State of Arizona
Senate
Fifty-fourth Legislature
Second Regular Session
2020

SCR 1002

 Introduced by
Senator Brophy McGee

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA: AMENDING ARTICLE IX, CONSTITUTION OF ARIZONA, BY ADDING SECTION 12.2; AMENDING ARTICLE IX, SECTION 21, CONSTITUTION OF ARIZONA; RELATING TO TRANSACTION PRIVILEGE AND USE TAXES.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it resolved by the Senate of the State of Arizona, the House of Representatives concurring:

1. Article IX, Constitution of Arizona, is proposed to be amended by adding section 12.2 as follows if approved by the voters and on proclamation of the Governor:

   12.2. Education transaction privilege and use tax

   SECTION 12.2. A. A TAX IS LEVIED FOR THE PURPOSE OF RAISING STATE REVENUES FOR PRIMARY, SECONDARY AND HIGHER EDUCATION.


   C. THE TAX IS LEVIED AS A SEPARATE RATE INCREMENT IN ADDITION TO THE STATE TRANSACTION PRIVILEGE TAX RATES AND THE USE TAX RATE. THE RATE OF THE TAX IS ONE PERCENT OF THE TAX BASE FOR EACH TRANSACTION PRIVILEGE CLASSIFICATION THAT IS SUBJECT TO A RATE OF FIVE PERCENT OR MORE AND ONE PERCENT OF THE TAX BASE FOR THE USE TAX.

   D. THE TAX IS SUBJECT TO THE SAME EXEMPTIONS, DEDUCTIONS AND EXCLUSIONS AS PROVIDED BY LAW FOR EACH TRANSACTION PRIVILEGE TAX CLASSIFICATION AND FOR THE USE TAX.

   E. THE NET REVENUES DERIVED FROM THE TAX IMPOSED BY THIS SECTION ARE NOT SUBJECT TO DISTRIBUTION TO COUNTIES, MUNICIPALITIES OR OTHER GOVERNMENTAL ENTITIES BUT SHALL BE CREDITED TO, AND SEPARATELY ACCOUNTED IN, THE STATE GENERAL FUND AND APPROPRIATED AS FOLLOWS:

   1. SEVENTY-FIVE PERCENT FOR PRIMARY AND SECONDARY CLASSROOM EDUCATION PURPOSES, AS PROVIDED BY LAW.

   2. TWENTY PERCENT FOR MAINTAINING AN IN-STATE TUITION RATE THAT IS CONSISTENT WITH ARTICLE XI, SECTION 6, CONSTITUTION OF ARIZONA, AS PROVIDED BY LAW, AND FOR TECHNOLOGY AND RESEARCH INITIATIVES, AS PROVIDED BY LAW.

   3. FIVE PERCENT FOR COMMUNITY COLLEGE TRADE AND WORKFORCE DEVELOPMENT PROGRAMS, AS PROVIDED BY LAW.

   F. THE TAX IMPOSED BY THIS SECTION IS NOT SUBJECT TO THE LIMITS PRESCRIBED IN SECTION 25 OF THIS ARTICLE ON ANY TAX, FEE, STAMP REQUIREMENT OR OTHER ASSESSMENT IN EFFECT ON DECEMBER 31, 2017.

2. Article IX, section 21, Constitution of Arizona, is proposed to be amended as follows if approved by the voters and on proclamation of the Governor:

   21. Expenditure limitations for school districts and community college districts

   Section 21. (1) The economic estimates commission shall determine and publish prior to April 1 of each year the expenditure limitation for the following fiscal year for each
community college district. The expenditure limitations shall 
be determined by adjusting the amount of expenditures of local 
revenues for each such district for fiscal year 1979-1980 to 
reflect the changes in the student population of each district 
and the cost of living. The governing board of any community 
college district shall not authorize expenditures of local 
revenues in excess of the limitation prescribed in this 
section, except in the manner provided by law.

(2) The economic estimates commission shall determine 
and publish prior to May 1 of each year the aggregate 
expenditure limitation for all school districts for the 
following fiscal year. The aggregate expenditure limitation 
shall be determined by adjusting the total amount of 
expenditures of local revenues for all school districts for 
fiscal year 1979-1980 to reflect the changes in student 
population in the school districts and the cost of living, and 
multiplying the result by 1.10. The aggregate expenditures of 
local revenues for all school districts shall not exceed the 
limitation prescribed in this section, except as provided in 
subsection (3) of this section.

(3) Expenditures in excess of the limitation determined 
pursuant to subsection (2) of this section may be authorized 
by the legislature for a single fiscal year, by concurrent 
resolution, upon an affirmative vote of two-thirds of the 
membership of each house of the legislature.

(4) As used in this section:

(a) "Cost of living" means either:

(i) The price of goods and services as measured by the 
implicit price deflator for the gross national product or its 
successor as reported by the United States department of 
commerce, or its successor agency.

(ii) A different measure or index of the cost of living 
adopted at the direction of the legislature, by concurrent 
resolution, upon an affirmative vote of two-thirds of the 
membership of each house of the legislature. Such measure or 
index shall apply for subsequent fiscal years, except it shall 
not apply for the fiscal year following the adoption of such 
measure or index if the measure or index is adopted after 
March 1 of the preceding fiscal year.

(b) "Expenditure" means any amounts budgeted to be paid 
from local revenues as prescribed by law.

(c) "Local revenues" includes all monies, revenues, 
funds, property and receipts of any kind whatsoever received 
by or for the account of a school district or community 
college district or any of its agencies, departments, offices,
boards, commissions, authorities, councils and institutions, except:

(i) Any amounts or property received from the issuance
or incurrence of bonds, or other lawful long-term obligations
issued or incurred for a specific purpose, or any amounts or
property collected or segregated to make payments or deposits
required by a contract concerning such bonds or obligations.
For the purpose of this subdivision long-term obligations
shall not include warrants issued in the ordinary course of
operation or registered for payment by a political
subdivision.

(ii) Any amounts or property received as payment of
dividends and interest, or any gain on the sale or redemption
of investment securities, the purchase of which is authorized
by law.

(iii) Any amounts or property received by a school
district or community college district in the capacity of
trustee, custodian or agent.

(iv) Any amounts received as grants and aid of any type
received from the federal government or any of its agencies
except school assistance in federally affected areas.

(v) Any amounts or property received as grants, gifts,
aid or contributions of any type except amounts received
directly or indirectly in lieu of taxes received directly or
indirectly from any private agency or organization, or any
individual.

(vi) Any amounts received from the state for the
purpose of purchasing land, buildings or improvements or
constructing buildings or improvements.

(vii) Any amounts received pursuant to a transfer
during a fiscal year from another agency, department, office,
board, commission, authority, council or institution of the
same community college district or school district which were
included as local revenues for such fiscal year or which are
excluded from local revenue under other provisions of this
subsection.

(viii) Any amounts or property accumulated by a
community college district for the purpose of purchasing land,
buildings or improvements or constructing buildings or
improvements.

(ix) Any amounts received in return for goods or
services pursuant to a contract with another political
subdivision, school district, community college district or
the state and expended by the other political subdivision,
school district, community college district or the state
pursuant to the expenditure limitation in effect when the amounts are expended by the other political subdivision, school district, community college district or the state.

(x) Any amounts received as tuition or fees directly or indirectly from any public or private agency or organization or any individual.

(xi) Any ad valorem taxes received pursuant to an election to exceed the limitation prescribed by section 19 of this article or for the purposes of funding expenditures in excess of the expenditure limitations prescribed by subsection (7) of this section.

(xii) Any amounts received during a fiscal year as refunds, reimbursements or other recoveries of amounts expended which were applied against the expenditure limitation for such fiscal year or which were excluded from local revenues under other provisions of this subsection.

(d) For the purpose of subsection (2) of this section, the following items are also excluded from local revenues of school districts:

(i) Any amounts received as the proceeds from the sale, OR lease or rental FOR ANY PERIOD OF TIME of school property as authorized by law.

(ii) Any amounts received from the capital levy as authorized by law.

(iii) Any amounts received from the acquisition, operation, or maintenance of school services of a commercial nature which are entirely or predominantly self-supporting.

(iv) Any amounts received for the purpose of funding expenditures authorized in the event of destruction of or damage to the facilities of a school district as authorized by law.

(v) Any revenues derived from an additional state transaction privilege tax rate increment for educational purposes that was IS authorized by the voters before January 1, 2001.

(vi) Any amounts received pursuant to article XI, section 8, Constitution of Arizona, that are approved by the majority of qualified voters at a statewide general election held after November 1, 2002, and before January 1, 2003.

(e) "Student population" means the number of actual, full-time or the equivalent of actual full-time students enrolled in the school district or community college district determined in a manner prescribed by law.
(5) The economic estimates commission shall adjust the amount of expenditures of local revenues in fiscal year 1979-1980, as used to determine the expenditure limitation pursuant to subsection (1) or (2) of this section, to reflect subsequent transfers of all or any part of the cost of providing a governmental function, in a manner prescribed by law. The adjustment provided for in this subsection shall be used in determining the expenditure limitation pursuant to subsection (1) or (2) of this section beginning with the fiscal year immediately following the transfer.

(6) The economic estimates commission shall adjust the amount of expenditures of local revenues in fiscal year 1979-1980, as used to determine the expenditure limitation of a community college district pursuant to subsection (1) of this section, to reflect any subsequent annexation, creation of a new district, consolidation or change in the boundaries of a district, in a manner prescribed by law. The adjustment provided for in this subsection shall be used in determining the expenditure limitation pursuant to subsection (1) of this section beginning with the fiscal year immediately following the annexation, creation of a new district, consolidation or change in the boundaries of a district.

(7) The legislature shall establish by law expenditure limitations for each school district beginning with the fiscal year beginning July 1, 1980. Expenditures by a school district in excess of such an expenditure limitation must be approved by a majority of the electors voting on the excess expenditures.

(8) The legislature shall establish by law a uniform reporting system for school districts and community college districts to ensure compliance with this section. The legislature shall establish by law sanctions and penalties for failure to comply with this section.

3. The Secretary of State shall submit this proposition to the voters at the next general election as provided by article XXI, Constitution of Arizona.