

119 (ii) remit the money to the student's charter school.

120 (c) Notwithstanding the method used to transfer school district revenues to charter
121 schools as provided in Subsection (4)(b), a school district may deduct the allocations to charter
122 schools under this section from:

123 (i) unrestricted revenues available to the school district; or

124 (ii) the revenue sources listed in Subsection (1)[(b)] ~~H~~→ [(c)] (d) ←~~H~~ based on the
124a portion of the

125 allocations to charter schools attributed to each of the revenue sources listed in Subsection

126 (1)[(b)] ~~H~~→ [(c)] (d) ←~~H~~ .

127 (d) (i) Subject to future budget constraints, the Legislature shall provide an
128 appropriation for charter schools for each student enrolled on October 1 to supplement the
129 allocation of school district revenues under Subsection (4)(a).

130 (ii) Except as provided in Subsection (4)(d)(iii), the amount of money provided by the
131 state for a charter school student shall be the sum of:

132 (A) charter school students' average local revenues minus the allocation of school
133 district revenues under Subsection (4)(a); and

134 (B) statewide average debt service revenues.

135 (iii) If the total of a school district's allocation for a charter school student under
136 Subsection (4)(a) and the amount provided by the state under Subsection (4)(d)(ii) is less than
137 \$1427, the state shall provide an additional supplement so that a charter school receives at least
138 \$1427 per student under this Subsection (4).

139 (iv) (A) If the appropriation provided under this Subsection (4)(d) is less than the
140 amount prescribed by Subsection (4)(d)(ii) or (4)(d)(iii), the appropriation shall be allocated
141 among charter schools in proportion to each charter school's enrollment as a percentage of the
142 total enrollment in charter schools.

143 (B) If the State Board of Education makes adjustments to Minimum School Program
144 allocations as provided under Section 53A-17a-105, the allocation provided in Subsection
145 (4)(d)(iv)(A) shall be determined after adjustments are made under Section 53A-17a-105.

146 (e) [~~Of~~] (i) Except as provided in Subsection (4)(e)(ii), of the money provided to a
147 charter school under this Subsection (4), 10% shall be expended for funding school facilities
148 only.

149 (ii) Subsection (4)(e)(i) does not apply to an online charter school.

212 (ii) the number of charter school students in the school district who are resident
 213 students.

214 (d) "Charter school levy per pupil revenues" means an amount equal to the following:

215 (i) charter school levy total local revenues for a given fiscal year, adjusted if necessary
 216 as described in Subsection (4); divided by

217 (ii) the number of students enrolled in a charter school on October 1 of the prior school
 218 year.

219 (e) "Charter school levy revenues" means the charter school levy revenues generated by
 220 a charter school levy rate described in Subsection (2)(b)(i).

221 (f) "Charter school levy total local revenues" means the sum of charter school levy per
 222 district revenues for every school district in the state for the same given fiscal year.

223 (g) "District per pupil local revenues" means the same as that term is defined in Section
 224 [53A-1a-513](#).

225 (h) "Resident student" means the same as that term is defined in Section [53A-1a-513](#).

226 (2) (a) Beginning with the taxable year beginning on January 1, 2017, the state shall
 227 annually impose a charter school levy as described in this Subsection (2).

228 (b) (i) For each school district, ~~H~~→ ~~[on or]~~ ←~~H~~ before June 22, the State Tax
 228a Commission shall
 229 certify a rate for the charter school levy described in Subsection (2)(a) to generate an amount of
 230 revenue within a school district equal to 25% of the charter school levy per district revenues
 231 excluding the amount of revenues:

232 (A) described in Subsection [53A-1a-513](#)(1)(d)(iv); and

233 (B) expended by the school district for recreational facilities and activities authorized
 234 under Title 11, Chapter 2, Playgrounds.

235 (ii) To calculate a charter school levy rate for a school district, the State Tax
 236 Commission shall use the calculation method described in Subsection [59-2-924](#)(3)(c)(ii).

237 (c) The charter school levy shall be separately stated on a tax notice.

238 (3) (a) A county treasurer shall collect the charter school levy revenues for all school
 239 districts located within the county treasurer's county and remit the money monthly to the state
 240 treasurer.

241 (b) The state treasurer shall deposit the charter school levy revenues received from a
 242 county treasurer ~~H~~→ ~~[in]~~ into ←~~H~~ the Charter School Levy Account.

243 (4) (a) For each charter school student, the board shall distribute the charter school per
 244 pupil levy revenues from the ~~H~~→ [~~charter school levy account~~] Charter School Levy Account ←~~H~~
 244a to the student's charter school in
 245 accordance with this Subsection (4).

246 (b) For a given fiscal year, if the actual charter school levy total local revenues are
 247 more than the estimated charter school levy total local revenues the board shall:

248 (i) deduct the amount of revenue that exceeds the estimated charter school levy total
 249 local revenues from the actual charter school levy total local revenues; and

250 (ii) use the remaining amount to calculate the charter school per pupil levy revenues.

251 (c) For a given fiscal year, if the actual charter school total local revenues are less than
 252 the estimated charter school levy total local revenues, the board shall:

253 (i) if sufficient funds are available in the Charter School Levy Account, add an amount
 254 of funds from the Charter School Levy Account to the charter school levy total local revenues
 255 to equal the estimated charter school levy total local revenues; and

256 (ii) if sufficient funds are not available in the Charter School Levy Account, calculate
 257 the charter school per pupil levy revenues using the actual amount of the charter school levy
 258 total local revenues.

259 Section 3. Section **53A-1a-513.2** is enacted to read:

260 **53A-1a-513.2. Charter School Levy Account.**

261 (1) As used in this section, "account" means the Charter School Levy Account created
 262 in this section.

263 (2) There is created within the Education Fund a restricted account known as the
 264 "Charter School Levy Account."

265 (3) The account shall be funded by amounts deposited into the account in accordance
 266 with Section [53A-1a-513.1](#).

267 (4) Upon appropriation from the Legislature, the State Board of Education shall
 268 distribute funds from the account as described in Section [53A-1a-513.1](#).

269 (5) The account shall earn interest.

270 (6) Interest earned on the account shall be deposited into the account.

271 (7) Funds in the account are nonlapsing.

272 Section 4. Section **53A-17a-105** is amended to read:

273 **53A-17a-105. Powers and duties of State Board of Education to adjust Minimum**

398 (b) revenue from new growth as defined in Subsection [59-2-924\(4\)\(c\)](#).

399 (5) (a) For ~~H~~→ ~~[the] a~~ ←~~H~~ calendar year beginning on ~~H~~→ or after ←~~H~~ January 1, 2017,
 399a ~~H~~→ ~~[and ending on December~~
 400 ~~31, 2017;]~~ ←~~H~~ the State Tax Commission shall ~~H~~→ ~~[decrease]~~ adjust ←~~H~~ a board local levy rate
 400a imposed by a local
 401 school board under this section by the amount necessary to offset the ~~H~~→ ~~[increase]~~ change ←~~H~~
 401a in revenues from
 402 the charter school levy imposed under Section [53A-1a-513.1](#).

403 (b) A local school board is not required to comply with the notice and public hearing
 404 requirements of Section [59-2-919](#) for an offset described in Subsection (5)(a) to the ~~H~~→ ~~[increase]~~
 404a change ←~~H~~ in
 405 revenues from the charter school levy imposed under Section [53A-1a-513.1](#).

406 (c) A local school board may not increase a board local levy rate under this section
 407 before December 31, 2016, if the local school board did not give public notice on or before
 408 March 4, 2016, of the local school board's intent to increase the board local levy rate.

409 (d) ~~S~~→ ~~[A]~~ **So long as the charter school levy rate does not exceed 25% of the charter**
 409a **school levy per district revenues, a** ←~~S~~ local school board may not increase a board local levy rate
 409b under this section if
 410 the ~~H~~→ ~~[sole]~~ ←~~H~~ purpose of increasing the board local levy rate is to ~~H~~→ ~~[recapture]~~
 410b capture ←~~H~~ ~~H~~→ ~~[revenue lost~~
 410a ~~from]~~ ←~~H~~ the
 411 ~~H~~→ ~~[decrease]~~ ~~S~~→ ~~[adjustment]~~ ←~~H~~ revenues assigned to the charter school levy through the
 411a1 ~~adjustment~~ ←~~S~~ in a board local levy rate under Subsection (5)(a).

411a ~~H~~→ (e) Before a local school board ~~S~~→ ~~[increases]~~ takes action to increase ←~~S~~ a board local
 411a1 ~~levy rate under this section, the~~
 411b ~~local school board shall:~~

411c (i) **prepare a written statement that attests that the local school board is** ~~S~~→ ~~[not increasing the~~
 411d ~~board local levy rate for the purpose of capturing the adjustment of the local school board's~~
 411e ~~local levy rate under Subsection (5)(a)] in compliance with Subsection (5)(d)~~ ←~~S~~ ;

411f (ii) **read the statement described in Subsection (5)(e)(i) during a local school board public**
 411g **meeting where the local school board discusses increasing the board local levy rate; and**

411h (iii) **send a copy of the statement described in Subsection (5)(e)(i) to the State Tax**
 411i **Commission.** ←~~H~~

412 Section 6. Section [63I-2-253](#) is amended to read:

Senate Committee Amendments 3-8-2016 lp/tjn

House Floor Amendments 3-3-2016 ch/tjn

House Committee Amendments 3-1-2016 lj/tjn