Representative David E. Lifferth proposes the following substitute bill:

1	PUBLIC EDUCATION CAPITAL FUNDING EQUALIZATION
2	2014 GENERAL SESSION
3	STATE OF UTAH
4	Chief Sponsor: Ken Ivory
5	Senate Sponsor: Aaron Osmond
6 7	LONG TITLE
8	General Description:
9	This bill provides funding for public education capital outlay programs.
10	Highlighted Provisions:
11	This bill:
12	 creates a restricted account known as the Capital Outlay Account;
13	 requires a portion of an Education Fund revenue surplus to be deposited in the
14	Capital Outlay Account; Ĥ→ and
15	[requires a portion of unexpended balances in certain programs of the Minimum
16	School Program at the end of a fiscal year to be deposited in the Capital Outlay
17	Account; and] ←Ĥ
18	 requires the State Board of Education to allocate money appropriated from the
19	Capital Outlay Account to school districts eligible to receive funds through the
20	Capital Outlay Enrollment Growth Program or Capital Outlay Foundation Program.
21	Money Appropriated in this Bill:
22	None
23	Other Special Clauses:
24	This bill takes effect on July 1, 2014.
25	Utah Code Sections Affected:



26 AMENDS: $\hat{H} \rightarrow [-53A-17a-105, as last amended by Laws of Utah 2013, Chapter 310] \leftarrow \hat{H}$ 27 28 **ENACTS:** 29 53A-21-601, Utah Code Annotated 1953 30 **53A-21-602.** Utah Code Annotated 1953 31 32 *Be it enacted by the Legislature of the state of Utah:* 33 Ĥ→ [Section 1. Section 53A-17a-105 is amended to read: 34 53A-17a-105. Powers and duties of State Board of Education to adjust Minimum School Program allocations. 35 **36** (1) Except as provided in Subsection (2) or (4), if the number of weighted pupil units **37** in a program is underestimated, the State Board of Education shall reduce the value of the **38** weighted pupil unit in that program so that the total amount paid for the program does not 39 exceed the amount appropriated for the program. (2) If the number of weighted pupil units in a program is overestimated, the State 40 41 Board of Education shall spend excess money appropriated for the following purposes giving 42 priority to the purpose described in Subsection (2)(a): 43 (a) to support the value of the weighted pupil unit in a program within the basic state-supported school program in which the number of weighted pupil units is underestimated; 44 45 (b) to support the state guarantee per weighted pupil unit provided under the voted local levy program established in Section 53A-17a-133 or the board local levy program 46 established in Section 53A-17a-164, if: 47 48 (i) local contributions to the voted local levy program or board local levy program are 49 overestimated; or **50** (ii) the number of weighted pupil units within school districts qualifying for a 51 guarantee is underestimated; 52 (c) to support the state supplement to local property taxes allocated to charter schools. if the state supplement is less than the amount prescribed by Subsection 53A-1a-513(4); or 53 54 (d) to support a school district with a loss in student enrollment as provided in Section 55 53A-17a-139. **56** (3) If local contributions from the minimum basic tax rate imposed under Section

57 53A-17a-135 are overestimated, the State Board of Education shall reduce the value of the weighted pupil unit for all programs within the basic state-supported school program so the **58** 59 total state contribution to the basic state-supported school program does not exceed the amount of state funds appropriated. **60** 61 (4) If local contributions from the minimum basic tax rate imposed under Section 53A-17a-135 are underestimated, the State Board of Education shall: **62** 63 (a) spend the excess local contributions for the purposes specified in Subsection (2), giving priority to supporting the value of the weighted pupil unit in programs within the basic 64 state-supported school program in which the number of weighted pupil units is underestimated; 65 66 and 67 (b) reduce the state contribution to the basic state-supported school program so the 68 total cost of the basic state-supported school program does not exceed the total state and local 69 funds appropriated to the basic state-supported school program plus the local contributions necessary to support the value of the weighted pupil unit in programs within the basic **70** state-supported school program in which the number of weighted pupil units is underestimated. 71 72 (5) Except as provided in Subsection (2) or (4), the State Board of Education shall **73** reduce the guarantee per weighted pupil unit provided under the voted local levy program **74** established in Section 53A-17a-133 or board local levy program established in Section **75** 53A-17a-164, if: **76** (a) local contributions to the voted local levy program or board local levy program are 77 overestimated; or **78** (b) the number of weighted pupil units within school districts qualifying for a 79 guarantee is underestimated. 80 (6) [Money] Except as provided in Subsection 53A-21-602(4), money appropriated to 81 the State Board of Education is nonlapsing. **82** (7) The State Board of Education shall report actions taken by the board under this section to the Office of the Legislative Fiscal Analyst and the Governor's Office of 83 Management and Budget. | ←Ĥ 84 Section $\hat{H} \rightarrow [2] 1 \leftarrow \hat{H}$. Section 53A-21-601 is enacted to read: 85 86 53A-21-601. Capital Outlay Account -- Definitions. 87 As used in this part:

(3) "Education Fund revenue surplus balance" means the balance of an Education revenue surplus remaining after the Division of Finance: (a) transfers Education Fund revenue surplus money to the Education Budget Res Account as required by Section 63J-1-313; and (b) transfers any year-end contingency appropriations, year-end set-asides, or other year-end transfers required by law from the Education Fund revenue surplus. (4) "Operating deficit" has the meaning defined in Section 63J-1-313. Section Ĥ→ [3] 2 ←Ĥ . Section 53A-21-602 is enacted to read: 53A-21-602. Capital Outlay Account. (1) There is created within the Education Fund a restricted account known as the Capital Outlay Account. (2) The Capital Outlay Account. (3) The Capital Outlay Account consists of: (a) an Education Fund revenue surplus transferred to the account pursuant to Subsection (3): Ĥ→ and [6b] unexpended balances in the following programs within the Minimum School Program at the end of a fiscal year that are transferred to the account pursuant to Subsection (6b): (i) the Basic Program; and (ii) the Related to Basic Programs; and (iii) the Related to Basic Programs; and (iv) to a maximum of Ĥ→ [\$75,000,000] [\$15,000,000] \$25,000,000 ←Ĥ annually, to the Outlay Account. Ĥ→ [(4) The Division of Finance shall transfer to the Capital Outlay Account 33% unexpended balance in each of the following programs within the Minimum School Program the end of a fiscal year: (a) the Basic Program; and (b) the Related to Basic Programs: (a) the Basic Program; and (b) the Related to Basic Programs: (5) (4) ←Ĥ Notwithstanding Subsection (3), if, at the end of a fiscal year, the Division of Finance Subsection (3), if, at the end of a fiscal year, the Division of Finance Subsection (3), if, at the end of a fiscal year, the Division of Finance Subsection (3), if, at the end of a fiscal year, the Division of Finance Subsection (3), if, at the end of a fiscal year, the Division of Finance Subsection (3), if, at the end of a fiscal year, the Divisi	88	(1) "Account" means the Capital Outlay Account created in Section 53A-21-602.
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(2) The Capital Outlay Account consists of: (a) an Education Fund revenue surplus transferred to the account pursuant to Subsection (3); Ĥ→ and [(b) unexpended balances in the following programs within the Minimum School Program at the end of a fiscal year that are transferred to the account pursuant to Subsection (4): (i) the Basic Program; and (ii) the Related to Basic Programs; and (iii) the Related to Basic Programs; and (3) The Division of Finance shall transfer the Education Fund revenue surplus ball up to a maximum of Ĥ→ [\$75,000,000] [\$15,000,000] \$25,000,000 ←Ĥ annually, to the Outlay Account. 112 Ĥ→ [(4) The Division of Finance shall transfer to the Capital Outlay Account 33% unexpended balance in each of the following programs within the Minimum School Programs the end of a fiscal year: (a) the Basic Program; and (b) the Related to Basic Programs. (5) (4) ←Ĥ Notwithstanding Subsection (3), if, at the end of a fiscal year, the Division of Subsection (3), if, at the end of a fiscal year, the Division of Subsection (3), if, at the end of a fiscal year, the Division of Subsection (3), if, at the end of a fiscal year, the Division of Subsection (3), if, at the end of a fiscal year, the Division of Subsection (3), if, at the end of a fiscal year, the Division of Subsection (3), if, at the end of a fiscal year, the Division of Subsection (3), if, at the end of a fiscal year, the Division of Subsection (3), if, at the end of a fiscal year, the Division of Subsection (3), if, at the end of a fiscal year, the Division of Subsection (3), if, at the end of a fiscal year, the Division of Subsection (3), if, at the end of a fiscal year, the Division of Subsection (3), if, at the end of a fiscal year, the Division of Subsection (3), if, at the end of a fiscal year, the Division of Subsection (3), if, at the end of a fiscal year, the Division of Subsection (3), if, at the end of a fiscal year, the Division of Subsection (3), if, at the end of a fiscal year, the Division of Subsection (3), if, at the en	99	(1) There is created within the Education Fund a restricted account known as the
(a) an Education Fund revenue surplus transferred to the account pursuant to Subsection (3); Ĥ→ and [(b) unexpended balances in the following programs within the Minimum School Program at the end of a fiscal year that are transferred to the account pursuant to Subsection (4): (i) the Basic Program; and (ii) the Related to Basic Programs; and (e) (b) ←Ĥ interest on account funds. (3) The Division of Finance shall transfer the Education Fund revenue surplus based to a maximum of Ĥ→ [\$75,000,000] [\$15,000,000] \$25,000,000 ←Ĥ annually, to the Outlay Account. H→ [(4) The Division of Finance shall transfer to the Capital Outlay Account 33% unexpended balance in each of the following programs within the Minimum School Programs the end of a fiscal year: (a) the Basic Program; and (b) the Related to Basic Programs. (5) (4) ←Ĥ Notwithstanding Subsection (3), if, at the end of a fiscal year, the Division of Finance Subsection (3), if, at the end of a fiscal year, the Division of Subsection (3), if, at the end of a fiscal year, the Division of Subsection (3), if, at the end of a fiscal year, the Division of Subsection (3), if, at the end of a fiscal year, the Division of Subsection (3), if, at the end of a fiscal year, the Division of Subsection (3), if, at the end of a fiscal year, the Division of Subsection (3), if, at the end of a fiscal year, the Division of Subsection (3), if, at the end of a fiscal year, the Division of Subsection (3), if, at the end of a fiscal year, the Division of Subsection (3), if, at the end of a fiscal year, the Division of Subsection (3), if, at the end of a fiscal year, the Division of Subsection (3), if, at the end of a fiscal year, the Division of Subsection (3), if, at the end of a fiscal year, the Division of Subsection (3), if, at the end of a fiscal year, the Division of Subsection (3), if, at the end of a fiscal year, the Division of Subsection (3), if, at the end of a fiscal year, the Division of Subsection (3), if, at the end of a fiscal year, the Division of Subsection (100	Capital Outlay Account.
Subsection (3); Ĥ→ and [(b) unexpended balances in the following programs within the Minimum School Program at the end of a fiscal year that are transferred to the account pursuant to Subsection (4): (i) the Basic Program; and (ii) the Related to Basic Programs; and (iii) the Related to Basic Programs; and (3) The Division of Finance shall transfer the Education Fund revenue surplus base up to a maximum of Ĥ→ [\$75,000,000] [\$15,000,000] \$25,000,000 ←Ĥ annually, to the Outlay Account. 112 Ĥ→ [(4) The Division of Finance shall transfer to the Capital Outlay Account 33% unexpended balance in each of the following programs within the Minimum School Programs the end of a fiscal year: (a) the Basic Program; and (b) the Related to Basic Programs. (5) (4) ←Ĥ Notwithstanding Subsection (3), if, at the end of a fiscal year, the Division of Information (3) if the end of a fiscal year, the Division (3), if, at the end of a fiscal year, the Division (3) if, at the end of a fiscal year, the Division (3) if, at the end of a fiscal year, the Division (4) ←Ĥ Notwithstanding Subsection (3), if, at the end of a fiscal year, the Division (3) if, at the end of a fiscal year, the Division (3) if, at the end of a fiscal year, the Division (3) if, at the end of a fiscal year, the Division (3) if it is the end of a fiscal year, the Division (3) if it is the end of a fiscal year, the Division (3) if it is the end of a fiscal year, the Division (4) if it is the end of a fiscal year, the Division (4) if it is the end of a fiscal year, the Division (4) if it is the end of a fiscal year, the Division (5) if it is the end of a fiscal year, the Division of End of the following programs (4) if it is the end of a fiscal year, the Division of End of the following programs (4) if it is the end of a fiscal year, the Division of End of the following programs (4) if it is the end of a fiscal year, the Division of End of the following programs (4) if it is the end of a fiscal year, the Division of End of the following programs (4) if it i	101	(2) The Capital Outlay Account consists of:
104 [(b) unexpended balances in the following programs within the Minimum School 105 Program at the end of a fiscal year that are transferred to the account pursuant to Subsection (d): 106 (d):	102	(a) an Education Fund revenue surplus transferred to the account pursuant to
Program at the end of a fiscal year that are transferred to the account pursuant to Subsection (d): (i) the Basic Program; and (ii) the Related to Basic Programs; and (e) (b) ←Ĥ interest on account funds. (3) The Division of Finance shall transfer the Education Fund revenue surplus base up to a maximum of Ĥ→ [\$75,000,000] [\$15,000,000] \$25,000,000 ←Ĥ annually, to the Outlay Account. 112 Ĥ→ [(4) The Division of Finance shall transfer to the Capital Outlay Account 33% unexpended balance in each of the following programs within the Minimum School Programs the end of a fiscal year: (a) the Basic Program; and (b) the Related to Basic Programs. (5) (4) ←Ĥ Notwithstanding Subsection (3), if, at the end of a fiscal year, the Division of Finance Subsection (3), if, at the end of a fiscal year, the Division of Finance Subsection (3), if, at the end of a fiscal year, the Division of Finance Subsection (3), if, at the end of a fiscal year, the Division of Finance Subsection (3), if, at the end of a fiscal year, the Division of Finance Subsection (3), if, at the end of a fiscal year, the Division of Finance Subsection (3), if, at the end of a fiscal year, the Division of Finance Subsection (3), if, at the end of a fiscal year, the Division of Finance Subsection (3), if, at the end of a fiscal year, the Division of Finance Subsection (3), if, at the end of a fiscal year, the Division of Finance Subsection (3), if, at the end of a fiscal year, the Division of Finance Subsection (3), if, at the end of a fiscal year, the Division of Finance Subsection (3), if, at the end of a fiscal year, the Division of Finance Subsection (3), if, at the end of a fiscal year, the Division of Finance Subsection (3), if, at the end of a fiscal year, the Division of Finance Subsection (3), if, at the end of a fiscal year, the Division of Finance Subsection (3), if, at the end of a fiscal year, the Division of Finance Subsection (3), if, at the end of a fiscal year.	103	Subsection (3); $\hat{H} \rightarrow \underline{\text{and}}$
106 (4): 107 (i) the Basic Program; and 108 (ii) the Related to Basic Programs; and 109 (e) (b) ←Ĥ interest on account funds. 110 (3) The Division of Finance shall transfer the Education Fund revenue surplus base 111 up to a maximum of Ĥ→ [\$75,000,000] [\$15,000,000] \$25,000,000 ←Ĥ annually, to the 111a Outlay Account. 112 Ĥ→ [(4) The Division of Finance shall transfer to the Capital Outlay Account 33% 113 unexpended balance in each of the following programs within the Minimum School Programs 114 the end of a fiscal year: 115 (a) the Basic Program; and 116 (b) the Related to Basic Programs. 117 (5) (4) ←Ĥ Notwithstanding Subsection (3), if, at the end of a fiscal year, the Division of Finance shall transfer to the Capital Outlay Account 33% 113 unexpended balance in each of the following programs within the Minimum School Programs 114 the end of a fiscal year: 115 (a) the Basic Program; and 116 (b) the Related to Basic Programs.	104	(b) unexpended balances in the following programs within the Minimum School
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(e) (b) ←Ĥ interest on account funds. (3) The Division of Finance shall transfer the Education Fund revenue surplus bath up to a maximum of Ĥ→ [\$75,000,000] [\$15,000,000] \$25,000,000 ←Ĥ annually, to the Outlay Account. 112 Ĥ→ [(4) The Division of Finance shall transfer to the Capital Outlay Account 33% unexpended balance in each of the following programs within the Minimum School Programs the end of a fiscal year: (a) the Basic Program; and (b) the Related to Basic Programs. (5) (4) ←Ĥ Notwithstanding Subsection (3), if, at the end of a fiscal year, the Division of Finance shall transfer to the Capital Outlay Account 33% unexpended balance in each of the following programs within the Minimum School Programs.	107	(i) the Basic Program; and
(3) The Division of Finance shall transfer the Education Fund revenue surplus bath up to a maximum of Ĥ→ [\$75,000,000] [\$15,000,000] \$25,000,000 ←Ĥ annually, to the Outlay Account. 112 Ĥ→ [(4) The Division of Finance shall transfer to the Capital Outlay Account 33% unexpended balance in each of the following programs within the Minimum School Programum the end of a fiscal year: 114 (a) the Basic Program; and (b) the Related to Basic Programs. 116 (5) (4) ←Ĥ Notwithstanding Subsection (3), if, at the end of a fiscal year, the Division of Finance shall transfer to the Capital Outlay Account 33% unexpended balance in each of the following programs within the Minimum School Programum the end of a fiscal year: 118 (5) (4) ←Ĥ Notwithstanding Subsection (3), if, at the end of a fiscal year, the Division of Finance shall transfer to the Capital Outlay Account 33% unexpended balance in each of the following programs within the Minimum School Programs the end of a fiscal year.	108	(ii) the Related to Basic Programs; and
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Outlay Account. 112 Ĥ→ [(4) The Division of Finance shall transfer to the Capital Outlay Account 33% unexpended balance in each of the following programs within the Minimum School Progration the end of a fiscal year: 114 115 (a) the Basic Program; and (b) the Related to Basic Programs. 116 (5) [(4) ←Ĥ Notwithstanding Subsection (3), if, at the end of a fiscal year, the Division of Finance shall transfer to the Capital Outlay Account 33% unexpended balance in each of the following programs within the Minimum School Program 114 (b) the Basic Program; and (b) the Related to Basic Programs.	110	(3) The Division of Finance shall transfer the Education Fund revenue surplus balance,
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114 the end of a fiscal year: 115 (a) the Basic Program; and 116 (b) the Related to Basic Programs. 117 (5) (4) ←Ĥ Notwithstanding Subsection (3), if, at the end of a fiscal year, the Div	112	Ĥ→ [(4) The Division of Finance shall transfer to the Capital Outlay Account 33% of the
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116 (b) the Related to Basic Programs. 117 (5) (4) ←Ĥ Notwithstanding Subsection (3), if, at the end of a fiscal year, the Div	114	the end of a fiscal year:
117 (5) (4) \leftarrow Ĥ Notwithstanding Subsection (3), if, at the end of a fiscal year, the Div	115	(a) the Basic Program; and
	116	(b) the Related to Basic Programs.
Finance determines that an operating deficit exists, the Division of Finance may reduce the	117	(5) (4) \leftarrow \hat{H} Notwithstanding Subsection (3), if, at the end of a fiscal year, the Division of
	118	Finance determines that an operating deficit exists, the Division of Finance may reduce the

119	transfer to the Capital Outlay Account by the amount necessary to eliminate the operating
120	deficit.
121	$\hat{H} \rightarrow [\underline{(6)}]$ (5) $\leftarrow \hat{H}$ Upon the appropriation of money from the Capital Outlay Account
121a	to the State
122	Board of Education, the State Board of Education shall:
123	(a) (i) allocate $\hat{H} \rightarrow [75\%] 50\%$ $\leftarrow \hat{H}$ of the money to the Capital Outlay Enrollment
123a	Growth Program;
124	<u>and</u>
125	(ii) distribute the money to school districts in accordance with Section 53A-21-302;
126	<u>and</u>
127	(b) (i) allocate $\hat{H} \rightarrow [25\%] 50\%$ $\leftarrow \hat{H}$ of the money to the Capital Outlay Foundation
127a	Program; and
128	(ii) distribute the money to school districts in accordance with Section 53A-21-202.
129	Section $\hat{H} \rightarrow [4] \underline{3} \leftarrow \hat{H}$. Effective date.
130	This bill takes effect on July 1, 2014.