

2nd Sub. S.B. 71 SCHOOL DISTRICT AMENDMENTS

Senator **Carlene M. Walker** proposes the following amendments:

1. *Page 2, Line 39:*

39 This bill provides an immediate effective date.

This bill provides revisor instructions.

2. *Page 13, Line 384:*

384 (B) liabilities **, except indebtedness under Section 53A-2-121** ; and

3. *Page 14, Lines 418 through 419:*

418 (ii) **(A)** Subject to Subsection (4)(c)(iii), all property [of] ~~{, assets, and liabilities}~~ that the
419 existing district owns on the allocation date, both tangible and intangible, real and personal, **and all liabilities,**
except indebtedness under Section 53A-2-121, that the existing district has incurred as of the allocation
date

4. *Page 14, Line 423:*

423 ~~{(A)}~~ **(I)** the relative student populations between the [existing] remaining district and new

5. *Page 14, Line 425:*

425 ~~{(B)}~~ **(II)** the relative assessed value of taxable property between the [existing] remaining

6. *Page 14, Line 427:*

427 ~~{(C)}~~ **(III)** the historical amount of property used to deliver educational services to students in

7. *Page , Line 429 through Page 15, Line 432:*

429 ~~{(D)}~~ **(IV)** any money made available for the use of the **remaining district and** new
district under Subsection (5); and

430 ~~{(E)}~~ **(V)** the agreed value of school buildings and associated property allocated to the
431 remaining district and the new district under Subsection (4)(c)(iii)(A); ~~{and}~~ =

(VI) subject to Subsection (4)(c)(ii)(B), the capacity of school buildings within the remaining district
and new district, and the number of students not being accommodated by that capacity; and

432 ~~{(F)}~~ ~~{(F)}~~ **(VII)** any other factors that the transition teams consider relevant in dividing the

8. Page 15, Line 433:

433 property in a fair and equitable manner.

(B) In taking into account school building capacity under Subsection (4)(c)(ii)(A)(VI), the transition teams shall consider capacity provided by:

(I) existing school buildings; and

(II) any school building under construction or not yet constructed, if funding for the school building has been obtained by bonds for which property within the entire existing district is subject to taxation.

(C) The allocation of property and liabilities under Subsection (4)(c)(ii)(A):

(I) is a method of fairly and equitably dividing existing district property and liabilities, in existence on the allocation date, between the remaining district and new district so that each district:

(Aa) has a fair and equitable share of the property owned and used and liabilities accrued by the existing district in the course of servicing the educational needs of the student population within the geographic area covered by the remaining district and new district; and

(Bb) may function as a school district and be ready to begin to service the educational needs of its respective student population; and

(II) may not result in the remaining district or new district being required to impose or increase a property tax to fund an obligation to the other district because of the allocation.

9. Page 17, Line 520:

520 (i) (A) the legislative body of the city in which the new district is located, for a new district

10. Page , Line 522 through Page 18, Line 523:

522 ~~{(ii)}~~ (B) the legislative bodies of all interlocal agreement participants, for each other new

523 district; ~~{or}~~ and

(ii) a majority of the members of the existing district board residing within the boundary of the remaining district; or

11. Page 18, Line 528:

528 (ii) the school district board of the new district.

(8) This section applies to and governs all actions and proceedings under this section relating to and following the creation of a new district, whether the election under Subsection 53A-2-118(5) on the proposal to create a new district occurs before or after the effective date of this section, including:

(a) the election of school district board members; and

(b) transition team duties and responsibilities, whether the transition team is appointed before or after the effective date of this section.

12. Page 18, Line 533:

533 the date of veto override.

Section 5. Revisor instructions.

It is the intent of the Legislature that the Office of Legislative Research and General Counsel, in preparing the Utah Code database for publication, replace the phrase "the effective date of this section" in Subsection 53A-2-118.1(8) of this bill with the actual effective date of this bill.