislature, has not yet been deposited into the General Fund. Because the bill does not request an appropriation from the Rainy Day Fund, a simple majority is all that is required for final passage.

Furthermore, the President also believes that the revenue increase caused by the enactment of this new tax policy is the result not of unexpected positive revenue from existing sources, but rather a policy decision to establish a new levy for the specific purpose of funding common schools.

Seen in this light, the requirement that this bill obtain a mere simple constitutional majority rather than a three-fifths super majority is in keeping with the spirit as well as the letter of the Rainy Day Fund.