

**LOCAL SCHOOL BOARD BOND AMENDMENTS**

2014 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Daniel McCay**

Senate Sponsor: Howard A. Stephenson

**LONG TITLE**

**General Description:**

This bill amends provisions related to local school board bond issuances.

**Highlighted Provisions:**

This bill:

▶ requires a local school board to:

- include a plan of finance in the voter information pamphlet for a bond election;
- ensure that the bond proceeds are used to complete projects in accordance with

the plan of finance;

- post on the local school board's website certain information related to the plan of finance and the status of the projects;

▶ subject to certain conditions, including the  $\hat{H} \rightarrow$  [unanimous]  $\leftarrow \hat{H}$  approval of

$\hat{H} \rightarrow$  two-thirds of  $\leftarrow \hat{H}$  the local school

board, provides that a local school board may adjust the plan of finance for a bond

that has been authorized by an election; and

▶ provides a remedy for a registered voter if a local school board adjusts the plan of finance without obtaining the necessary local school board approval.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**



28 AMENDS:

29 **11-14-202**, as last amended by Laws of Utah 2012, Chapter 334

30 **53A-18-102**, as last amended by Laws of Utah 2005, Chapter 105

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

33 Section 1. Section **11-14-202** is amended to read:

34 **11-14-202. Notice of election -- Contents -- Publication -- Mailing.**

35 (1) The governing body shall ensure that notice of the election is provided:

36 (a) once per week during three consecutive weeks by publication in a newspaper

37 having general circulation in the local political subdivision in accordance with Section

38 **11-14-316**, the first publication occurring not less than 21 nor more than 35 days before the

39 election;

40 (b) on a website, if available, in accordance with Section **45-1-101** for the three weeks

41 that immediately precede the election; and

42 (c) in a local political subdivision where there is no newspaper of general circulation,

43 by posting notice of the bond election in at least five public places in the local political

44 subdivision at least 21 days before the election.

45 (2) When the debt service on the bonds to be issued will increase the property tax

46 imposed upon the average value of a residence by an amount that is greater than or equal to \$15

47 per year, the governing body shall prepare and mail either a voter information pamphlet or a

48 notification described in Subsection (6):

49 (a) at least 15 days but not more than 45 days before the bond election;

50 (b) to each household containing a registered voter who is eligible to vote on the

51 bonds; and

52 (c) that includes the information required by Subsections (3) and (4).

53 (3) The notice and voter information pamphlet required by this section shall include:

54 (a) the date and place of the election;

55 (b) the hours during which the polls will be open; and

56 (c) the title and text of the ballot proposition.

57 (4) The voter information pamphlet required by this section shall include:

58 (a) the information required by Subsection (3); and

59 (b) an explanation of the property tax impact, if any, of the issuance of the bonds,  
60 which may be based on information the governing body determines to be useful, including:

- 61 (i) expected debt service on the bonds to be issued;  
62 (ii) a description of the purpose, remaining principal balance, and maturity date of any  
63 outstanding general obligation bonds of the issuer;  
64 (iii) funds other than property taxes available to pay debt service on general obligation  
65 bonds;  
66 (iv) timing of expenditures of bond proceeds;  
67 (v) property values; and  
68 (vi) any additional information that the governing body determines may be useful to  
69 explain the property tax impact of issuance of the bonds.

70 (5) The governing body shall pay the costs associated with the notice required by this  
71 section.

72 (6) (a) The governing body may mail a notice printed on a postage prepaid,  
73 preaddressed return form that a person may use to request delivery of a voter information  
74 pamphlet by mail.

75 (b) The notice described in Subsection (6)(a) shall include:

- 76 (i) the website upon which the voter information pamphlet is available; and  
77 (ii) the phone number a voter may call to request delivery of a voter information  
78 pamphlet by mail.

79 (7) A local school board shall comply with the voter information pamphlet  
80 requirements described in Section [53A-18-102](#).

81 Section 2. Section **53A-18-102** is amended to read:

82 **53A-18-102. Additional indebtedness -- Election -- Voter information pamphlet.**

83 (1) As used in this section:

84 (a) "Qualifying general obligation bond" means a bond:

- 85 (i) issued pursuant to Title 11, Chapter 14, Local Government Bonding Act; and  
86 (ii) authorized by an election held on or after July 1, 2014.

87 (b) "Voter information pamphlet" means the notification required by Section  
88 [11-14-202](#).

89 (2) A local school board may require the qualified electors of the district to vote on a

90 proposition as to whether to incur indebtedness, subject to conditions provided in Title 11,  
 91 Chapter 14, Local Government Bonding Act, [~~under the following circumstances~~] if:

92 ~~[(1) if]~~ (a) the debts of the district are equal to school taxes and other estimated  
 93 revenues for the school year, and it is necessary to create and incur additional indebtedness in  
 94 order to maintain and support schools within the district; or

95 ~~[(2)]~~ (b) the local school board determines it advisable to issue school district bonds to  
 96 purchase school sites, buildings, or furnishings or to improve existing school property.

97 (3) A local school board shall specify, in the voter information pamphlet for a bond  
 98 election, a plan of finance, including:

99 (a) the specific project or projects for which a bond is to be issued; and

100 (b) a priority designation for each project.

101 (4) Except as provided in Subsection (5), a local school board shall ensure that  
 102 qualifying general obligation bond proceeds are used to complete projects in accordance with  
 103 the plan of finance described in Subsection (3).

104 (5) (a) ~~H~~→ **[With]** After distribution to the public of the voter information pamphlet,  
 104a with **[unanimous] two-thirds majority** ←~~H~~ approval of the local school board, a local school  
 104b board may ~~H~~→ **upon a determination of compelling circumstances** ←~~H~~  
 105 adjust the plan of finance described in Subsection (3) by:

106 (i) changing the priority designation of a project;

107 (ii) adding a project that was not listed in the voter information pamphlet; or

108 (iii) removing a project that was listed in the voter information pamphlet.

109 (b) A local school board may not vote on more than one adjustment described in  
 110 Subsection (5)(a) per meeting.

111 (6) For a qualifying general obligation bond, a local school board shall post on the  
 112 local school board's website:

113 (a) the plan of finance as described in the voter information pamphlet; and

114 (b) a progress report detailing the status of the projects listed in the plan of finance,  
 115 including:

116 (i) the status of any construction contracts related to a project;

117 (ii) the bid amount;

118 (iii) the estimated and actual construction start date;

119 (iv) the estimated and actual construction end date; and

120 (v) the final cost.

121           (7) (a) If a local school board violates Subsection (4), a registered voter in the school  
122 district may file an action for an extraordinary writ to prohibit the local school board from  
123 adjusting the plan of finance without obtaining the necessary local school board approval.

124           (b) If a registered voter prevails in an action under Subsection (7)(a), the court shall  
125 award reasonable costs and attorney fees to the registered voter.

126           (c) The action described in Subsection (7)(a) may not be used to challenge the validity  
127 of a bond.

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**Legislative Review Note**  
**as of 2-27-14 2:07 PM**

**Office of Legislative Research and General Counsel**