

**SCHOOL DISTRICT VOTED LEEWAY**

**AMENDMENTS**

2001 GENERAL SESSION

STATE OF UTAH

**Sponsor: Kevin S. Garn**

6	David Ure	David L. Hogue	Judy Ann Buffmire
7	Greg J. Curtis	Bradley T. Johnson	Fred J. Fife
8	Patrice M. Arent	Matt Throckmorton	James R. Gowans
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11 **This act modifies provisions related to the State System of Public Education by increasing**  
 12 **the value of the state guarantee for voted and board leeways. The act increases the**  
 13 **guarantee from .0075 times the value of the prior year's weighted pupil unit to \$ [~~008~~] .008044 §**  
 13a **and by**  
 14 **.0005 for each succeeding year until the guarantee is equal to \$ [~~0105~~] 010544 § times the value**  
 14a **of the**  
 15 **prior year's weighted pupil unit. The act takes effect July 1, 2001.**

16 This act affects sections of Utah Code Annotated 1953 as follows:

17 AMENDS:

18 **53A-17a-133**, as last amended by Chapter 8, Laws of Utah 1996, Second Special Session

19 **53A-17a-134**, as last amended by Chapter 1, Laws of Utah 1994

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

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

22 **53A-17a-133. State-supported voted leeway program authorized -- Election**  
 23 **requirements -- State guarantee -- Reconsideration of the program.**

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

27 (2) (a) To establish a voted leeway program, a majority of the electors of a district voting  
 28 at an election in the manner set forth in Section 53A-16-110 must vote in favor of a special tax.



29 (b) The district may maintain a school program which exceeds the cost of the program  
30 referred to in Section 53A-17a-145 with this voted leeway.

31 (c) In order to receive state support the first year, a district must receive voter approval no  
32 later than December 1 of the year prior to implementation.

33 (d) The additional program is the state-supported voted leeway program of the district.

34 (3) (a) ~~(i)~~ Under the voted leeway program, the state shall contribute an amount sufficient  
35 to guarantee ~~[\$12]~~ ~~§ [\$16.05]~~ § \$17.14 § per weighted pupil unit for each .0001 of the first ~~[:0004]~~  
35a .0016 per  
36 dollar of taxable value.

37 ~~[(ii) The guarantee shall apply to the first .0006 per dollar of taxable value beginning July~~  
38 ~~1, 1996, and shall apply to an additional .0002 per dollar of taxable value each year thereafter so~~  
39 ~~that the guarantee shall apply to the first .0016 of taxable value beginning July 1, 2001, and for~~  
40 ~~each year thereafter.]~~

41 (b) ~~(i)~~ The same dollar amount guarantee per weighted pupil unit for the ~~[:0004]~~ .0016  
42 per dollar of taxable value under Subsection (a) shall apply to the board-approved leeway  
43 authorized in Section 53A-17a-134, so that the guarantee shall apply up to a total of ~~[:0008]~~ .002  
44 per dollar of taxable value if a school district levies a tax rate ~~[of up to .0004 in]~~ under both  
45 programs.

46 ~~[(ii) Beginning July 1, 1996, if a district levies up to .0006 in the voted leeway program and~~  
47 ~~up to .0004 in the board leeway program, the guarantee shall apply up to a total of .001 for both~~  
48 ~~programs and shall apply to an additional .0002 per dollar of taxable value each year thereafter~~  
49 ~~through July 1, 2001, as described in Subsection (3)(a)(ii) so that the guarantee shall apply up to~~  
50 ~~a total of .002 per dollar of taxable value beginning July 1, 2001, and for each year thereafter.]~~

51 (c) (i) Beginning July 1, ~~[1997]~~ 2002, the ~~[\$12]~~ ~~§ [\$16.05]~~ § \$17.14 § guarantee under  
51a Subsections (3)(a)  
52 and (b) shall be indexed each year to the value of the weighted pupil unit by making the value of  
53 the guarantee equal to ~~[:0075]~~ ~~§ [0.085]~~ .008544 § times the value of the prior year's weighted pupil  
53a unit.

54 (ii) The guarantee shall increase by .0005 times the value of the prior year's weighted pupil  
55 unit for each succeeding year until the guarantee is equal to ~~§ [0.0105]~~ .010544 § times the value of  
55a the prior year's  
56 weighted pupil unit.

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

60 to changes in property valuation.

61 (ii) Subsection (3)(d)(i) applies for a period of two years following any such change in the  
62 certified tax rate.

63 (4) (a) An election to modify an existing voted leeway program is not a reconsideration  
64 of the existing program unless the proposition submitted to the electors expressly so states.

65 (b) A majority vote opposing a modification does not deprive the district of authority to  
66 continue an existing program.

67 (c) If adoption of a leeway program is contingent upon an offset reducing other local  
68 school board levies, the board must allow the electors, in an election, to consider modifying or  
69 discontinuing the program prior to a subsequent increase in other levies that would increase the  
70 total local school board levy.

71 (d) Nothing contained in this section terminates, without an election, the authority of a  
72 school district to continue an existing voted leeway program previously authorized by the voters.

73 Section 2. Section **53A-17a-134** is amended to read:

74 **53A-17a-134. Board-approved leeway -- Purpose -- State support -- Disapproval.**

75 (1) Each local school board may levy a tax rate of up to .0004 per dollar of taxable value  
76 to maintain a school program above the cost of the basic school program as follows:

77 (a) a local school board shall use the monies generated by the tax for class size reduction  
78 within the school district;

79 (b) if a local school board determines that the average class size in the school district is  
80 not excessive, it may use the monies for other school purposes but only if the board has declared  
81 the use for other school purposes in a public meeting prior to levying the tax rate; and

82 (c) a district may not use the monies for other school purposes under Subsection (1)(b)  
83 until it has certified in writing that its class size needs are already being met and has identified the  
84 other school purposes for which the monies will be used to the State Board of Education and the  
85 state board has approved their use for other school purposes.

86 (2) (a) The state shall contribute an amount sufficient to guarantee [~~\$21.50~~] **\$ [~~\$16.05~~]**  
86a **\$17.14** § per  
87 weighted pupil unit for each [~~.0002~~] .0001 per dollar of taxable value.

88 (b) The guarantee shall increase in the same [~~years and for the same amounts~~] manner as  
89 provided for the voted leeway guarantee in [~~Section~~] Subsections 53A-17a-133(3)(c)(i) and (ii).

90 (3) The levy authorized under this section is not in addition to the maximum rate of .002

91 authorized in Section 53A-17a-133, but is a board-authorized component of the total tax rate under  
92 that section.

93 (4) As an exception to Section 53A-17a-133, the board-authorized levy does not require  
94 voter approval, but the board may require voter approval if requested by a majority of the board.

95 (5) An election to consider disapproval of the board-authorized levy is required, if within  
96 60 days after the levy is established by the board, referendum petitions signed by the number of  
97 legal voters required in Section 20A-7-301, who reside within the school district, are filed with the  
98 school district.

99 (6) (a) A local school board shall establish its board-approved levy by April 1 to have the  
100 levy apply to the fiscal year beginning July 1 in that same calendar year except that if an election  
101 is required under this section, the levy applies to the fiscal year beginning July 1 of the next  
102 calendar year.

103 (b) The approval and disapproval votes authorized in Subsections (4) and (5) shall occur  
104 at a general election in even-numbered years, except that a vote required under this section in  
105 odd-numbered years shall occur at a special election held on a day in odd-numbered years that  
106 corresponds to the general election date. The school district shall pay for the cost of a special  
107 election.

108 (7) (a) Modification or termination of a voter-approved leeway rate authorized under this  
109 section is governed by Section 53A-17a-133.

110 (b) A board-authorized leeway rate may be modified or terminated by a majority vote of  
111 the board subject to disapproval procedures specified in this section.

112 (8) A board levy election does not require publication of a voter information pamphlet.

113 **Section 3. Effective date.**

114 This act takes effect on July 1, 2001.

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**Legislative Review Note**  
**as of 12-12-00 9:32 AM**

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

**Office of Legislative Research and General Counsel**

**01-02-01 2:40 PM**

**H.B. 38**

**Committee Note**

The Education Interim Committee recommended this bill.