

HOUSE FLOOR AMENDMENT

Second Reading

BY REPRESENTATIVE Bird

1 Amend printed bill, page 2, after line 17 insert:

2 "(IV) THE STATE'S ABILITY TO HONOR ITS RESPONSIBILITIES UNDER
3 SECTION 2 OF ARTICLE IX OF THE STATE CONSTITUTION TO PROVIDE FOR
4 THE ESTABLISHMENT AND MAINTENANCE OF A THOROUGH AND UNIFORM
5 SYSTEM OF FREE PUBLIC SCHOOLS THROUGHOUT THE STATE IS IMPAIRED
6 WHEN HOME RULE CITIES TAX PUBLIC SCHOOL CONSTRUCTION MATERIALS
7 BECAUSE THIS TAX INCREASES THE COST OF PROVIDING PUBLIC EDUCATION
8 WITHIN THE BOUNDARIES OF THESE MUNICIPALITIES AS CONTRASTED WITH
9 PUBLIC SCHOOLS LOCATED WITHIN THE BOUNDARIES OF OTHER
10 MUNICIPALITIES THAT DO NOT TAX THESE MATERIALS;

11 (V) THE STATE'S RESPONSIBILITY TO PROVIDE A THOROUGH AND
12 UNIFORM EDUCATION IS FURTHER IMPAIRED BY THE INCENTIVES CREATED
13 BY THE CURRENT TAX DISPARITIES. SPECIFICALLY, INSOFAR AS SCHOOL
14 DISTRICTS SERVE THE RESIDENTS OF MULTIPLE MUNICIPALITIES AND NOT
15 ALL OF THE MUNICIPALITIES TAX PUBLIC SCHOOL CONSTRUCTION
16 MATERIALS, SCHOOL DISTRICTS ARE GIVEN INCENTIVES TO BUILD SCHOOLS
17 WITHIN THOSE MUNICIPALITIES WHERE THE SALES AND USE TAX IS NOT
18 LEVIED, RATHER THAN WHERE THE PUBLIC SCHOOLS ARE MOST NEEDED,
19 THEREBY DEPRIVING STUDENTS AND COMMUNITIES OF LOCAL EDUCATION
20 RESOURCES.

21 (VI) EXTENDING THE EXEMPTION TO INCLUDE HOME RULE CITIES
22 WOULD ELIMINATE THESE BARRIERS AND DISPARITIES AND ASSIST THE
23 STATE IN HONORING ITS RESPONSIBILITIES UNDER SECTION 2 OF ARTICLE
24 IX OF THE STATE CONSTITUTION;

25 (VII) THE CURRENT TAXING SYSTEM ALSO CREATES NEGATIVE
26 EXTRATERRITORIAL IMPACTS BECAUSE TAXPAYERS THAT RESIDE IN
27 SCHOOL DISTRICTS THAT SERVE BOTH TAXING AND NONTAXING
28 MUNICIPALITIES MUST SUBSIDIZE THE COST OF THE SALES AND USE TAX
29 LEVIED WHEN PUBLIC SCHOOLS ARE BUILT IN MUNICIPALITIES THAT TAX
30 PUBLIC SCHOOL CONSTRUCTION MATERIALS, EVEN WHEN SUCH RESIDENTS
31 DO NOT RESIDE IN THE TAXING MUNICIPALITY AND THEIR CHILDREN DO
32 NOT ATTEND PUBLIC SCHOOLS IN THE TAXING MUNICIPALITY;"

33 Renumber succeeding subparagraphs accordingly.

34 Page 2, lines 19 and 20, strike "MATERIALS USED IN THE CONSTRUCTION
35 OF PUBLIC SCHOOL FACILITIES" and substitute "PUBLIC SCHOOL
36 CONSTRUCTION MATERIALS".

37 Page 3, line 5, strike "STRUCTURE." and substitute "STRUCTURE, WOULD

1 LIMIT THE NEGATIVE EXTRATERRITORIAL EFFECTS OF THIS DISPARATE TAX
2 TREATMENT, AND ENHANCE TAXPAYER EQUITY IN ALL SCHOOL DISTRICTS
3 STATEWIDE."

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