

SB0188S04 compared with SB0188S03

~~{Omitted text}~~ shows text that was in SB0188S03 but was omitted in SB0188S04
inserted text shows text that was not in SB0188S03 but was inserted into SB0188S04

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

1

School District Modifications

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keith Grover

House Sponsor:Stephanie Gricius

2

3 LONG TITLE

4 General Description:

5 This bill addresses creation of new school districts and the transition process from divided

6 to new school districts.

7 Highlighted Provisions:

8 This bill:

9 defines terms;

10 enacts dates regarding the redistricting of local school board districts after the creation of certain

new school districts;

12 amends the duties of the Office of the Legislative Auditor General to include receiving and

providing certain information during the transition process from divided to new school districts;

15 extends, by an additional year, the rights of transferred employees regarding salary and benefits;

17 reduces the body of voters whose approval is required to create a new school district to voters

within the proposed new school district;

19 reduces the threshold for interlocal participants to propose a new school district to a majority of

municipalities that are participants in the interlocal agreement;

SB0188S03

SB0188S03 compared with SB0188S04

- 21 ▸ amends certain dates regarding election cycles following the creation of a new school district;
- 23 ▸ amends certain deadlines for the duties of municipal legislative bodies, county legislative bodies,
local school boards, and other entities under certain circumstances after the creation of a new school
district;
- 26 ▸ enacts provisions regarding the transition from a divided school district to new and reorganized
new school districts, including:
- 28 • school district employee and other personnel issues;
- 29 • records of the divided school district;
- 30 • the actual transfer of funds, property, assets, and liabilities;
- 31 • retrospectively voiding certain agreements or policies; and
- 32 • resolution of disputes between school districts through an agreed upon or appointed arbiter;
- 34 ▸ requires a government entity to send an invoice before requiring payment of past fees before
processing a new request; and
- 36 ▸ makes technical and conforming changes.

37 **Money Appropriated in this Bill:**

38 None

39 **Other Special Clauses:**

40 This bill provides a special effective date.

41 This bill provides retrospective operation.

43 **AMENDS:**

44 **36-12-15 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024, Third
Special Session, Chapter 3 (**Effective upon governor's approval**), as last amended by Laws of
Utah 2024, Third Special Session, Chapter 3

46 **53G-3-102 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024, Third
Special Session, Chapter 3 (**Effective upon governor's approval**), as last amended by Laws of
Utah 2024, Third Special Session, Chapter 3

48 **53G-3-202 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024, Third
Special Session, Chapter 3 (**Effective upon governor's approval**), as last amended by Laws of
Utah 2024, Third Special Session, Chapter 3

50

SB0188S03 compared with SB0188S04

- 53G-3-205 (Effective upon governor's approval)**, as renumbered and amended by Laws of Utah 2018, Chapter 3 (**Effective upon governor's approval**), as renumbered and amended by Laws of Utah 2018, Chapter 3
- 52 **53G-3-301 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 3 (**Effective upon governor's approval**), as last amended by Laws of Utah 2024, Third Special Session, Chapter 3
- 54 **53G-3-301.1 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 3 (**Effective upon governor's approval**), as last amended by Laws of Utah 2024, Third Special Session, Chapter 3
- 56 **53G-3-301.3 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 3 (**Effective upon governor's approval**), as last amended by Laws of Utah 2024, Third Special Session, Chapter 3
- 58 **53G-3-301.4 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 3 (**Effective upon governor's approval**), as last amended by Laws of Utah 2024, Third Special Session, Chapter 3
- 60 **53G-3-302 (Effective upon governor's approval) (Applies beginning 11/04/24)**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 3 (**Effective upon governor's approval**) (**Applies beginning 11/04/24**), as last amended by Laws of Utah 2024, Third Special Session, Chapter 3
- 62 **53G-3-303 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 3 (**Effective upon governor's approval**), as last amended by Laws of Utah 2024, Third Special Session, Chapter 3
- 64 **53G-3-305 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024, Third Special Session, Chapter 3 (**Effective upon governor's approval**), as last amended by Laws of Utah 2024, Third Special Session, Chapter 3
- 66 **53G-3-307 (Effective upon governor's approval)**, as last amended by Laws of Utah 2024, Chapter 526 (**Effective upon governor's approval**), as last amended by Laws of Utah 2024, Chapter 526
- 68 **63G-2-203 (Effective upon governor's approval)**, as last amended by Laws of Utah 2022, Chapter 128 (**Effective upon governor's approval**), as last amended by Laws of Utah 2022, Chapter 128

SB0188S03 compared with SB0188S04

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

Section 1. Section **36-12-15** is amended to read:

36-12-15. Office of the Legislative Auditor General established -- Qualifications -- Powers, functions, and duties -- Reporting -- Criminal penalty -- Employment.

(1) As used in this section:

(a) "Audit action" means an audit, examination, investigation, or review of an entity conducted by the office.

(b) "Entity" means:

(i) a government organization; or

(ii) a receiving organization.

(c) "Government organization" means:

(i) a state branch, department, or agency; or

(ii) a political subdivision, including a county, municipality, special district, special service district, school district, interlocal entity as defined in Section 11-13-103, or any other local government unit.

(d) "Office" means the Office of the Legislative Auditor General.

(e) "Receiving organization" means an organization that receives public funds that is not a government organization.

(2) There is created the Office of the Legislative Auditor General as a permanent staff office for the Legislature.

(3) The legislative auditor general shall be a licensed certified public accountant or certified internal auditor with at least seven years of experience in the auditing or public accounting profession, or the equivalent, prior to appointment.

(4) The legislative auditor general shall appoint and develop a professional staff within budget limitations.

(5) The office shall exercise the constitutional authority provided in Utah Constitution, Article VI, Section 33.

(6) Under the direction of the legislative auditor general, the office shall:

(a) conduct comprehensive and special purpose audits, examinations, investigations, or reviews of entity funds, functions, and accounts;

SB0188S03 compared with SB0188S04

- (b) prepare and submit a written report on each audit action to the Audit Subcommittee created in Section 36-12-8 and make the report available to all members of the Legislature within 75 days after the audit action is completed;
- 105 (c) monitor, conduct a risk assessment of, or audit any efficiency evaluations that the legislative auditor general determines necessary, in accordance with Title 63J, Chapter 1, Part 9, Government Performance Reporting and Efficiency Process, and legislative rule;
- 109 (d) create, manage, and report to the Audit Subcommittee a list of high risk programs and operations that:
 - 111 (i) threaten public funds or programs;
 - 112 (ii) are vulnerable to inefficiency, waste, fraud, abuse, or mismanagement; or
 - 113 (iii) require transformation;
- 114 (e) monitor and report to the Audit Subcommittee the health of a government organization's internal audit functions;
- 116 (f) make recommendations to increase the independence and value added of internal audit functions throughout the state;
- 118 (g) implement a process to track, monitor, and report whether the subject of an audit has implemented recommendations made in the audit report;
- 120 (h) establish, train, and maintain individuals within the office to conduct investigations and represent themselves as lawful investigators on behalf of the office;
- 122 (i) establish policies, procedures, methods, and standards of audit work and investigations for the office and staff;
- 124 (j) prepare and submit each audit and investigative report independent of any influence external of the office, including the content of the report, the conclusions reached in the report, and the manner of disclosing the legislative auditor general's findings;
- 127 (k) prepare and submit the annual budget request for the office; and
- 128 (l) perform other duties as prescribed by the Legislature.
- 129 (7) In conducting an audit action of an entity, the office may include a determination of any or all of the following:
 - 131 (a) the honesty and integrity of any of the entity's fiscal affairs;
 - 132 (b) the accuracy and reliability of the entity's internal control systems and specific financial statements and reports;

SB0188S03 compared with SB0188S04

- 134 (c) whether or not the entity's financial controls are adequate and effective to properly record and
safeguard the entity's acquisition, custody, use, and accounting of public funds;
- 137 (d) whether the entity's administrators have complied with legislative intent;
- 138 (e) whether the entity's operations have been conducted in an efficient, effective, and cost efficient
manner;
- 140 (f) whether the entity's programs have been effective in accomplishing intended objectives; and
- 142 (g) whether the entity's management control and information systems are adequate and effective.
- 144 (8)
- (a) If requested by the office, each entity that the legislative auditor general is authorized to audit under
Utah Constitution, Article VI, Section 33, or this section shall, notwithstanding any other provision
of law except as provided in Subsection (8)(b), provide the office with access to information,
materials, or resources the office determines are necessary to conduct an audit, examination,
investigation, or review, including:
- 150 (i) the following in the possession or custody of the entity in the format identified by the office:
- 152 (A) a record, document, and report; and
- 153 (B) films, tapes, recordings, and electronically stored information;
- 154 (ii) entity personnel; and
- 155 (iii) each official or unofficial recording of formal or informal meetings or conversations to which
the entity has access.
- 157 (b) To the extent compliance would violate federal law, the requirements of Subsection (8)(a) do not
apply.
- 159 (9)
- (a) In carrying out the duties provided for in this section and under Utah Constitution, Article VI,
Section 33, the legislative auditor general may issue a subpoena to access information, materials, or
resources in accordance with Chapter 14, Legislative Subpoena Powers.
- 163 (b) The legislative auditor general may issue a subpoena, as described in Subsection (9)(a), to a
financial institution or any other entity to obtain information as part of an investigation of fraud,
waste, or abuse, including any suspected malfeasance, misfeasance, or nonfeasance involving public
funds.
- 167 (10) To preserve the professional integrity and independence of the office:
- 168 (a) no legislator or public official may urge the appointment of any person to the office; and

SB0188S03 compared with SB0188S04

- 170 (b) the legislative auditor general may not be appointed to serve on any board, authority, commission,
or other agency of the state during the legislative auditor general's term as legislative auditor
general.
- 173 (11)
- (a) The following records in the custody or control of the legislative auditor general are protected
records under Title 63G, Chapter 2, Government Records Access and Management Act:
- 176 (i) records and audit work papers that would disclose information relating to allegations of personal
misconduct, gross mismanagement, or illegal activity of a past or present governmental
employee if the information or allegation cannot be corroborated by the legislative auditor
general through other documents or evidence, and the records relating to the allegation are not
relied upon by the legislative auditor general in preparing a final audit report;
- 182 (ii) records and audit workpapers that would disclose the identity of a person who, during the
course of a legislative audit, communicated the existence of:
- 184 (A) unethical behavior;
- 185 (B) waste of public funds, property, or personnel; or
- 186 (C) a violation or suspected violation of a United States, Utah state, or political subdivision law, rule,
ordinance, or regulation, if the person disclosed on the condition that the identity of the person be
protected;
- 189 (iii) before an audit is completed and the final audit report is released, records or drafts circulated to
a person who is not an employee or head of an entity for review, response, or information;
- 192 (iv) records that would disclose:
- 193 (A) an outline;
- 194 (B) all or part of an audit survey, audit risk assessment plan, or audit program; or
- 195 (C) other procedural documents necessary to fulfill the duties of the office; and
- 196 (v) requests for audits, if disclosure would risk circumvention of an audit.
- 197 (b) The provisions of Subsection (11)(a) do not prohibit the disclosure of records or information to a
government prosecutor or peace officer if those records or information relate to a violation of the
law by an entity or entity employee.
- 200 (c) A record, as defined in Section 63G-2-103, created by the office in a closed meeting held in
accordance with Section 52-4-205:
- 202 (i) is a protected record, as defined in Section 63G-2-103;

SB0188S03 compared with SB0188S04

- 203 (ii) to the extent the record contains information:
204 (A) described in Section 63G-2-302, is a private record; or
205 (B) described in Section 63G-2-304, is a controlled record; and
206 (iii) may not be reclassified by the office.
- 207 (d) The provisions of this section do not limit the authority otherwise given to the legislative auditor
general to maintain the private, controlled, or protected record status of a shared record in the
legislative auditor general's possession or classify a document as public, private, controlled, or
protected under Title 63G, Chapter 2, Government Records Access and Management Act.
- 212 (12) The legislative auditor general shall:
213 (a) be available to the Legislature and to the Legislature's committees for consultation on matters
relevant to areas of the legislative auditor general's professional competence;
215 (b) conduct special audits as requested by the Audit Subcommittee;
216 (c) report immediately to the Audit Subcommittee any apparent violation of penal statutes disclosed by
the audit of an entity and furnish to the Audit Subcommittee all information relative to the apparent
violation;
219 (d) report immediately to the Audit Subcommittee any apparent instances of malfeasance or
nonfeasance by an entity officer or employee disclosed by the audit of an entity; and
222 (e) make any recommendations to the Audit Subcommittee with respect to the alteration or
improvement of the accounting system used by an entity.
- 224 (13) If the legislative auditor general conducts an audit of an entity that has previously been audited and
finds that the entity has not implemented a recommendation made by the legislative auditor general
in a previous audit report, the legislative auditor general shall report to the Audit Subcommittee that
the entity has not implemented the recommendation.
- 229 (14) Before each annual general session, the legislative auditor general shall:
230 (a) prepare an annual report that:
231 (i) summarizes the audits, examinations, investigations, and reviews conducted by the office since the
last annual report; and
233 (ii) evaluate and report the degree to which an entity that has been the subject of an audit has
implemented the audit recommendations;
235 (b) include in the report any items and recommendations that the legislative auditor general believes the
Legislature should consider in the annual general session; and

SB0188S03 compared with SB0188S04

- 237 (c) deliver the report to the Legislature and to the appropriate committees of the Legislature.
239 (15)
- (a) If the chief officer of an entity has actual knowledge or reasonable cause to believe that there is misappropriation of the entity's public funds or assets, or another entity officer has actual knowledge or reasonable cause to believe that the chief officer is misappropriating the entity's public funds or assets, the chief officer or, alternatively, the other entity officer, shall immediately notify, in writing:
- 244 (i) the office;
245 (ii) the attorney general, county attorney, or district attorney; and
246 (iii)
- (A) for a state government organization, the chief executive officer;
247 (B) for a political subdivision government organization, the legislative body or governing board; or
249 (C) for a receiving organization, the governing board or chief executive officer unless the chief executive officer is believed to be misappropriating the funds or assets, in which case the next highest officer of the receiving organization.
- 252 (b) As described in Subsection (15)(a), the entity chief officer or, if applicable, another entity officer, is subject to the protections of Title 67, Chapter 21, Utah Protection of Public Employees Act.
- 255 (c) If the Office of the Legislative Auditor General receives a notification under Subsection (15)(a) or other information of misappropriation of public funds or assets of an entity, the office shall inform the Audit Subcommittee.
- 258 (d) The attorney general, county attorney, or district attorney shall notify, in writing, the Office of the Legislative Auditor General whether the attorney general, county attorney, or district attorney pursued criminal or civil sanctions in the matter.
- 261 (16)
- (a) An actor commits interference with a legislative audit if the actor uses force, violence, intimidation, or engages in any other unlawful act with a purpose to interfere with:
- 264 (i) a legislative audit action; or
265 (ii) the office's decisions relating to:
- 266 (A) the content of the office's report;
267 (B) the conclusions reached in the office's report; or
268 (C) the manner of disclosing the results and findings of the office.
- 269 (b) A violation of Subsection (16)(a) is a class B misdemeanor.

SB0188S03 compared with SB0188S04

- 270 (17)
- (a) The office may require any current employee, or any applicant for employment, to submit to a fingerprint-based local, regional, and criminal history background check as an ongoing condition of employment.
- 273 (b) An employee or applicant for employment shall provide a completed fingerprint card to the office upon request.
- 275 (c) The office shall require that an individual required to submit to a background check under this Subsection (17) also provide a signed waiver on a form provided by the office that meets the requirements of Subsection 53-10-108(4).
- 278 (d) For a noncriminal justice background search and registration in accordance with Subsection 53-10-108(13), the office shall submit to the Bureau of Criminal Identification:
- 281 (i) the employee's or applicant's personal identifying information and fingerprints for a criminal history search of applicable local, regional, and national databases; and
- 283 (ii) a request for all information received as a result of the local, regional, and nationwide background check.
- 285 (18) Subject to prioritization of the Legislative Audit Subcommittee, the Office of the Legislative Auditor General shall[-] :
- 287 (a) conduct a feasibility study [~~under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4.~~] that an entity requests under Title 53G, Chapter 3, Part 3, Creating a New School District; and
- 290 (b) accept and maintain submissions for local school boards to have sufficient information to resolve disputes through an agreed upon or appointed arbiter in accordance with Section 53G-3-302.
- 293 Section 2. Section **53G-3-102** is amended to read:
- 294 **53G-3-102. Definitions.**
- As used in this chapter:
- 296 (1) "Allocation date" means:
- 297 (a) July 1 of the second calendar year following the local school board election date as described in Section 53G-3-302; or
- 299 (b) another date to which the new local school board and reorganized school board agree.
- 300 (2) "Creation date" means the date on which voters approve the creation of a new school district under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4.
- 302 (3) "Divided school district" means:

SB0188S03 compared with SB0188S04

- 303 (a) an existing school district from which a new school district is created under Section 53G-3-301.1,
53G-3-301.3, or 53G-3-301.4; and
- 305 (b) an existing school district from which a reorganized new school district is created.
- 306 (4)
- [~~(a)~~] "Feasibility study" means a study:
- 307 [~~(i)~~] (a) [conducted by] that one of the following conducts:
- 308 [~~(A)~~] (i) a school district, municipal legislative body, or interlocal agreement participants[before July 1,
2024]; or
- 310 [~~(B)~~] (ii) the Office of the Legislative Auditor General, subject to prioritization by the Legislative Audit
Subcommittee; and
- 312 [~~(ii)~~] (b) to determine:
- 313 [~~(A)~~] (i) the financial viability for a new school district and reorganized new school district that is
contained within the boundaries of a divided school district;
- 315 [~~(B)~~] (ii) the financial impact on a new school district and reorganized new school district that is
contained within the boundaries of a divided school district; and
- 317 [~~(C)~~] (iii) the impact of the tax burden on taxpayers within the boundaries of the proposed new school
district.
- 319 (5) "Interlocal agreement participant" means a public agency, as that term is defined in Section
11-13-103, that enters into an agreement with one or more other public agencies for the purpose
described in and in accordance with Title 11, Chapter 13, Interlocal Cooperation Act.
- 323 (6) "Isolated area" means an area that:
- 324 (a) is entirely within the boundaries of an existing school district;
- 325 (b) is contiguous to the proposed new school district;
- 326 (c) has a combined student population of fewer than 5,000 students; and
- 327 (d) because of the creation of a new school district from the existing district in which the area is located,
would become completely geographically isolated.
- 329 (7) "Municipality" means the same as that term is defined in Section 10-1-104.
- 330 (8) "New school district" means a school district created under Section 53G-3-301.1, 53G-3-301.3, or
53G-3-301.4.
- 332 (9) "Public hearing" means the same as that term is defined in Section 10-9a-103.
- 333

SB0188S03 compared with SB0188S04

[~~(9)~~] (10) "Reorganized new school district" means the remaining portion of the divided school district after voters approve the creation of a new school district under [~~Subsection~~] Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4[~~;~~] , when:

- 336 (a) the entire geographical area of the reorganized new school district is not included in a proposal for
the new school district; or
- 338 (b) the entire geographical area of the reorganized new school district is:
- 339 (i) included in a proposal for a new school district that voters do not approve; and
- 340 (ii) within the boundaries of an existing district that contains an area that is included in the new district
for which voters approve the creation.

342 Section 3. Section **53G-3-202** is amended to read:

343 **53G-3-202. School districts independent of municipal and county governments -- School**
district name -- Control of property.

345 (1)

(a) [~~Each school district shall be controlled by its~~] Each school district, including a new school district
or a reorganized new school district upon the election of the local school board, is:

348 (i) under the control of the district's local school board; and[~~shall be~~]

349 (ii) independent of municipal and county governments.

350 (b) The name of each school district created after May 1, 2000, including a reorganized new school
district, shall[~~;~~] :

352 (i) comply with Section 17-50-103[~~;~~] ; and

353 (ii) be a name:

354 (A) that the local school board of the relevant new school district or reorganized new school district
selects; and

356 (B) that another school district has not previously chosen and recorded.

357 (2) The local school board[~~shall have~~] :

358 (a) has direction and control of all school property in the district; and[~~;~~]

359 (b) may enter into cooperative agreements with other local school boards to provide educational
services that best [~~utilize~~] use resources for overall operation of the public school system.

362 (3)

(a) On or before [~~30~~] 60 days following the day on which the creation of a new school district occurs
under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4, and in accordance with Section

SB0188S03 compared with SB0188S04

67-1a-15, the following shall register a new school district~~[- shall be registered]~~ as a limited purpose entity~~[-by]~~:

(i) the municipal legislative body of the municipality in which the boundaries for the new school district ~~[is]~~ are entirely located; or

(ii) the legislative body of interlocal agreement participants in which the new school district is located.

(b) Each school district shall ~~[register and]~~ maintain the school district's registration as a limited purpose entity in accordance with Section 67-1a-15.

(c) A school district that fails to comply with Subsections (3)(a) and (b) or Section 67-1a-15 is subject to enforcement by the state auditor in accordance with Section 67-3-1.

Section 4. Section **53G-3-205** is amended to read:

53G-3-205. Rights of transferred employees -- Salary during first two years -- Leave and tenure benefits.

(1) If a school or school district employee is transferred from one district to another because of district consolidation, creation, or restructuring, the employee's salary may not be less, during the first ~~[year]~~ two years after the transfer, than ~~[it]~~ the employee's salary would have been had the transfer not taken place.

(2) The district to which an employee is transferred under Subsection (1) shall credit the employee with all accumulated leave and tenure recognized by the district from which the employee was transferred.

(3) If the district to which an employee is transferred does not have a leave benefit which reasonably corresponds to one the employee seeks to transfer, that district shall compensate the employee for the benefit on the same basis as would have been done had the employee retired.

(4)

(a) On or before the day that is six months before the allocation date, each new school district and each reorganized new school district shall provide a written offer of employment to contracted employees of the divided district, in a number that is proportional to the student population distribution within each new and reorganized new school district, who are not:

(i) employed on an administrative salary schedule;

(ii) provisional; or

(iii) at-will.

SB0188S03 compared with SB0188S04

- 397 (b) For purposes of Subsection (1), the allocation date is the date of the transfer for an employee
described in Subsection (4)(a).
- 399 (c) The job responsibilities or titles of an employee described in Subsection (4)(a) are subject to change.
- 401 Section 5. Section **53G-3-301** is amended to read:
- 402 **53G-3-301. Creation of new school district -- Initiation of process -- Procedures to be**
followed.
- 404 (1) A new school district may be created from one or more existing school districts, as provided in this
chapter.
- 406 (2) The process to create a new school district may be initiated:
- 407 (a) through a citizens' petition in accordance with Section 53G-3-301.1;
- 408 (b) at the request of a municipality within the boundaries of the school district in accordance with
Section 53G-3-301.3; or
- 410 (c) at the request of interlocal agreement participants in accordance with Section 53G-3-301.4.
- 412 (3) ~~[Except as provided in Sections 53G-3-301.3 and 53G-3-301.4, a]~~ A request or petition under
Subsection (2) may not form a new school district unless the new school district boundaries and the
reorganized new school district boundaries:
- 415 (a) are contiguous;
- 416 (b) do not create an isolated area, as defined in Section 53G-3-102; and
- 417 (c) include the entire boundaries of each participant municipality or town, unless the excluded portion
of the municipality or town is not within the divided school district.
- 419 (4) For each new school district, each county legislative body shall comply with the notice and plat
filing requirements of Section 53G-3-203.
- 421 (5) ~~[If a new school district is created, the new district shall reimburse the reorganized new district's~~
~~documented costs to study and implement the proposal in proportion to the student population of~~
~~each school district.]~~ No later than July 1 of the second year following the inaugural local school
board election of the new and reorganized new school districts, each new school district and each
reorganized new school district shall reimburse the municipalities in which the school districts are
located for any legal or administrative costs the municipality incurs relating to compliance with
Sections 53G-3-202, 53G-3-203{-}, 53G-3-301, 53G-3-301.3, and 53G-3-301.4.
- 429 (6) On January 1 of each of the first and second years following the local school board election for new
and reorganized new school districts following the division of a school district, the relevant divided

SB0188S03 compared with SB0188S04

district shall provide to each relevant new and reorganized new school districts, the greater of the following amounts, distributed based on student population in the new and reorganized new school districts, using the most recent October student count:

- 435 (a) 1% of the divided district's total WPU funding; or
436 (b) \$60 per student.
437 ~~[(6)]~~ (7) An inadequacy of a feasibility study, as defined in Section 53G-3-102, may not be the basis of
a legal action or other challenge to:
439 (a) an election for voter approval of the creation of a new school district; or
440 (b) the creation of the new school district.
441 ~~[(7)]~~ (8) Notwithstanding the creation of a new district as provided in this part:
442 (a) a new school district and a reorganized new school district may not begin to provide educational
services to the area within the new school district and reorganized new school district until July 1
of the second calendar year following the local school board election date as described in Section
53G-3-301.1, 53G-3-301.3, or 53G-3-301.4; and
447 (b) the divided school district shall continue, until the time specified in Subsection ~~[(7)(a)]~~ (8)(a), to
provide educational services within the entire area covered by the divided school district.
450 ~~[(8)]~~ (9) A new school district and a reorganized new school district shall enter into a shared services
agreement, except if the local school boards of the districts mutually agree to not enter into an
agreement, that permits students residing in each [new-]school district access to attend a school that
serves students with disabilities within or outside of each school district boundary:
455 (a) for up to five years after the day on which the new school district commences educational services;
457 (b) for actual costs of services provided to students; and
458 (c) without affecting services provided to other students.
459 ~~[(9)]~~ (10) The process described in Subsection (2)[-] ;
460 (a) may not be initiated more than once during any two-year period[-] ; and
461 (b) may only be initiated within a divided school district in the year of the allocation date.

463 Section 6. Section **53G-3-301.1** is amended to read:

464 **53G-3-301.1. Creation of a new school district -- Citizens' petition -- Procedures to be followed.**

- 466 (1) Citizens may file a petition to create a new school district in accordance with this section and Section 53G-3-301.

SB0188S03 compared with SB0188S04

468 (2)

(a) The county clerk shall ensure that a petition described in Subsection (1) is signed by registered voters residing within the geographical boundaries of the proposed new school district in an amount equal to at least 10% of all votes cast within the geographic boundaries of the proposed new school district for all candidates for president of the United States at the last regular general election at which a president of the United States was elected.

474 (b) The sponsors of a petition described in Subsection (1) shall file the petition with the clerk of each county in which any part of the proposed new school district is located.

476 (c) The petition sponsors shall ensure that the petition described in Subsection (1):

477 (i) indicates the typed or printed name and current residence address of each voter who signs the petition;

479 (ii) describes the proposed new school district boundaries; and

480 (iii) designates up to five signers of the petition as sponsors, designating one as the contact sponsor, with the mailing address and telephone number of each.

482 (3)

(a)

(i) A signer of a petition described in Subsection (1) may withdraw or, once withdrawn, reinstate the signer's signature by filing a written statement requesting for withdrawal or reinstatement with the county clerk no later than three business days after the day on which the petition is filed with the county clerk.

486 (ii) A statement described in Subsection (3)(a)(i) shall comply with the requirements described in Subsection 20A-1-1003(2).

488 (iii) The county clerk shall use the procedures described in Subsection 20A-1-1003(3) to determine whether to remove or reinstate an individual's signature from a petition after receiving a timely, valid statement.

491 (b) The county clerk shall use the procedures described in Section 20A-1-1002 to determine whether the petition has been signed by the required number of registered voters residing within the geographical boundaries of the proposed new school district.

495 (4) Within 14 days after the day on which a petition described in Subsection (1) is filed, the clerk of each county with which the request or petition is filed shall:

497

SB0188S03 compared with SB0188S04

- (a) determine whether the petition complies with Subsections (2) and (3), as applicable, and Section 53G-3-301; and
- 499 (b)
- (i) if the county clerk determines that the request or petition complies with the applicable requirements:
- 501 (A) certify the petition and deliver the certified petition to the county legislative body; and
- 503 (B) mail or deliver written notification of the certification to the contact sponsor; or
- 505 (ii) if the county clerk determines that the petition fails to comply with any of the applicable requirements, reject the petition and notify the contact sponsor in writing of the rejection and reasons for the rejection.
- 508 (5)
- (a) If the county clerk fails to certify or reject a petition within the time specified in Subsection (4), the petition is considered to be certified.
- 510 (b) If the county clerk rejects a petition, the individual who submitted the petition may amend the petition to correct the deficiencies for which the county clerk rejected the petition and refile the petition.
- 513 (6) Within 10 days after the day on which a county legislative body receives a certified petition as described in Subsection (4) or (5), the county legislative body shall request~~[that the Legislative Audit Subcommittee consider prioritizing]~~ a feasibility study~~[, as that term is defined in Section 53G-3-102]~~.
- 517 (7)
- (a) The county legislative body shall:
- 518 (i) provide for a ~~[45-day]~~ 30-day public comment period to begin on the day the county legislative body receives the study under Subsection (6); and
- 520 (ii) hold at least two public hearings~~[, as defined in Section 10-9a-103,]~~ on the study and recommendations.
- 522 (b) Within five business days after the day on which the public comment period ends, the legislative body of each county with which a petition is filed shall vote on the creation of the proposed new school district.
- 525 (c) A county legislative body approves a petition proposing a new school district if a majority of the members of the legislative body vote in favor of the petition.
- 527 (8)

SB0188S03 compared with SB0188S04

(a) Within five business days after the day on which a county legislative body approves a petition proposing a new school district under Subsection (7), the county legislative body shall provide notice of the approval and a copy of the petition to which the approval relates to the county clerk of each county described in Subsection (2)(b).

532 (b) If each county described in Subsection (2)(b) approves a petition proposing a new school district, the county clerks of the counties shall submit the proposal for the creation of a new school district to all legal voters in the ~~[existing school district]~~ proposed new school district for approval or rejection at the next regular general election that is at least 65 days after the day on which all of the counties described in Subsection (2)(b) have complied with Subsection (8)(a).

538 (c) The new school district proposed in the petition and the reorganized new school district are created if a majority of the voters in the ~~[existing]~~ proposed new school district vote in favor of creating the new school district.

541 Section 7. Section **53G-3-301.3** is amended to read:

542 **53G-3-301.3. Creation of a new school district -- Request by a municipality -- Procedures to be followed.**

544 (1) A municipality located within the boundaries of a school district may file a request to create a new school district in accordance with this section and Section 53G-3-301.

546 (2)

(a) The municipality shall file the request to create a new school district with the clerk of each county in which any part of the proposed new school district is located.

548 (b) The filing municipality shall ensure that the request described in Subsection (2)(a):

549 (i) indicates the typed or printed and current residence address of each governing board member making the request;

551 (ii) describes the proposed new school district boundaries; and

552 (iii) designates up to five signers of the request as sponsors, including one as the contact sponsor, with the mailing address and telephone number of each.

554 (3) Within five business days after the day on which a request described in Subsection (2) is filed, the clerk of each county with which the request is filed shall:

556 (a) determine whether the request complies with Subsection (2) and Section 53G-3-301; and

558 (b)

(i) if the county clerk determines that the request complies with the applicable requirements:

SB0188S03 compared with SB0188S04

- 560 (A) certify the request and deliver the certified request to the municipality and each county
legislative body; and
- 562 (B) mail or deliver written notification of the certification to the contact sponsor; or
- 564 (ii) if the county clerk determines that the request fails to comply with any of the applicable
requirements, reject the request and notify the contact sponsor in writing of the rejection and reasons
for the rejection.
- 567 (4)
- (a) If the county clerk fails to certify or reject the request within the time specified in Subsection (3), the
request is considered to be certified.
- 569 (b) If the county clerk rejects the request, the municipality that submitted the request may amend the
request to correct the deficiencies for which the county clerk rejected the request and refile the
request.
- 572 (5)
- ~~[(a)] Within 10 days after the day on which a municipal legislative body receives a certification as
described in Subsection (3) or (4), a municipal legislative body shall request [that the Legislative
Audit Subcommittee consider prioritizing] a feasibility study[, as that term is defined in Section
53G-3-102].~~
- 576 ~~[(b) For the year 2024, the municipal legislative body may use a feasibility study that the municipal
legislative body conducted before July 1, 2024, if:]~~
- 578 ~~[(i) the feasibility study contains the determinations described in Section 53G-3-102; and]~~
- 580 ~~[(ii) the municipality receives a report and recommendation regarding the feasibility study in a public
meeting.]~~
- 582 (6)
- (a) The municipal legislative body shall:
- 583 (i) provide for a 30-day public comment period to begin [-]
- 584 ~~[(A)] on the day the study is presented to the municipal legislative body under Subsection (5); [or] and~~
- 586 ~~[(B) if the municipal legislative body uses a feasibility study described in Subsection (5)(b), on July 1,
2024; and]~~
- 588 (ii) hold at least two public hearings~~[, as defined in Section 10-9a-103;]~~ on the study and
recommendation.
- 590

SB0188S03 compared with SB0188S04

(b) Within 14 days after the day on which the public comment period ends, the municipal legislative body shall vote on the creation of the proposed new school district.

593 (c) A municipal legislative body approves a proposal if a majority of the municipal legislative body vote in favor of the proposal.

595 (d) Within five business days after the day on which the municipal legislative body approves a request proposing the creation of a new school district, the municipal legislative body shall notify the legislative body and the county clerk of each county described in Subsection (2)(a).

599 (7) The county clerks of the counties described in Subsection (2)(a) shall submit the proposal for the creation of a new school district to all legal voters residing within the proposed new school district boundaries for approval or rejection at the next regular general election that is a least 65 days after the day on which the municipal legislative body complies with Subsection (6)(d).

604 (8) The new school district described in the request and the reorganized new school district are created if a majority of the voters in the proposed new school district boundaries vote in favor of creating the new school district.

607 {{(9) Nothing in this section prevents a municipality from assisting the new school district or reorganized new school district, including by:}}

609 {{(a) entering into a loan agreement with the new school district or reorganized new school district; or}}

611 {{(b) assisting the new school district or reorganized new school district in securing a line of credit.}}

613 Section 8. Section **53G-3-301.4** is amended to read:

614 **53G-3-301.4. Creation of a new school district -- By interlocal agreement participants --**
Procedures to follow.

616 (1)

(a) On or after April 30, 2024, interlocal agreement participants may file a request proposing the creation of a new school district in accordance with this section and Section 53G-3-301.

619 (b) A municipality may not:

620 (i) enter into more than one interlocal agreement for the purpose of submitting for voter approval, in the same election, a proposal to create a new school district under this part; or

623 (ii) participate in a request under this section and submit a request under Section 53G-3-301.3 for the same election.

625

SB0188S03 compared with SB0188S04

- (c) A municipality may not withdraw from an interlocal agreement under this part, unless, before August 1 of the year in which the interlocal agreement participants file the request under Subsection (1)(a):
- 628 (i) the municipality votes, via the legislative body of the municipality, to withdraw from the interlocal agreement; and
- 630 (ii) a majority of all municipalities that are participants in the interlocal agreement vote to withdraw from the interlocal agreement, via a separate vote of the legislative body of each municipality.
- 633 (d) If a majority of all municipalities that are participants in the interlocal agreement vote to withdraw from the interlocal agreement under Subsection (1)(a), the request is void and the interlocal agreement participants may not participate in a new or a revised request until the following year.
- 637 (2)
- (a) Except as provided in Subsection (3), by a majority vote of each legislative body, the legislative body of a municipality, together with at least one other municipality, may enter into an interlocal agreement in accordance with Title 11, Chapter 13, Interlocal Cooperation Act, for the purpose of submitting for voter approval a measure to create a new school district if the new school district boundaries comply with the requirements of Section 53G-3-301.
- 643 (b) A county may only participate in an interlocal agreement under this Subsection (2) for the unincorporated areas of the county.
- 645 (c) Boundaries of a new school district created under this section may include:
- 646 (i) a portion of one or more existing school districts; and
- 647 (ii) a portion of the unincorporated area of a county.
- 648 (3)
- (a) As used in this Subsection (3), "municipality's school district" means the school district that includes all of the municipality in which the isolated area is located except the isolated area~~[-as that term is defined in Section 53G-3-102].~~
- 651 (b) Notwithstanding Subsection 53G-3-301(3), a municipality may be a participant in an interlocal agreement under Subsection (2)(a) with respect to some but not all of the area within the municipality's boundaries if:
- 654 (i) the portion of the municipality proposed to be included in the new school district would, if not included, become an isolated area upon the creation of the new school district; or
- 657 (ii)

SB0188S03 compared with SB0188S04

- (A) the portion of the municipality proposed to be included in the new school district is within the boundaries of the same school district that includes the other interlocal agreement participants; and
- 660 (B) the portion of the municipality proposed to be excluded from the new school district is within the boundaries of a school district other than the school district that includes the other interlocal agreement participants.
- 663 (c)
- (i) Notwithstanding Subsection 53G-3-301(3), interlocal agreement participants may submit a proposal to the legal voters residing within the proposed new school district boundaries to create a new school district in accordance with an interlocal agreement under Subsection (2)(a), even though the new school district boundaries would create an isolated area, ~~[as that term is defined in Section 53G-3-102,]~~if:
- 669 (A) the potential isolated area is contiguous to one or more of the interlocal agreement participants;
- 671 (B) the interlocal participants submit a written request to the municipality in which the potential isolated area is located, requesting the municipality to enter into an interlocal agreement under Subsection (2)(a) that proposes to submit for voter approval a proposal to create a new school district that includes the potential isolated area; and
- 676 (C) the municipality, to which the interlocal agreement participants submitted a request under Subsection (3)(c)(i)(B), did not respond to the written request within 30 days after the day on which the request was submitted.
- 679 (ii) Each municipality receiving a request under Subsection (3)(c)(i) shall hold at least two public hearings to allow input from the public and affected school districts regarding whether the municipality should enter into an interlocal agreement with respect to the potential isolated area.
- 683 (iii) A municipal legislative body approves a proposal to enter into an interlocal agreement with respect to the potential isolated area if a majority of the municipal legislative body votes in favor of the proposal.
- 686 (d)
- (i) The isolated area described in this Subsection (3) shall, on July 1 of the second calendar year following the local school board general election date described in Section 53G-3-302, become part of the municipality's school district.
- 689

SB0188S03 compared with SB0188S04

- (ii) The divided school district shall continue to provide educational services to the isolated area until July 1 of the second calendar year following the local school board general election date described in Section 53G-3-302.

692 (4)

- (a) Interlocal agreement participants shall file a request described in Subsection (1) with the clerk of each county in which any part of the proposed new school district is located.

695 (b) The filing interlocal agreement participants shall ensure that the request described in Subsection (4) (a):

697 (i) indicates the typed or printed and current residence address of each governing board member making a request;

699 (ii) describes the proposed new school district boundaries; and

700 (iii) designates up to five signers of the request as sponsors, including as the contact sponsor, with the mailing address and telephone number of each.

702 (5) Within five business days after the day on which a request described in Subsection (4)(a) is filed, the clerk of each county with which the request is filed shall:

704 (a) determine whether the request complies with this section and Section 53G-3-301; and

705 (b)

- (i) if the county clerk determines that the request complies with the applicable requirements:

707 (A) certify the request and deliver the certified request to the legislative bodies of the interlocal agreement participants; and

709 (B) mail or deliver written notification of the certification to the contact sponsor; or

711 (ii) if the county clerk determines that the request fails to comply with any of the applicable requirements, reject the request and notify the contact sponsor in writing of the rejection and reasons for the rejection.

714 (6)

- (a) If the county clerk fails to certify or reject a request within the time specified in Subsection (5), the request is considered to be certified.

716 (b) If the county clerk rejects a request, the interlocal agreement participants that submitted the request may amend the request to correct the deficiencies for which the county clerk rejected the request, and refile the request.

719 (7)

SB0188S03 compared with SB0188S04

- [~~(a)~~] Within 30 days after the day on which the contact sponsor receives certification as described in Subsection (5) or (6), the contact sponsor shall request~~[that the Legislative Audit Subcommittee consider prioritizing]~~ a feasibility study~~[, as that term is defined in Section 53G-3-102].~~
- 723 [~~(b)~~ For the year 2024, the interlocal agreement participants may use a feasibility study that interlocal agreement participants conducted before July 1, 2024, if:]
- 725 [~~(i)~~ the feasibility study contains the determinations described in Section 53G-3-102; and]
- 727 [~~(ii)~~ the legislative bodies of the interlocal agreement participants receive a report and recommendation regarding the feasibility study in a public meeting.]
- 729 (8)
- (a) The legislative bodies of the interlocal agreement participants, and each municipality within the geographic boundaries of the proposed new school district, shall:
- 732 (i) provide for a 30-day public comment period to begin [-:]
- 733 [~~(A)~~] on the day on which the legislative bodies of the interlocal agreement participants receive [the report under] a feasibility study described in Subsection (7); [~~or~~] and
- 736 [~~(B)~~ on July 1, 2024, if the municipal legislative body uses a feasibility study described in Subsection (7)(b), regardless of whether the municipal legislative body provided all or a portion of a public comment period in relation to the feasibility study before July 1, 2024; and]
- 740 (ii) [~~except as provided in Subsection (8)(d),~~] hold at least two public hearings~~[, as defined in Section 10-9a-103,]~~ on the study and recommendation.
- 742 (b) Within 14 days after the day on which the public comment period ends, the legislative bodies of the interlocal agreement participants shall vote on the creation of the proposed new school district.
- 745 (c) The interlocal agreement participants approve a proposal if a majority of [~~each of~~] the legislative bodies of municipalities that are participants in the interlocal agreement~~[participants' members]~~ vote in favor of the proposal.
- 748 [~~(d)~~ If the municipal legislative body uses a feasibility study described in Subsection (7)(b), the number of public hearings required under Subsection (8)(a)(ii) is reduced by the number of public hearings the municipal legislative body held on the feasibility study before July 1, 2024.]
- 752 (9) Within five business days after the day on which the interlocal agreement participants approve a request proposing the creation of a new school district, the interlocal agreement participants shall notify the legislative body and the county clerk of each county described in Subsection (4)(a).
- 756 (10)

SB0188S03 compared with SB0188S04

(a) The county clerks of the counties described in Subsection (4)(a) shall submit the proposal for the creation of a new school district to all legal voters residing within the proposed new school district boundaries for approval or rejection at the next regular general election that is at least 65 days after the day on which the interlocal agreement participants comply with Subsection (9).

761 (b) The new school district described in the request and the reorganized new school district are created if a majority of the voters in the proposed new school district boundaries vote in favor of creating the new school district.

764 ~~[(11) Nothing in this section prevents an interlocal agreement participant from assisting the new school district or reorganized new school district, including by:]~~

766 ~~[(a) entering into a loan agreement with the new school district or reorganized new school district; or]~~

768 ~~[(b) assisting the new school district or reorganized new school district in securing a line of credit.]~~

770 Section 9. Section **53G-3-302** is amended to read:

771 **53G-3-302. Election of local school board members -- Allocation of assets and liabilities --**
Startup costs -- Transfer of title.

774 (1) As used in this section:

775 (a) "Associated property" means furniture, equipment, or supplies located in or specifically associated with a physical asset.

777 (b)

(i) "Discretionary asset or liability" means an asset or liability that is not tied to a specific project, school, student, or employee by law or school district accounting practice.

780 (ii) "Discretionary asset or liability" does not include a physical asset, associated property, a vehicle, an employee, or bonded indebtedness.

782 (c)

(i) "Nondiscretionary asset or liability" means an asset or liability that is tied to a specific project, school, student, or employee by law or school district accounting practice.

785 (ii) "Nondiscretionary asset or liability" does not include a physical asset, associated property, a vehicle, or bonded indebtedness.

787 (d) "Physical asset" means a building, land, or water right together with revenue derived from the lease or use of the building, land, or water right.

789 (e)

(i) "Physical liability" means a liability associated with a physical asset{-}, including:

SB0188S03 compared with SB0188S04

- 790 (A) a seismic safety evaluation or mitigation; or
791 (B) deferred maintenance.
- 790 (ii) "Physical liability" does not include a liability associated with{ : } any debt, including a general
obligation or lease revenue bond.
- 794 [(1)] (2)
(a) {any debt, including a general obligation or lease revenue bond; }
792 {(B)} {a seismic safety evaluation or mitigation; or }
793 {(C)} {deferred maintenance; }
794 {[(1)] (2)}
{(a)} If voters approve a proposal to create a new school district under this part:
- 795 (i) the legislative body of each county where all or a part of the new school district and the
reorganized new school district are located shall hold elections, during the year immediately
following the year in which the voters approve the proposal or municipal legislative bodies
or interlocal agreement participants create a new school district, to elect members to the local
school board of the new school district and to the local school board of the reorganized new
school district, as follows:
- 802 (A) the filing period for a declaration of candidacy [will be] is the same as the filing period for [a] the
next regular or municipal general election for the given year;
- 805 (B) the primary election [will be] is held on the same day as the [municipal] primary election for the
next regular or municipal general election for the given year; and
- 808 (C) the general election [will be] is held on the same day as the [municipal] next regular or municipal
general election for the given year;
- 810 (ii) [the] any new school district and reorganized new school district shall divide the assets and
liabilities of the divided school district between the [new school district and the reorganized
new school district as provided in Subsection (3)] school districts in accordance with Subsection
{(3)} (4) and Section 53G-3-307;
- 814 (iii) [transferred employees shall be treated] any new school district and reorganized new school
district shall treat the employment of transferred employees from the divided school district in
accordance with Sections 53G-3-205 and 53G-3-308;
- 817 (iv) an individual residing within the boundaries of a new school district or reorganized new school
district at the time the new school district is created may, for six school years following the

SB0188S03 compared with SB0188S04

creation of the new school district, elect to enroll in a secondary school located outside the boundaries of the ~~[reorganized new]~~ school district if:

- 822 (A) the individual resides within the boundaries of ~~[that]~~ the secondary school ~~[as of]~~ on the day before
the creation of the new school district~~[-is-created]~~; and
- 824 (B) the individual would have been eligible to enroll in ~~[that]~~ the secondary school ~~[had]~~ if not for the
creation of the new school district~~[-not been-created]~~;
- 826 (v) the ~~[reorganized]~~ new school district ~~[in which the secondary school is located]~~ shall provide
educational services, including, if provided before the creation of the new school district, busing
to each individual making an election under Subsection ~~[(1)(a)(iv)]~~ (2)(a)(iv) for each school
year for which the individual makes the election; and
- 831 (vi) within one year following the date on which the new school district begins providing
educational services, the superintendent of each affected school district shall meet, together
with the state superintendent, to determine if further boundary changes should take place in
accordance with Section 53G-3-501.
- 835 (b)
- (i) The county or municipal legislative bodies that conduct redistricting for the new school district and
the reorganized new school district shall, at the meeting where the county or municipal legislative
bodies adopt the final redistricting maps, adjust the initial terms of the board members for the new
school district and the reorganized new school district, by lot, so that approximately half of the
board members on each board will have an initial term of three years with the other members having
an initial term of five years.
- 842 ~~[(ii) The term of a member of the divided school district local school board terminates on January 1 of
the year following the allocation date.]~~
- 844 ~~[(iii)]~~ (ii) Notwithstanding the existence of the new school district local school board and the
reorganized new school district local school board under Subsection ~~[(1)(a)(i)]~~ (2)(a)(i), the divided
school district local school board shall continue to function and exercise authority as a local school
board until the allocation date to the extent necessary to continue to provide educational services to
the entire divided school district.
- 850 ~~[(iv)]~~ (iii) An individual may simultaneously serve as or be elected to be a member of the local school
board of a divided school district and a member of the local school board of:
- 853 (A) a new school district; or

SB0188S03 compared with SB0188S04

- 854 (B) a reorganized new school district.
- 855 (iv) On the allocation date, the divided school district and the associated local school board cease to exist.
- 857 (c)
- (i) On the Tuesday immediately following certification of the election results for the first election for the members of the local school board described in Subsection (2)(a)(i), the newly elected members of the local school board for the new school district or reorganized new school district shall take the oath of office and begin serving.
- 862 (ii) If the term of a member of the local school board of the divided school district ends within one year of the allocation date, the member's term shall extend to the allocation date.
- 865 ~~[(2)]~~ (3)
- (a) The divided school district local school board shall~~[-]~~ :
- 866 (i) within 60 days after the creation date[:]
- 867 ~~[(i)]~~ prepare an initial inventory of the divided school district's:
- 868 (A) assets, both tangible and intangible, real and personal; and
- 869 (B) liabilities;~~[-and]~~
- 870 ~~[(ii) deliver a copy of the inventory to the Office of the Legislative Auditor General.]~~
- 871 (ii) on or before December 1 of the year following the creation date:
- 872 (A) prepare an asset inventory, with records, of the divided school district's assets and the location of each associated property, discretionary asset, nondiscretionary asset, and physical asset; and
- 875 (B) prepare an inventory of the divided school district's liabilities, with records, that includes a description of any liability, including an estimate cost to resolve the liability, for each associated property, discretionary asset, nondiscretionary asset, physical asset, and unresolved demands, claims, or suits with an estimated cost to resolve each liability;
- 880 (iii) mutually agree with the local school board of each relevant district to establish a regular schedule for the divided school district local school board to, between the creation date and the allocation date, prepare regular updates including any change in the information required in the inventory and liability reports described in this Subsection (3)(a); and
- 885 (iv) deliver the reports described in this Subsection (3)(a) to:
- 886 (A) the Office of the Legislative Auditor General; and
- 887 (B) the local school board of each relevant new school district and reorganized new school district.

SB0188S03 compared with SB0188S04

- 889 (b) Following the local school board election date described in Subsection [(1)(a)] (2)(a), the new
school district and reorganized new school district local school boards shall:
- 891 [(i) request a copy of the inventory described in Subsection (2)(a) from the Office of the Legislative
Auditor General;]
- 893 [(ii)] (i) in cooperation with the local school board of each new school district and reorganized new
school district, determine the allocation of the divided school district's assets and, except for
indebtedness under Section 53G-3-307, liabilities of the new school district and reorganized new
school district in accordance with Subsection [(3)] (4);
- 898 [(iii)] (ii) prepare a written report detailing the allocation under Subsection [(2)(b)(ii); and] (3)(b)(i);
- 900 (iii) prepare a written report of the disposition of assets and liabilities upon which the local school
boards could not agree; and
- 902 (iv) deliver a copy of the written report to the Office of the Legislative Auditor General and the local
school board of the divided school district[~~local board~~].
- 904 (c) The new school district and reorganized new school district local boards shall determine the
allocation under Subsection [(2)(b)] (3)(b) and deliver the report required under Subsection [(2)
(b)] (3)(b) on or before July 1 December 15 of the year following the school board election date
described in Subsection (2)(a), unless that deadline is extended by mutual agreement of the local
school boards of the new school district and reorganized new school district[~~local boards~~].
- 910 [(3)
- (a) ~~As used in this Subsection (3):~~
- 911 [(i) "Associated property" means furniture, equipment, or supplies located in or specifically
associated with a physical asset.]
- 913 [(ii)
- (A) ~~"Discretionary asset or liability" means, except as provided in Subsection (3)(a)(ii)(B), an asset or
liability that is not tied to a specific project, school, student, or employee by law or school district
accounting practice.]~~
- 916 [(B) ~~"Discretionary asset or liability" does not include a physical asset, associated property, a vehicle,
or bonded indebtedness.]~~
- 918 [(iii)

SB0188S03 compared with SB0188S04

- (A) "Nondiscretionary asset or liability" means, except as provided in Subsection (3)(a)(iii)(B), an asset or liability that is tied to a specific project, school, student, or employee by law or school district accounting practice.]
- 921 [(B) "Nondiscretionary asset or liability" does not include a physical asset, associated property, a
vehicle, or bonded indebtedness.]
- 923 [(iv) "Physical asset" means a building, land, or water right together with revenue derived from the
lease or use of the building, land, or water right.]
- 925 [(b)] (4)
- (a) Except as provided under Subsection [(3)(e)] ~~[(4)(b)]~~ [(4)(c)], the new school district and reorganized
new school district local school boards shall allocate all assets and liabilities the divided school
district owns on the allocation date, both tangible and intangible, real and personal~~[-as follows]~~ ,
allocating:
- 929 (i) a physical asset, physical liability, and associated property asset ~~[shall be allocated]~~ to the school
district in which the physical asset is located;
- 931 (ii) a discretionary asset or liability ~~[shall be allocated]~~ between the new school district and
reorganized new school district in proportion to the student population of the school districts;
- 934 (iii) vehicles used for pupil transportation~~[-shall be allocated]~~:
- 935 (A) according to the transportation needs of schools, as measured by the number and assortment of
vehicles used to serve eligible state supported transportation routes serving schools within the new
school district and the reorganized new school district; and
- 939 (B) in a manner that gives each school district a fleet of vehicles for pupil transportation that is
equivalent in terms of age, condition, and variety of carrying capacities; and
- 942 (iv) other vehicles~~[-shall be allocated]~~:
- 943 (A) in proportion to the student population of the school districts; and
- 944 (B) in a manner that gives each district a fleet of vehicles that is similar in terms of age, condition, and
carrying capacities.
- 946 (b) Each new and reorganized new school district retains the buildings, land, and water rights of the
divided district within the boundaries of the relevant new or reorganized new school district.
- 946 ~~{[(c)]}~~ ~~{(b)}~~ By mutual agreement, the new school district and reorganized new school district local
school boards may allocate an asset or liability in a manner different than the allocation method
specified in Subsection [(3)(b)] (4)(a).

SB0188S03 compared with SB0188S04

949 [(4)

(a) ~~As used in this Subsection (4):]~~

950 [(i) "New school district startup costs" means the costs and expenses incurred by a new school district in order to prepare to begin providing educational services on July 1 of the second calendar year following the local school board election date described in Subsection (1)(a)(i).]

954 [(ii) "Reorganized new school district startup costs" means the costs and expenses that a reorganized new school district incurs to make necessary adjustments to deal with the impacts resulting from the creation of the new school district and to prepare to provide educational services within the reorganized new school district once the new school district begins providing educational services within the new school district.]

960 [(b) ~~On or before January 1 of the year following the new local school board election date described in Subsection (1)(a)(i), the divided school district shall make the unassigned reserve funds from the divided school district's general fund available for the use of the reorganized new school district and the new school district in proportion to the student enrollment of each new school district.]~~

965 [(c) ~~The divided school district may make additional funds available for the use of the reorganized new school district and the new school district beyond the amount specified in Subsection (4)(b) through an interlocal agreement.]~~

968 [(d) ~~The following may access and spend money made available under Subsection (4)(b):]~~

969 [(i) ~~the reorganized new school district local school board; and]~~

970 [(ii) ~~the new school district local school board.]~~

971 [(e) ~~The new school district and the reorganized new school district may use the money made available under Subsection (4)(b) to pay for the new school district and reorganized new school district startup costs.]~~

974 (5)

(a)

(i) After the creation date, the local school board of the divided district may issue a lease revenue bond, in accordance with Section 11-14-103:

976 (A) that records the date, terms, and amount of the lease revenue bond the divided school district provides;

978

SB0188S03 compared with SB0188S04

- (B) that designates the new and reorganized new school districts that are the joint recipients of the bond proceeds, in proportion to the property tax values within each district, as the local political subdivisions receiving the bond proceeds;
- 981 (C) that obligates the new and reorganized new school districts receiving the bond proceeds to proportionally repay the bond;
- 983 (D) that prohibits the bond from inclusion in the outstanding bond indebtedness of the divided school district, in accordance with Section 53G-3-307;
- 985 (E) to which, if the relevant local school board has been seated, the local school board of the new school district or reorganized new school district consents in writing; and
- 988 (F) that provides that the divided school district is responsible for the bond payments until the allocation date and that {the amounts the divided school district pays be allocated to the } ~~each~~ new and reorganized new school {districts-} district receiving the bond proceeds {in accordance with-} under this section is responsible for a proportional share of the bond payments after the allocation date.
- 992 (ii) This Subsection (5)(a) applies retrospectively to a lease revenue bond that a divided school district issued after November 4, 2024.
- 994 (b)
- (i) After the creation date, the local school board of the divided school district may issue a general obligation bond for {a local political subdivision that is specific to-} the interlocal agreement participants on behalf of the relevant new and reorganized new school {districts-} district within the divided school district, in accordance with Section 11-14-103.
- 998 (ii) The local school board shall ensure that the resolution submitting the question of the issuance of the bond by the divided school district, in accordance with Section 11-14-201:
- 1001 (A) designates the new and reorganized new school districts that are the joint recipients of the bond proceeds, in proportion to the property tax values within each district, as the local political subdivisions receiving the bond proceeds;
- 1004 (B) obligates the new and reorganized new school districts receiving the bond proceeds to proportionally repay the bond;
- 1006 (C) prohibits the bond from inclusion in the outstanding bonded indebtedness of the divided school district, in accordance with Section 53G-3-307;
- 1008

SB0188S03 compared with SB0188S04

- (D) provides that the divided school district may not issue the bond unless the majority of the qualified voters of the divided school district who vote on the bond proposition approve the issuance of the bond; and
- 1011 (E) provides that the divided school district is responsible for the bond payments until the allocation date and that {the amounts the divided school district pays be allocated to the} each new and reorganized new school {districts} district receiving the bond proceeds under this section is responsible for a proportional share of the bond payments after the allocation date.
- 1015 (iii) This Subsection (5)(b) applies retrospectively to a general obligation bond that a divided school district issued after November 4, 2024.
- 1017 (c) {The} If, within the preceding three years, voters within the divided school district rejected a general obligation bond for which a majority of voters within the area now included in a new or reorganized new school district voted in favor of the general obligation bond, the local school board of {each} the divided district shall issue a lease revenue bond in accordance with Subsection (5)(a)(i) for the relevant new {and} or reorganized new school district {may access and spend funds made available under Subsections 53G-3-301.3(9) and 53G-3-301.4(11) and under this Subsection (5)} .
- 1020 {(5)}(6)
{(a)} The local school board of each new and reorganized new school district may access and spend funds made available under Subsections 53G-3-301.3(9) and 53G-3-301.4(11) and under this Subsection (5).
- 1029 [(5)] (6)
(a) The divided school district shall transfer title or, if applicable, partial title of property to the new school district and the reorganized new school district in accordance with the allocation of property as stated in the report under Subsection [(2)(b)(iii)] (3)(b)(ii).
- 1024 (b) The divided school district shall complete each transfer of title or, if applicable, partial title to real property and vehicles on [or before one calendar year from the date of the local school board election date described in Subsection (1)(a)(i)] the allocation date, except as that date is changed by the mutual agreement of:
- 1028 (i) the local school board of the divided school district;
- 1029 (ii) the local school board of the reorganized new school district; and
- 1030 (iii) the local school board of the new school district.

SB0188S03 compared with SB0188S04

- 1031 (c) The divided school district shall complete the transfer of all property not included in Subsection
[~~(5)(b)~~] (6)(b) { on } ~~[or before November 1 of the calendar year following the local school board~~
~~election date described in Subsection (1)(a)(i)]~~ { (6)(b) on } the allocation date.
- 1035 [~~(6)~~] (d) Except as provided in this Subsection [~~(5)~~] (6), a divided school district may not transfer or
agree to transfer title to district property beginning on the ~~[day the new school district or reorganized~~
~~new school district is created]~~ creation date, without the prior consent of:
- 1039 (i) before the election of local school boards for the new or reorganized new school district:
- 1041 [~~(a)~~] (A) the legislative body of the municipality in which the boundaries for the new school district or
reorganized new school district are entirely located; or
- 1043 [~~(b)~~] (B) the legislative bodies of all interlocal agreement participants in which the boundaries of the
new school district or reorganized new school district are located~~[;]~~ ; or
- 1046 (ii) after the election of local school boards for the new or reorganized new school district, the local
school board of the school district where the physical property is located.
- 1049 (e)
- (i) A divided district may:
- 1050 (A) sell property associated with a career and technical education program; and
- 1051 (B) use proceeds from a sale described in this Subsection (6)(e) to fund the following year's career
and technical education program project.
- 1053 (ii) A divided district shall distribute any proceeds from a sale described in this Subsection (6)(e) two
years after the inaugural election of local school board members for the new and reorganized new
school districts based on student population.
- 1057 { (7) }
- { (a) } (7) On July 1 of the second year following the local school board election date described in
Subsection (2)(a), the new school district or the reorganized new school district that receives title
to the physical asset of the divided school district main office that existed at the creation date shall
become the successor district to the records of the divided school district, unless the local school
boards of any relevant new school district and reorganized new school district agree to a chosen
successor district.
- 1064 { (b) } (a) As described in Subsection 63G-2-206(1)(a), the successor district shall serve as a repository
of archives for purposes of historical preservation, administrative maintenance, or destruction of all
the divided school district's books, accounts, and records.

SB0188S03 compared with SB0188S04

- 1068 ~~{(e)}~~ (b) For one year after the allocation date, each new school district or reorganized new school
district within the divided school district may access the records of the divided school district
through an interlocal agreement and without cost.
- 1071 (8)
- 1073 (a) Upon the creation date, a divided school district may not, except by mutual agreement of the local
school boards of the new and reorganized new school districts:
- 1074 (i) destroy a school district record;
- 1077 (ii) enter into any employment agreement without including a statement providing that the contract
does not bind any new school district or reorganized new school district;
- 1080 (iii) pay any severance or bonuses, issue a retirement package, or provide buy-out compensation to
any employee unless under a written agreement or policy that was executed before the creation
date; or
- 1081 (iv) increase compensation for any school district employee, other than:
- 1082 (A) a yearly cost-of-living adjustment; or
- 1085 (B) any pay structure increases the divided district established before the creation date for longevity,
years of experience, or additional education and professional development.
- 1089 (b) Notwithstanding Subsection 53G-4-402(24), upon the creation of a new school district or a
reorganized new school district, a divided school district may not close a school, except with the
consent of the relevant local school board of the new school district or relevant reorganized new
school districtonce the members of the local school board take the oath of office.
- 1092 (c) Any agreement or policy contrary to this Subsection (8) is void, including retrospective operation to
any agreement or policy that a divided school district created after November 4, 2024.
- 1096 (9) The newly elected local school boards of any new school district, any reorganized new school
district, by December 15 in the year following the local school board election for the new and
reorganized new school districts, shall establish a transition plan with the local school board of the
divided school district.
- 1099 (10) Unless otherwise specified in this section, the following bear all costs and expenses to create a new
school district or a reorganized new school district and to comply with this section:
- 1100 (a) for costs that a new school district incurs, the new school district;
- 1102 (b) for costs that a reorganized new school district incurs, the reorganized new school district; and
- 1102 (c) for costs that a divided school district incurs, the divided school district.

SB0188S03 compared with SB0188S04

1103 (11)

(a) A mutually agreed upon arbiter shall resolve any disagreements between local school boards of the divided school district, any new school district, and any reorganized new school district.

1106 (b) If the local school boards do not agree on an arbiter, the state board shall appoint an arbiter.

1108 (c) The Office of the Legislative Auditor General shall provide information the office receives under this part to local school boards and the arbiter described in this Subsection (11) during the dispute resolution process.

1120 Section 10. Section **53G-3-303** is amended to read:

1121 **53G-3-303. New school district property tax -- Limitations.**

1114 (1) A new school district, created under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4, and a reorganized new school district may not impose a property tax before the fiscal year in which the new school district and reorganized new school district assume responsibility for providing student instruction.

1118 (2)

(a) If at the time a new school district created in accordance with Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4[,] assumes responsibility for student instruction any portion of the territory within the new school district was subject to a levy [~~pursuant to~~] under Section 53F-8-301, the new school district's local school board may:

1122 (i) discontinue the levy for the new school district;

1123 (ii) impose a levy on the new school district as provided in Section 53F-8-301; or

1124 (iii) impose the levy on the new school district, subject to Subsection (2)(b).

1125 (b) If the new school district's local school board applies a levy to the new school district in accordance with Subsection (2)(a)(iii), the levy may not exceed the maximum duration or rate authorized by the voters of the divided school district at the time of the vote to create the new school district or that resulted in the creation of the reorganized new school district.

1139 Section 11. Section **53G-3-305** is amended to read:

1140 **53G-3-305. Redistricting -- Local school board membership.**

1133 (1) Upon the creation of a new school district or a reorganized new school district in accordance with Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4, the applicable legislative body shall redistrict the affected school districts in accordance with Section 20A-14-201.

1137

SB0188S03 compared with SB0188S04

- (2) Except as provided in Section 53G-3-302, local school board membership in the affected school districts ~~[shall be determined under]~~ is subject to Title 20A, Chapter 14, Part 2, Election of Members of Local Boards of Education.

1149 Section 12. Section **53G-3-307** is amended to read:

1150 **53G-3-307. Tax to pay for indebtedness of divided school district.**

1143 (1) As used in ~~[Subsections (2) and (3)]~~ this section, "outstanding bonded indebtedness" means, except for a lease revenue bond or a general obligation bond described in Subsection 53G-3-302(6), debt owed for a general obligation bond or lease revenue bond ~~[issued by]~~ that the divided school district issues:

1147 (a) before the creation of the new school district; or

1148 (b) in accordance with a mutual agreement of the local school boards of the reorganized new school district and the new school district under Subsection (4).

1150 (2) If the creation date of a new school district ~~[is created]~~ occurs on or after May 10, 2011, property within the new school district and the reorganized new school district is subject to the levy of a tax to pay the divided school district's outstanding bonded indebtedness as provided in Subsection (3).

1154 (3)

(a) Except as provided in Subsection (3)(b), the local school board of the new school district and the local school board of the reorganized new school district shall impose a tax levy at a rate that:

1157 (i) generates from the combined districts the amount of revenue required each year to meet the outstanding bonded indebtedness of the divided school district; and

1159 (ii) is based on the yearly adjusted assessed value of the new school district and reorganized new school district as the State Tax Commission determines.

1161 (b) A local school board of a new school district may abate a property tax ~~[required to be imposed under]~~ that Subsection (3)(a) requires the board to impose to the extent the new school district has money available to pay to the reorganized new school district the amount of revenue that ~~[would be generated]~~ the tax rate described in Subsection (3)(a) would generate within the new school district ~~[from the tax rate specified in Subsection (3)(a)]~~.

1167 (4)

(a) The local school boards of the new school district and the reorganized new school district shall determine, by mutual agreement, the disposition of bonds ~~[approved but not issued by]~~ the divided school district approved but did not issue before the creation of the new school district and

SB0188S03 compared with SB0188S04

reorganized new school district based primarily on the representation made to the voters at the time of the bond election.

1172 (b) Before the local school boards make a determination~~[is made]~~ under Subsection (4)(a), a
reorganized new school district may not issue the approved and unissued bonds ~~[approved but not~~
~~issued before the creation of the new school district and reorganized new school district]~~ described
in Subsection (4)(a) if property in the new school district would be subject to the levy of a tax to pay
the bonds.

1186 Section 13. Section **63G-2-203** is amended to read:

1187 **63G-2-203. Fees.**

1179 (1)

(a) Subject to Subsection (5), a governmental entity may charge a reasonable fee to cover the
governmental entity's actual cost of providing a record.

1181 (b) A fee under Subsection (1)(a) shall be approved by the governmental entity's executive officer.

1183 (2)

(a) When a governmental entity compiles a record in a form other than that normally maintained by the
governmental entity, the actual costs under this section may include the following:

1186 (i) the cost of staff time for compiling, formatting, manipulating, packaging, summarizing, or
tailoring the record either into an organization or media to meet the person's request;

1189 (ii) the cost of staff time for search, retrieval, and other direct administrative costs for complying
with a request; and

1191 (iii) in the case of fees for a record that is the result of computer output other than word processing,
the actual incremental cost of providing the electronic services and products together with a
reasonable portion of the costs associated with formatting or interfacing the information for
particular users, and the administrative costs as set forth in Subsections (2)(a)(i) and (ii).

1196 (b) An hourly charge under Subsection (2)(a) may not exceed the salary of the lowest paid employee
who, in the discretion of the custodian of records, has the necessary skill and training to perform the
request.

1199 (3)

(a) Fees shall be established as provided in this Subsection (3).

1200 (b) A governmental entity with fees established by the Legislature:

1201

SB0188S03 compared with SB0188S04

- (i) shall establish the fees defined in Subsection (2), or other actual costs associated with this section through the budget process; and
- 1203 (ii) may use the procedures of Section 63J-1-504 to set fees until the Legislature establishes fees through the budget process.
- 1205 (c) Political subdivisions shall establish fees by ordinance or written formal policy adopted by the governing body.
- 1207 (d) The judiciary shall establish fees by rules of the judicial council.
- 1208 (4) A governmental entity may fulfill a record request without charge and is encouraged to do so if it determines that:
 - 1210 (a) releasing the record primarily benefits the public rather than a person;
 - 1211 (b) the individual requesting the record is the subject of the record, or an individual specified in Subsection 63G-2-202(1) or (2); or
 - 1213 (c) the requester's legal rights are directly implicated by the information in the record, and the requester is impecunious.
- 1215 (5)
 - (a) As used in this Subsection (5), "media representative":
 - 1216 (i) means a person who requests a record to obtain information for a story or report for publication or broadcast to the general public; and
 - 1218 (ii) does not include a person who requests a record to obtain information for a blog, podcast, social media account, or other means of mass communication generally available to a member of the public.
 - (b) A governmental entity may not charge a fee for:
 - 1222 (i) reviewing a record to determine whether it is subject to disclosure, except as permitted by Subsection (2)(a)(ii);
 - 1224 (ii) inspecting a record; or
 - 1225 (iii) the first quarter hour of staff time spent in responding to a request under Section 63G-2-204.
 - 1227 (c) Notwithstanding Subsection (5)(b)(iii), a governmental entity is not prevented from charging a fee for the first quarter hour of staff time spent in responding to a request under Section 63G-2-204 if the person who submits the request:
 - 1230 (i) is not a Utah media representative; and
 - 1231

SB0188S03 compared with SB0188S04

- (ii) previously submitted a separate request within the 10-day period immediately before the date of the request to which the governmental entity is responding.

1233 (6)

- (a) A person who believes that there has been an unreasonable denial of a fee waiver under Subsection (4) may appeal the denial in the same manner as a person appeals when inspection of a public record is denied under Section 63G-2-205.

1236 (b) The adjudicative body hearing the appeal:

1237 (i) shall review the fee waiver de novo, but shall review and consider the governmental entity's denial of the fee waiver and any determination under Subsection (4); and

1240 (ii) has the same authority when a fee waiver or reduction is denied as it has when the inspection of a public record is denied.

1242 (7)

- (a) All fees received under this section by a governmental entity subject to Subsection (3)(b) shall be retained by the governmental entity as a dedicated credit.

1244 (b) Those funds shall be used to recover the actual cost and expenses incurred by the governmental entity in providing the requested record or record series.

1246 (8)

- (a) A governmental entity may require payment of past fees and future estimated fees before beginning to process a request if:

1248 (i) fees are expected to exceed \$50; or

1249 (ii) after the government entity has sent an invoice, the requester has not paid fees from a previous [requests] request.

1251 (b) Any prepaid amount in excess of fees due shall be returned to the requester.

1252 (9) This section does not alter, repeal, or reduce fees established by other statutes or legislative acts.

1254 (10)

- (a) Notwithstanding Subsection (3)(c), fees for voter registration records shall be set as provided in this Subsection (10).

1256 (b) The lieutenant governor shall:

1257 (i) after consultation with county clerks, establish uniform fees for voter registration and voter history records that meet the requirements of this section; and

1259

SB0188S03 compared with SB0188S04

- (ii) obtain legislative approval of those fees by following the procedures and requirements of Section 63J-1-504.

1270 Section 14. **Effective date.**

1262 (1) Except as provided in Subsection (2), this bill takes effect on May 7, 2025; or

1263 (2) if approved by two-thirds of all members elected to each house:

1264 (a) upon approval by the governor;

1265 (b) without the governor's signature, the day following the constitutional time limit of Utah
 Constitution, Article VII, Section 8; or

1267 (c) in the case of a veto, the date of veto override.

1277 Section 15. **Retrospective Operation.**

Section 53G-3-302 has retrospective operation to November 4, 2024.

2-26-25 1:09 PM