**6194-S2.E AMH POLL H4734.2 - NOT FOR FLOOR USE**

**E2SSB 6194** - H AMD TO H AMD (H-4714.2/16) **954**

By Representative Pollet

**WITHDRAWN 03/09/2016**

On page 37, after line 22 of the amendment, insert the following:

"NEW SECTION. **Sec.**  The legislature finds that this act shifts support of charter schools to the Washington opportunity pathways account, and this shift reduces funding available from that account for higher education and early learning programs, resulting in increased demands on the state general fund to pay for services previously supported from the opportunity pathways account. Further, the duties imposed by this act on the state board of education, the superintendent of public instruction, and school districts create additional costs and burdens on these entities, which results in new and increased demands against state general fund appropriations these entities receive to support the state's program of basic education. In particular, school districts may experience costs related to students who are enrolled in charter schools but are entitled to participate in school district activities or to receive services such as special education from the school district. School districts may also incur costs to notify student's parents about the existence of charter schools located within the district. These costs in turn result in a reduction of state funding that is available to state agencies and school districts to fulfill the state's paramount duty as established in Article IX, section 1 of the state Constitution and in *McCleary v. State*, and increase the costs incurred by school districts that must be funded with local levies.

For these reasons, it is the intent of the legislature to prevent the requirements of this act from reducing state resources that are available to support the Article IX duty. Recognizing that under this act state expenditures for charter schools will grow over time as new charter schools are authorized, the legislature intends to repeal or narrow tax preferences to avoid any deleterious effect of this act on state funding for the paramount duty and other educational services. To this end, the legislature intends that revenues raised by these revisions to tax preferences be used to replace opportunity pathways account revenues that are used for charter schools, with any additional revenues beyond this replacement deposited in the education legacy trust account for common schools and other educational purposes."

Renumber the remaining section consecutively and correct any internal references accordingly.

On page 37, at the beginning of line 25 of the amendment, insert "(1)"

On page 37, after line 38 of the amendment, insert the following:

"(2) By September 1, 2017, and by September 1st of every year thereafter, the state treasurer shall transfer from the Washington opportunity pathways account to the education legacy account an amount equal to the additional revenues deposited into the opportunity pathways account under section 202 of this act in the prior fiscal year less amounts appropriated in the prior fiscal year for the purposes of funding charter schools."

On page 37, after line 38 of the amendment, insert the following:

"NEW SECTION. **Sec.**  A new section is added to chapter 82.32 RCW to read as follows:

The estimated additional state revenues from the repeal of the tax preferences under section 203 of this act must be deposited in the Washington opportunity pathways account created in RCW 28B.76.526.

NEW SECTION. **Sec.**  The following acts or parts of acts are each repealed:

(1)RCW 82.08.865 (Exemptions—Diesel, biodiesel, and aircraft fuel for farm fuel users) and 2010 c 106 s 218, 2007 c 443 s 1, & 2006 c 7 s 1;

(2)RCW 82.12.865 (Exemptions—Diesel, biodiesel, and aircraft fuel for farm fuel users) and 2010 c 106 s 222, 2007 c 443 s 2, & 2006 c 7 s 2;

(3)RCW 82.08.910 (Exemptions—Propane or natural gas to heat chicken structures) and 2001 2nd sp.s. c 25 s 3;

(4)RCW 82.12.910 (Exemptions—Propane or natural gas to heat chicken structures) and 2001 2nd sp.s. c 25 s 4;

(5)RCW 82.08.855 (Exemptions—Replacement parts for qualifying farm machinery and equipment) and 2015 3rd sp.s. c 6 s 1106, 2014 c 97 s 601, 2007 c 332 s 1, & 2006 c 172 s 1; and

(6)RCW 82.12.855 (Exemptions—Replacement parts for qualifying farm machinery and equipment) and 2014 c 97 s 603, 2007 c 332 s 2, & 2006 c 172 s 2."

Correct the title.

EFFECT: Repeals sales tax exemptions related to: (1) Diesel, biodiesel, and aircraft fuel for farm fuel users; (2) propane or natural gas to heat chicken structures; and (3) replacement parts for qualifying farm machinery and equipment.

Requires that the estimated additional state revenues from the repeal of the tax preferences be deposited in the Washington Opportunity Pathways Account.

Provides that the state treasurer must transfer amounts not used in the prior fiscal year to fund charter schools from the Washington Opportunity Pathways Account to the Education Legacy Account.

Includes an intent section that describes the legislature's intent in making these statutory changes.