

**VOTED AND BOARD LEVY PROGRAMS AMENDMENTS**

2013 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Stephen G. Handy**

Senate Sponsor: Howard A. Stephenson

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**LONG TITLE**

**Committee Note:**

The Education Interim Committee recommended this bill.

**General Description:**

This bill amends provisions in the Minimum School Program Act regarding the voted and board levy programs.

**Highlighted Provisions:**

This bill:

- ▶ requires the full amount of the state contribution appropriated for the voted and board levy programs to be distributed each year;
- ▶ requires the State Board of Education to increase the value of the state guarantee per weighted pupil unit sufficient to fully distribute the legislative appropriation for the state contribution to the voted and board levy programs each year; and
- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

This bill provides retrospective operation for a taxable year beginning on January 1, 2013.

**Utah Code Sections Affected:**

AMENDS:



28 53A-17a-133, as last amended by Laws of Utah 2012, Chapter 421

29 53A-17a-164, as enacted by Laws of Utah 2011, Chapter 371



31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section 53A-17a-133 is amended to read:

33 **53A-17a-133. State-supported voted local levy authorized -- Election**  
34 **requirements -- State guarantee -- Reconsideration of the program.**

35 (1) An election to consider adoption or modification of a voted local levy is required if  
36 initiative petitions signed by 10% of the number of electors who voted at the last preceding  
37 general election are presented to the local school board or by action of the board.

38 (2) (a) (i) To impose a voted local levy, a majority of the electors of a district voting at  
39 an election in the manner set forth in Subsections (8) and (9) must vote in favor of a special  
40 tax.

41 (ii) The tax rate may not exceed .002 per dollar of taxable value.

42 (b) Except as provided in Subsection (2)(c), in order to receive state support the first  
43 year, a district must receive voter approval no later than December 1 of the year prior to  
44 implementation.

45 (c) Beginning on or after January 1, 2012, a school district may receive state support in  
46 accordance with Subsection (3) without complying with the requirements of Subsection (2)(b)  
47 if the local school board imposed a tax in accordance with this section during the taxable year  
48 beginning on January 1, 2011 and ending on December 31, 2011.

49 (3) (a) In addition to the revenue a school district collects from the imposition of a levy  
50 pursuant to this section, the state shall contribute an amount sufficient to guarantee \$27.36 per  
51 weighted pupil unit for each .0001 of the first .0016 per dollar of taxable value.

52 (b) The same dollar amount guarantee per weighted pupil unit for the .0016 per dollar  
53 of taxable value under Subsection (3)(a) shall apply to the portion of the board local levy  
54 authorized in Section 53A-17a-164, so that the guarantee shall apply up to a total of .002 per  
55 dollar of taxable value if a school district levies a tax rate under both programs.

56 (c) (i) Beginning July 1, 2013, the \$27.36 guarantee under Subsections (3)(a) and (b)  
57 shall be indexed each year to the value of the weighted pupil unit for the grades 1 through 12  
58 program by making the value of the guarantee equal to .010544 times the value of the prior

59 year's weighted pupil unit for the grades 1 through 12 program.

60 (ii) The guarantee shall increase by .0005 times the value of the prior year's weighted  
61 pupil unit for the grades 1 through 12 program for each succeeding year subject to the  
62 Legislature appropriating funds for an increase in the guarantee.

63 (d) (i) The amount of state guarantee money to which a school district would otherwise  
64 be entitled to receive under this Subsection (3) may not be reduced for the sole reason that the  
65 district's levy is reduced as a consequence of changes in the certified tax rate under Section  
66 59-2-924 pursuant to changes in property valuation.

67 (ii) Subsection (3)(d)(i) applies for a period of five years following any such change in  
68 the certified tax rate.

69 (e) The guarantee provided under this section does not apply to the portion of a voted  
70 local levy rate that exceeds the voted local levy rate that was in effect for the previous fiscal  
71 year, unless an increase in the voted local levy rate was authorized in an election conducted on  
72 or after July 1 of the previous fiscal year and before December 2 of the previous fiscal year.

73 (f) (i) If the appropriation for the state contribution to the voted local levy and board  
74 local levy programs exceeds the amount necessary to provide the state guarantee per weighted  
75 pupil unit as determined under this section and Section 53A-17a-164, the State Board of  
76 Education shall:

77 (A) use the excess appropriation to increase the value of the state guarantee per  
78 weighted pupil unit described in Subsection (3)(c); and

79 (B) distribute the full appropriation for the state contribution to the voted and local  
80 levy programs to school districts based on the increased value of the state guarantee per  
81 weighted pupil unit described in Subsection (3)(f)(i)(A).

82 (ii) The State Board of Education shall report action taken under this Subsection (3)(f)  
83 to the Office of the Legislative Fiscal Analyst and the Governor's Office of Planning and  
84 Budget.

85 (4) (a) An election to modify an existing voted local levy is not a reconsideration of the  
86 existing authority unless the proposition submitted to the electors expressly so states.

87 (b) A majority vote opposing a modification does not deprive the district of authority to  
88 continue the levy.

89 (c) If adoption of a voted local levy is contingent upon an offset reducing other local

90 school board levies, the board must allow the electors, in an election, to consider modifying or  
91 discontinuing the imposition of the levy prior to a subsequent increase in other levies that  
92 would increase the total local school board levy.

93 (d) Nothing contained in this section terminates, without an election, the authority of a  
94 school district to continue imposing an existing voted local levy previously authorized by the  
95 voters as a voted leeway program.

96 (5) Notwithstanding Section 59-2-919, a school district may budget an increased  
97 amount of ad valorem property tax revenue derived from a voted local levy imposed under this  
98 section in addition to revenue from new growth as defined in Subsection 59-2-924(4), without  
99 having to comply with the notice requirements of Section 59-2-919, if:

100 (a) the voted local levy is approved:

101 (i) in accordance with Subsections (8) and (9) on or after January 1, 2003; and

102 (ii) within the four-year period immediately preceding the year in which the school  
103 district seeks to budget an increased amount of ad valorem property tax revenue derived from  
104 the voted local levy; and

105 (b) for a voted local levy approved or modified in accordance with this section on or  
106 after January 1, 2009, the school district complies with the requirements of Subsection (7).

107 (6) Notwithstanding Section 59-2-919, a school district may levy a tax rate under this  
108 section that exceeds the certified tax rate without having to comply with the notice  
109 requirements of Section 59-2-919 if:

110 (a) the levy exceeds the certified tax rate as the result of a school district budgeting an  
111 increased amount of ad valorem property tax revenue derived from a voted local levy imposed  
112 under this section;

113 (b) the voted local levy was approved:

114 (i) in accordance with Subsections (8) and (9) on or after January 1, 2003; and

115 (ii) within the four-year period immediately preceding the year in which the school  
116 district seeks to budget an increased amount of ad valorem property tax revenue derived from  
117 the voted local levy; and

118 (c) for a voted local levy approved or modified in accordance with this section on or  
119 after January 1, 2009, the school district complies with requirements of Subsection (7).

120 (7) For purposes of Subsection (5)(b) or (6)(c), the proposition submitted to the

121 electors regarding the adoption or modification of a voted local levy shall contain the following  
122 statement:

123 "A vote in favor of this tax means that (name of the school district) may increase  
124 revenue from this property tax without advertising the increase for the next five years."

125 (8) (a) Before imposing a property tax levy pursuant to this section, a school district  
126 shall submit an opinion question to the school district's registered voters voting on the  
127 imposition of the tax rate so that each registered voter has the opportunity to express the  
128 registered voter's opinion on whether the tax rate should be imposed.

129 (b) The election required by this Subsection (8) shall be held:

130 (i) at a regular general election conducted in accordance with the procedures and  
131 requirements of Title 20A, Election Code, governing regular elections;

132 (ii) at a municipal general election conducted in accordance with the procedures and  
133 requirements of Section 20A-1-202; or

134 (iii) at a local special election conducted in accordance with the procedures and  
135 requirements of Section 20A-1-203.

136 (c) Notwithstanding the requirements of Subsections (8)(a) and (b), beginning on or  
137 after January 1, 2012, a school district may levy a tax rate in accordance with this section  
138 without complying with the requirements of Subsections (8)(a) and (b) if the school district  
139 imposed a tax in accordance with this section at any time during the taxable year beginning on  
140 January 1, 2011, and ending on December 31, 2011.

141 (9) If a school district determines that a majority of the school district's registered  
142 voters voting on the imposition of the tax rate have voted in favor of the imposition of the tax  
143 rate in accordance with Subsection (8), the school district may impose the tax rate.

144 Section 2. Section **53A-17a-164** is amended to read:

145 **53A-17a-164. Board local levy -- State guarantee.**

146 (1) Subject to the other requirements of this section, for a calendar year beginning on  
147 or after January 1, 2012, a local school board may levy a tax to fund the school district's  
148 general fund.

149 (2) (a) Except as provided in Subsection (2)(b), a tax rate imposed by a school district  
150 pursuant to this section may not exceed .0018 per dollar of taxable value in any calendar year.

151 (b) A tax rate imposed by a school district pursuant to this section may not exceed

152 .0025 per dollar of taxable value in any calendar year if, during the calendar year beginning on  
153 January 1, 2011, the school district's combined tax rate for the following levies was greater  
154 than .0018 per dollar of taxable value:

- 155 (i) a recreation levy imposed under Section 11-2-7;
- 156 (ii) a transportation levy imposed under Section 53A-17a-127;
- 157 (iii) a board-authorized levy imposed under Section 53A-17a-134;
- 158 (iv) an impact aid levy imposed under Section 53A-17a-143;
- 159 (v) the portion of a 10% of basic levy imposed under Section 53A-17a-145 that is  
160 budgeted for purposes other than capital outlay or debt service;
- 161 (vi) a reading levy imposed under Section 53A-17a-151; and
- 162 (vii) a tort liability levy imposed under Section 63G-1-704.

163 (3) (a) In addition to the revenue a school district collects from the imposition of a levy  
164 pursuant to this section, the state shall contribute an amount sufficient to guarantee that each  
165 .0001 of the first .0004 per dollar of taxable value generates an amount equal to ~~[:010544 times~~  
166 ~~the value of the prior year's weighted pupil unit]~~ the state guarantee per weighted pupil unit  
167 described in Subsection 53A-17a-133(3).

168 (b) (i) The amount of state guarantee money to which a school district would otherwise  
169 be entitled to under this Subsection (3) may not be reduced for the sole reason that the district's  
170 levy is reduced as a consequence of changes in the certified tax rate under Section 59-2-924  
171 pursuant to changes in property valuation.

172 (ii) Subsection (3)(b)(i) applies for a period of five years following any changes in the  
173 certified tax rate.

174 (4) A school district that imposes a board local levy in the calendar year beginning on  
175 January 1, 2012, is exempt from the public notice and hearing requirements of Section  
176 59-2-919 if the school district budgets an amount of ad valorem property tax revenue equal to  
177 or less than the sum of the following amounts:

- 178 (a) the amount of revenue generated during the calendar year beginning on January 1,  
179 2011, from the sum of the following levies of a school district:
  - 180 (i) a recreation levy imposed under Section 11-2-7;
  - 181 (ii) a transportation levy imposed under Section 53A-17a-127;
  - 182 (iii) a board-authorized levy imposed under Section 53A-17a-134;

- 183 (iv) an impact aid levy imposed under Section 53A-17a-143;
- 184 (v) the portion of a 10% of basic levy imposed under Section 53A-17a-145 that is
- 185 budgeted for purposes other than capital outlay or debt service;
- 186 (vi) a reading levy imposed under Section 53A-17a-151; and
- 187 (vii) a tort liability levy imposed under Section 63G-1-704; and
- 188 (b) revenue from new growth as defined in Subsection 59-2-924(4)(c).

189 **Section 3. Retrospective operation.**

190 This bill provides retrospective operation for a taxable year beginning on January 1,

191 2013.

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**Legislative Review Note**  
**as of 11-15-12 6:45 AM**

**Office of Legislative Research and General Counsel**