



28 (1) A county legislative body may create a new school district from an existing school  
 29 district within the geographical boundaries of the county.

30 (2) (a) The process may be initiated:

31 ~~h~~ ~~(i) at the request of the county legislative body;~~

32 ~~(ii) (i) h~~ through a citizens' initiative petition; ~~h~~ OR ~~h~~

33 ~~h~~ ~~(iii) at the request of the State Board of Education;~~

34 ~~(iv) at the request of the Legislature or the governor; or~~

35 ~~(v) (ii) h~~ at the request of the board of the existing district or districts to be affected by the  
 36 creation of the new district.

37 (b) A petition submitted under Subsection (2)(a)(ii) must be signed by qualified  
 38 electors residing within the geographical boundaries of the proposed new school district equal  
 39 in number to at least ~~h~~ [25%] 15% ~~h~~ of the number of electors in the area who voted for the office of  
 40 governor at the last regular general election.

41 (c) The process may only be initiated once ~~h~~ [for each of the procedures referred to in  
 42 Subsection (2)(a)] ~~h~~ during any four-year period.

43 (d) A new district may not be formed if the student population of the proposed new  
 44 district is less than ~~h~~ [1,000] 5,000 ~~h~~ or the existing district's student population would be less than  
 45 ~~h~~

44a [1,000] 5,000 ~~h~~

45 because of the creation of the new school district.

45a ~~h~~ (e) IF A COUNTY LEGISLATIVE BODY RECEIVES A REQUEST OR PETITION TO CREATE A  
 45b NEW DISTRICT ON OR BEFORE DECEMBER 1:

45c (i) THE COUNTY LEGISLATIVE BODY SHALL APPOINT AN AD HOC ADVISORY COMMITTEE,  
 45d AS PROVIDED BY SUBSECTION (3), ON OR BEFORE JANUARY 1;

45e (ii) THE AD HOC ADVISORY COMMITTEE SHALL SUBMIT ITS REPORT AND  
 45f RECOMMENDATIONS TO THE COUNTY LEGISLATIVE BODY, AS PROVIDED BY SUBSECTION (3), ON  
 45g OR BEFORE JULY 1; AND

45h (iii) IF THE COUNTY LEGISLATIVE BODY APPROVES A PROPOSAL TO CREATE A NEW  
 45i DISTRICT, THE PROPOSAL SHALL BE SUBMITTED TO THE COUNTY CLERK TO BE VOTED ON BY  
 45j THE ELECTORS OF THE EXISTING DISTRICT AT THE REGULAR GENERAL OR MUNICIPAL GENERAL  
 45k ELECTION HELD IN NOVEMBER. ~~h~~

46 (3) (a) The county legislative body shall appoint an ad hoc advisory committee to  
 47 review and make recommendations on a request for the creation of a new school district  
 48 submitted under Subsection (2)(a).

49 (b) The advisory committee shall:

50 (i) seek input from:

- 51           (A) those requesting the creation of the new school district;
- 52           (B) the school board and school personnel of the existing school district;
- 53           (C) those citizens residing within the geographical boundaries of the existing school
- 54 district;
- 55           (D) the State Board of Education; and
- 56           (E) other interested parties;
- 57           (ii) review data and gather information on at least:
- 58           (A) the financial viability of the proposed new school district;



59 (B) the proposal's financial impact on the existing school district;  
 60 (C) the exact placement of school district boundaries; and  
 61 (D) the positive and negative effects of creating a new school district and whether the  
 62 positive effects outweigh the negative if a new school district were to be created; and  
 63 (iii) make a report to the county legislative body in a public meeting on the committee's  
 64 activities, together with a recommendation on whether to create a new school district.

65 (4) (a) The county legislative body shall provide for a 45-day public comment period  
 66 on the report and recommendation to begin on the day the report is given under Subsection  
 67 (3)(b)(iii).

68 (b) Within 14 days after the end of the comment period, the county legislative body  
 69 shall vote on the creation of the proposed new school district.

70 (c) The proposal is approved if a majority of the members of the county legislative  
 71 body votes in favor of the proposal.

72 (d) If the proposal is approved, the county legislative body shall submit the proposal to  
 73 the county clerk to be voted on:

74 (i) by the electors of the existing school district;

75 (ii) in accordance with Title 20A, Election Code; and

76 (iii) at the next regular general election or municipal general election, whichever is  
 77 first.

78 (e) Creation of the new school district shall occur if a majority of the electors within

78a **h BOTH h**

79 **the h [existing] PROPOSED h school district h AND THE REMAINING SCHOOL DISTRICT h voting**  
 79a **on the proposal vote in favor of the creation of the new**  
 80 **district.**

81 (f) (i) The county legislative body shall, within 45 days of the creation of the new  
 82 school district, file a written notice of the action with the State Tax Commission.

83 (ii) The notice shall be accompanied by a map showing the boundaries of the affected  
 84 school districts, prepared and certified by a local surveyor.

84a **h (5) IF A PROPOSAL TO CREATE A NEW DISTRICT IS APPROVED BY THE ELECTORS, THE**  
 84b **EXISTING DISTRICT'S DOCUMENTED COSTS TO STUDY AND IMPLEMENT THE PROPOSAL SHALL**  
 84c **BE REIMBURSED BY THE NEW DISTRICT. h**

85 Section 3. Section **53A-2-119** is enacted to read:

86 **53A-2-119. Reapportionment -- Local school board membership.**

87 (1) Upon the creation of a new school district, the county legislative body shall  
 88 reapportion the affected school districts pursuant to Section 20A-14-201.

89 (2) (a) Except as provided in Subsection (2)(b), school board membership in the

90 affected school districts shall be determined under Title 20A, Chapter 14, Part 2, Nomination  
 91 and Election of Members of Local Boards of Education.

92 (b) (i) If, as a result of a reapportionment conducted following the creation of a new  
 93 school district, a local school board district is created in which no board member whose term  
 94 extends beyond reapportionment resides, the first board member for the local school board  
 95 district shall be elected at the next regular general election or municipal general election,  
 96 whichever occurs first, after the election at which the creation of the new school district is  
 97 approved.

98 (ii) (A) The initial term of office of a board member elected under Subsection (2)(b)(i)  
 99 shall be three years, except as provided in Subsection (2)(b)(ii)(B).

100 (B) If more than one position on a local school board needs to be filled pursuant to  
 101 Subsection (2)(b)(i), the initial term of the board members elected shall be staggered. The  
 102 county legislative body shall determine by lot which of the reapportioned local school board  
 103 districts will elect members to three-year terms and which will elect members to one-year  
 104 terms.

105 Section 4. Section **53A-2-120** is enacted to read:

106 **53A-2-120. Transfer of school property to new school district.**

107 ~~**h [(1) (a) Following the creation of a new school district, the boards of the existing and**~~  
 108 ~~**new districts shall work together to convey and deliver to the board of the new district all**~~  
 109 ~~**school property which the new district is entitled to receive.]**~~

109a **(1)(a) ON THE JULY 1 FOLLOWING THE SCHOOL BOARD ELECTIONS FOR THE NEW AND**  
 109b **EXISTING DISTRICTS AS PROVIDED IN SECTION 53A-1-119, THE BOARD OF THE EXISTING**  
 109c **DISTRICT SHALL CONVEY AND DELIVER TO THE BOARD OF THE NEW DISTRICT ALL SCHOOL**  
 109d **PROPERTY WHICH THE NEW DISTRICT IS ENTITLED TO RECEIVE. h**

110 (b) Any disagreements as to the disposition of school property shall be resolved by the  
 111 county legislative body.

112 (2) Title vests in the new school board, including all rights, claims, and causes of  
 113 action to or for the property, for the use or the income from the property, for conversion,  
 114 disposition, or withholding of the property, or for any damage or injury to the property.

115 (3) The new school board may bring and maintain actions to recover, protect, and  
 116 preserve the property and rights of the district's schools and to enforce contracts.

117 (4) The intangible property of the existing school district shall be prorated between it  
 118 and the new district on the same basis used to determine the new district's proportionate share  
 119 of the existing district's indebtedness under Section 53A-2-121.

120 Section 5. Section **53A-2-121** is enacted to read:

121 **53A-2-121. Indebtedness on property within new school district.**

122 (1) (a) The boards of the existing and new districts shall determine the portion of the  
123 existing district's bonded indebtedness and other indebtedness for which the property within the  
124 new district remains subject to the levy of taxes to pay a proportionate share of the existing  
125 district's outstanding indebtedness.

126 (b) The proportionate share of the existing district's outstanding indebtedness for which  
127 property within the new district remains subject to the levy of taxes shall be calculated by  
128 determining the proportion that the total assessed valuation of the property within the new  
129 district bears to the total assessed valuation of the existing district in the year immediately  
130 preceding the date the new district was created.

131 (c) The agreement reflecting the determinations made under this Subsection (1) shall  
132 take effect upon being filed with the county legislative body and the State Board of Education.

133 (2) The board of the new district shall levy a tax on property within the new district  
134 sufficient to pay the proportionate share of the indebtedness determined under this section, and  
135 shall turn over the proceeds of the tax to the business administrator of the existing district.

136 (3) The boards of the existing and new districts shall determine by mutual agreement  
137 the disposition of bonds approved but not issued by the existing district before the creation of  
138 the new district based primarily on the representation made to the voters at the time of the bond  
139 election.

140 Section 6. Section **53A-2-122** is enacted to read:

141 **53A-2-122. Rights of employees transferring to a new district.**

142 An employee of a school district from which a new district is created who becomes an  
143 employee of the new district shall receive the same considerations as are provided to  
144 transferred employees by Section 53A-2-116 <sup>h</sup> AND SHALL RETAIN THE SAME STATUS AS A  
144a CAREER OR PROVISIONAL EMPLOYEE WITH ACCRUED SENIORITY <sup>h</sup> .

145 Section 7. **Effective date.**

146 This act takes effect on July 1, 2003.

**Legislative Review Note**  
as of 11-12-02 8:43 AM

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

**Office of Legislative Research and General Counsel**

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**Fiscal Note**

Process for Creation of New School Districts

20-Jan-03

**Bill Number HB0169**12:39 PM

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**State Impact**

Implementation of HB 169 itself has no fiscal impact to the state. However, should additional school districts be created under provisions of this bill, both local governments and the State will be impacted.

Under U.C.A. 53A-17a-108, depending on the size of a new school district the State must provide between 16 and 53 Weighted Pupil Units (WPU) (at current WPU value of \$2,132 per WPU, equaling, \$34,112 - \$112,996) for district administration, and the State must provide 20 to 25 WPU (\$46,64 - \$53,300) for Applied Technology Education in each new district.

On the local level, new school districts may generate additional administrative costs.

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**Individual and Business Impact**

Should new districts be created under the process established by H.B. 169, local property tax rates in newly created districts may change.

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**Office of the Legislative Fiscal Analyst**



