

28 **53A-20-109. School building construction -- Public hearing.**

29 (1) Before authorizing construction of a school building, a local school board shall
30 hold a public hearing that:

31 (a) has been publicized by the school district for at least two weeks prior to the hearing;

32 (b) includes a presentation, including a summary of 150 words or less, of at least four
33 different school building options; and

34 (c) allows for public comment on the presented options, their costs, and on other
35 potential school building options.

36 (2) The presentation and summary under Subsection (1)(b) shall, at a minimum,
37 include for each building:

38 (a) a general description of the building's plans;

39 (b) the building size;

40 (c) features unique to the building;

41 (d) estimated total cost; and

42 (e) financing plans, including bonds or other indebtedness anticipated.

43 Section 2. Section **53A-20-110** is enacted to read:

44 **53A-20-110. School building construction -- Voter approval.**

45 (1) No sooner than one week after conducting the public hearing under Section
46 53A-20-109, the local school board shall hold a meeting to select, by majority vote of the
47 school board, two school building options with different costs to submit to the legal voters
48 residing within the boundaries of the school district.

49 (2) Upon selecting two school building options, the local school board shall submit to
50 the county clerk:

51 (a) a ballot title that summarizes the subject matter of the question; and

52 (b) the summary of 150 words or less for each of the two selected options to be voted
53 on.

54 (3) The local school board shall submit the information required under Subsection (2)
55 to the county clerk at least 60 days before the election date.

56 (4) The ballot question shall be submitted:

57 (a) to a vote of legal voters residing within the school district boundaries;

58 (b) in accordance with Title 20A, Election Code; and

59 (c) at the next regular general election or municipal general election, whichever is first.

60 (5) (a) The ballot question shall include:

61 (i) the ballot title;

62 (ii) the printed text of the opinion question; and

63 (iii) the words "Option 1," "Option 2," and "Neither," each followed by a square which
64 the voter may select or mark to indicate the vote.

65 (b) (i) A voter desiring to vote for building option 1 shall select or mark the appropriate
66 square opposite the word "Option 1."

67 (ii) A voter desiring to vote for building option 2 shall select or mark the appropriate
68 square opposite the word "Option 2."

69 (iii) A voter desiring to vote for neither building option shall select or mark the
70 appropriate square opposite the word "Neither."

71 (6) (a) A school district may only construct a school building option that receives the
72 highest number of votes in the election.

73 (b) If the number of votes for "Neither" exceeds the number of votes for either of the
74 two school building options:

75 (i) the school district may not authorize construction of the building; and

76 (ii) after holding a public hearing under Section 53A-20-109, the school board may
77 submit the two options, one of the options and one different option, or two different options for
78 approval at a future regular general election or municipal general election, subject to the
79 requirements of this section.

Legislative Review Note

as of 1-10-06 9:56 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Fiscal Note
Bill Number SB0078

Alternative School Building Plans

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12:48 PM

State Impact

No state fiscal impact. This legislation could result in voting costs to local school districts for new construction proposals. Any potential additional costs or savings in building construction will depend on specific plans adopted by individual school districts.

Individual and Business Impact

None

Office of the Legislative Fiscal Analyst