

Representative Merlynn T. Newbold proposes the following substitute bill:

PROPERTY TAX AMENDMENTS

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Merlynn T. Newbold

Senate Sponsor: _____

LONG TITLE

General Description:

This bill amends provisions in the Minimum School Program Act and the Property Tax Act relating to certain property tax levies and the funding of public school programs.

Highlighted Provisions:

This bill:

- ▶ repeals the authority of school districts to levy certain property taxes;
- ▶ increases the statewide minimum basic tax rate;
- ▶ requires the Legislature to increase the value of the weighted pupil unit for purposes of determining school districts' income tax funding by an amount equal to the amount of revenue generated statewide by the increase in the minimum basic levy rate;
- ▶ creates a local school district discretionary levy and a capital discretionary levy;
- ▶ sets the tax rates for the local school district discretionary levy and the capital discretionary levy for the first taxable year;
- ▶ provides procedures for setting the certified tax rates for the levies after the first taxable year;
- ▶ adjusts a school district's certified tax rate due to the repeal or amendment of the property taxing authority of the school district;



- 26 ▶ amends the provisions relating to the requirement that a school district in a county
- 27 of the first class levy a property tax of at least .0006 per dollar of taxable value;
- 28 ▶ amends the provisions relating to the requirement that a school district in a divided
- 29 school district levy a property tax of at least .0006 per dollar of taxable value;
- 30 ▶ defines terms; and
- 31 ▶ makes technical changes.

32 Monies Appropriated in this Bill:

33 None

34 Other Special Clauses:

35 This bill takes effect on January 1, 2010.

36 Utah Code Sections Affected:

37 AMENDS:

- 38 **11-2-7**, as last amended by Laws of Utah 1961, Chapters 25 and 30
- 39 **11-13-302**, as last amended by Laws of Utah 2008, Chapters 236 and 382
- 40 **20A-1-203**, as last amended by Laws of Utah 2008, Chapter 16
- 41 **53A-1a-106**, as last amended by Laws of Utah 2003, Chapter 221
- 42 **53A-1a-513**, as last amended by Laws of Utah 2008, Chapters 382 and 397
- 43 **53A-2-114**, as last amended by Laws of Utah 2008, Chapter 236
- 44 **53A-2-115**, as last amended by Laws of Utah 2008, Chapter 236
- 45 **53A-2-118.2**, as enacted by Laws of Utah 2007, Chapter 297
- 46 **53A-2-118.3**, as enacted by Laws of Utah 2008, Chapter 236
- 47 **53A-2-206**, as last amended by Laws of Utah 2008, Chapter 382
- 48 **53A-2-214**, as enacted by Laws of Utah 2008, Chapter 233
- 49 **53A-3-415**, as last amended by Laws of Utah 1991, Chapter 72
- 50 **53A-16-107.1**, as enacted by Laws of Utah 2008, Chapter 236
- 51 **53A-17a-103**, as last amended by Laws of Utah 2008, Chapters 61 and 397
- 52 **53A-17a-105**, as last amended by Laws of Utah 2008, Chapter 382
- 53 **53A-17a-127**, as last amended by Laws of Utah 2008, Chapter 397
- 54 **53A-17a-133**, as last amended by Laws of Utah 2008, Chapters 61, 231, and 236
- 55 **53A-17a-135**, as last amended by Laws of Utah 2008, Chapter 1
- 56 **53A-17a-143**, as last amended by Laws of Utah 1995, Chapter 271

- 57 **53A-17a-150**, as enacted by Laws of Utah 2004, Chapter 305
- 58 **53A-21-101.5**, as enacted by Laws of Utah 2008, Chapter 236
- 59 **59-2-924**, as last amended by Laws of Utah 2008, Chapters 61, 118, 231, 236, 330, 360,
- 60 and 382
- 61 **59-2-924.3**, as enacted by Laws of Utah 2008, Chapter 236
- 62 **59-2-924.4**, as enacted by Laws of Utah 2008, Chapter 236
- 63 **59-2-926**, as last amended by Laws of Utah 2008, Chapter 330
- 64 **63G-7-704**, as renumbered and amended by Laws of Utah 2008, Chapter 382

65 ENACTS:

- 66 **53A-17a-163**, Utah Code Annotated 1953
- 67 **53A-17a-164**, Utah Code Annotated 1953

68 REPEALS:

- 69 **53A-16-107**, as last amended by Laws of Utah 2008, Chapter 236
- 70 **53A-16-110**, as last amended by Laws of Utah 2008, Chapter 236
- 71 **53A-16-111**, as enacted by Laws of Utah 1988, Chapter 2
- 72 **53A-17a-134**, as last amended by Laws of Utah 2008, Chapter 231
- 73 **53A-17a-145**, as renumbered and amended by Laws of Utah 1991, Chapter 72
- 74 **53A-17a-151**, as enacted by Laws of Utah 2004, Chapter 305



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

77 Section 1. Section **11-2-7** is amended to read:

78 **11-2-7. Expenses -- Payment of -- Authority to appropriate and tax -- Licensing**
79 **of television owners and users -- Collection of license fees.**

80 (1) All expenses incurred in the equipment, operation and maintenance of such
81 recreational facilities and activities shall be paid from the treasuries of the respective cities,
82 towns, counties, or school districts, and, except as provided in Subsection (3), the governing
83 bodies of the same may annually appropriate, and cause to be raised by taxation, money for
84 such purposes.

85 (2) In areas so remote from regular transmission points of the large television stations
86 that television reception is impossible without special equipment and adequate, economical and
87 proper television is not available to the public by private sources, said local authorities may

88 also, by ordinance, license, for the purpose of raising revenue to equip, operate and maintain
89 television transmission and relay facilities, all users or owners of television sets within the
90 jurisdiction of said local authorities, and may provide for the collection of the license fees by
91 suit or otherwise and may also enforce obedience to such ordinances with such fine and
92 imprisonment as the local authorities [~~deem~~] consider proper; provided that the punishment for
93 any violation of such ordinances shall be by a fine not exceeding \$50.00 or by imprisonment
94 not exceeding one day for each \$5.00 of said fine, if the fine is not paid.

95 (3) A governing body that is a school district may not levy a tax in accordance with this
96 section.

97 Section 2. Section **11-13-302** is amended to read:

98 **11-13-302. Payment of fee in lieu of ad valorem property tax by certain energy**
99 **suppliers -- Method of calculating -- Collection -- Extent of tax lien.**

100 (1) (a) Each project entity created under this chapter that owns a project and that sells
101 any capacity, service, or other benefit from it to an energy supplier or suppliers whose tangible
102 property is not exempted by Utah Constitution Article XIII, Section 3, from the payment of ad
103 valorem property tax, shall pay an annual fee in lieu of ad valorem property tax as provided in
104 this section to each taxing jurisdiction within which the project or any part of it is located.

105 (b) For purposes of this section, "annual fee" means the annual fee described in
106 Subsection (1)(a) that is in lieu of ad valorem property tax.

107 (c) The requirement to pay an annual fee shall commence:

108 (i) with respect to each taxing jurisdiction that is a candidate receiving the benefit of
109 impact alleviation payments under contracts or determination orders provided for in Sections
110 11-13-305 and 11-13-306, with the fiscal year of the candidate following the fiscal year of the
111 candidate in which the date of commercial operation of the last generating unit, other than any
112 generating unit providing additional project capacity, of the project occurs, or, in the case of
113 any facilities providing additional project capacity, with the fiscal year of the candidate
114 following the fiscal year of the candidate in which the date of commercial operation of the
115 generating unit providing the additional project capacity occurs; and

116 (ii) with respect to any taxing jurisdiction other than a taxing jurisdiction described in
117 Subsection (1)(c)(i), with the fiscal year of the taxing jurisdiction in which construction of the
118 project commences, or, in the case of facilities providing additional project capacity, with the

119 fiscal year of the taxing jurisdiction in which construction of those facilities commences.

120 (d) The requirement to pay an annual fee shall continue for the period of the useful life
121 of the project or facilities.

122 (2) (a) The annual fees due a school district shall be as provided in Subsection (2)(b)
123 because the ad valorem property tax imposed by a school district and authorized by the
124 Legislature under Section 53A-17a-135 represents both:

125 (i) a levy mandated by the state for the state minimum school program under Section
126 53A-17a-135; and

127 (ii) local levies for capital outlay, maintenance, transportation, and other purposes
128 under Sections [~~11-2-7, 53A-16-107, 53A-16-110, 53A-17a-126, 53A-17a-127,~~
129 ~~53A-17a-133~~], ~~53A-17a-134, 53A-17a-143, and 53A-17a-145~~], 53A-17a-163, and
130 53A-17a-164.

131 (b) The annual fees due a school district shall be as follows:

132 (i) the project entity shall pay to the school district an annual fee for the state minimum
133 school program at the rate imposed by the school district and authorized by the Legislature
134 under Subsection 53A-17a-135(1); and

135 (ii) for all other local property tax levies authorized to be imposed by a school district,
136 the project entity shall pay to the school district either:

137 (A) an annual fee; or

138 (B) impact alleviation payments under contracts or determination orders provided for
139 in Sections 11-13-305 and 11-13-306.

140 (3) (a) An annual fee due a taxing jurisdiction for a particular year shall be calculated
141 by multiplying the tax rate or rates of the jurisdiction for that year by the product obtained by
142 multiplying the fee base or value determined in accordance with Subsection (4) for that year of
143 the portion of the project located within the jurisdiction by the percentage of the project which
144 is used to produce the capacity, service, or other benefit sold to the energy supplier or suppliers.

145 (b) As used in this section, "tax rate," when applied in respect to a school district,
146 includes any assessment to be made by the school district under Subsection (2) or Section
147 63M-5-302.

148 (c) There is to be credited against the annual fee due a taxing jurisdiction for each year,
149 an amount equal to the debt service, if any, payable in that year by the project entity on bonds,

150 the proceeds of which were used to provide public facilities and services for impact alleviation
151 in the taxing jurisdiction in accordance with Sections 11-13-305 and 11-13-306.

152 (d) The tax rate for the taxing jurisdiction for that year shall be computed so as to:

153 (i) take into account the fee base or value of the percentage of the project located
154 within the taxing jurisdiction determined in accordance with Subsection (4) used to produce the
155 capacity, service, or other benefit sold to the supplier or suppliers; and

156 (ii) reflect any credit to be given in that year.

157 (4) (a) Except as otherwise provided in this section, the annual fees required by this
158 section shall be paid, collected, and distributed to the taxing jurisdiction as if:

159 (i) the annual fees were ad valorem property taxes; and

160 (ii) the project were assessed at the same rate and upon the same measure of value as
161 taxable property in the state.

162 (b) (i) Notwithstanding Subsection (4)(a), for purposes of an annual fee required by
163 this section, the fee base of a project may be determined in accordance with an agreement
164 among:

165 (A) the project entity; and

166 (B) any county that:

167 (I) is due an annual fee from the project entity; and

168 (II) agrees to have the fee base of the project determined in accordance with the
169 agreement described in this Subsection (4).

170 (ii) The agreement described in Subsection (4)(b)(i):

171 (A) shall specify each year for which the fee base determined by the agreement shall be
172 used for purposes of an annual fee; and

173 (B) may not modify any provision of this chapter except the method by which the fee
174 base of a project is determined for purposes of an annual fee.

175 (iii) For purposes of an annual fee imposed by a taxing jurisdiction within a county
176 described in Subsection (4)(b)(i)(B), the fee base determined by the agreement described in
177 Subsection (4)(b)(i) shall be used for purposes of an annual fee imposed by that taxing
178 jurisdiction.

179 (iv) (A) If there is not agreement as to the fee base of a portion of a project for any
180 year, for purposes of an annual fee, the State Tax Commission shall determine the value of that

181 portion of the project for which there is not an agreement:

182 (I) for that year; and

183 (II) using the same measure of value as is used for taxable property in the state.

184 (B) The valuation required by Subsection (4)(b)(iv)(A) shall be made by the State Tax

185 Commission in accordance with rules made by the State Tax Commission.

186 (c) Payments of the annual fees shall be made from:

187 (i) the proceeds of bonds issued for the project; and

188 (ii) revenues derived by the project entity from the project.

189 (d) (i) The contracts of the project entity with the purchasers of the capacity, service, or

190 other benefits of the project whose tangible property is not exempted by Utah Constitution

191 Article XIII, Section 3, from the payment of ad valorem property tax shall require each

192 purchaser, whether or not located in the state, to pay, to the extent not otherwise provided for,

193 its share, determined in accordance with the terms of the contract, of these fees.

194 (ii) It is the responsibility of the project entity to enforce the obligations of the

195 purchasers.

196 (5) (a) The responsibility of the project entity to make payment of the annual fees is

197 limited to the extent that there is legally available to the project entity, from bond proceeds or

198 revenues, monies to make these payments, and the obligation to make payments of the annual

199 fees is not otherwise a general obligation or liability of the project entity.

200 (b) No tax lien may attach upon any property or money of the project entity by virtue of

201 any failure to pay all or any part of an annual fee.

202 (c) The project entity or any purchaser may contest the validity of an annual fee to the

203 same extent as if the payment was a payment of the ad valorem property tax itself.

204 (d) The payments of an annual fee shall be reduced to the extent that any contest is

205 successful.

206 (6) (a) The annual fee described in Subsection (1):

207 (i) shall be paid by a public agency that:

208 (A) is not a project entity; and

209 (B) owns an interest in a facility providing additional project capacity if the interest is

210 otherwise exempt from taxation pursuant to Utah Constitution, Article XIII, Section 3; and

211 (ii) for a public agency described in Subsection (6)(a)(i), shall be calculated in

212 accordance with Subsection (6)(b).

213 (b) The annual fee required under Subsection (6)(a) shall be an amount equal to the tax
214 rate or rates of the applicable taxing jurisdiction multiplied by the product of the following:

215 (i) the fee base or value of the facility providing additional project capacity located
216 within the jurisdiction;

217 (ii) the percentage of the ownership interest of the public agency in the facility; and

218 (iii) the portion, expressed as a percentage, of the public agency's ownership interest
219 that is attributable to the capacity, service, or other benefit from the facility that is sold by the
220 public agency to an energy supplier or suppliers whose tangible property is not exempted by
221 Utah Constitution, Article XIII, Section 3, from the payment of ad valorem property tax.

222 (c) A public agency paying the annual fee pursuant to Subsection (6)(a) shall have the
223 obligations, credits, rights, and protections set forth in Subsections (1) through (5) with respect
224 to its ownership interest as though it were a project entity.

225 Section 3. Section **20A-1-203** is amended to read:

226 **20A-1-203. Calling and purpose of special elections.**

227 (1) Statewide and local special elections may be held for any purpose authorized by
228 law.

229 (2) (a) Statewide special elections shall be conducted using the procedure for regular
230 general elections.

231 (b) Except as otherwise provided in this title, local special elections shall be conducted
232 using the procedures for regular municipal elections.

233 (3) The governor may call a statewide special election by issuing an executive order
234 that designates:

235 (a) the date for the statewide special election; and

236 (b) the purpose for the statewide special election.

237 (4) The Legislature may call a statewide special election by passing a joint or
238 concurrent resolution that designates:

239 (a) the date for the statewide special election; and

240 (b) the purpose for the statewide special election.

241 (5) (a) The legislative body of a local political subdivision may call a local special
242 election only for:

- 243 (i) a vote on a bond or debt issue;
- 244 (ii) a vote on a [~~voted highway program~~] voted local discretionary levy authorized by
- 245 Section 53A-17a-133 [~~or 53A-17a-134~~];
- 246 (iii) an initiative authorized by Chapter 7, Part 5, Local Initiatives - [~~Procedure~~]
- 247 Procedures;
- 248 (iv) a referendum authorized by Chapter 7, Part 6, Local Referenda - Procedures;
- 249 (v) if required or authorized by federal law, a vote to determine whether or not Utah's
- 250 legal boundaries should be changed;
- 251 (vi) a vote authorized or required by Title 59, Chapter 12, Sales and Use Tax Act;
- 252 (vii) a vote to elect members to school district boards for a new school district and a
- 253 remaining school district, as defined in Section 53A-2-117, following the creation of a new
- 254 school district under Section 53A-2-118.1; or
- 255 (viii) an election of town officers of a newly incorporated town under Subsection
- 256 10-2-125(9).

257 (b) The legislative body of a local political subdivision may call a local special election
 258 by adopting an ordinance or resolution that designates:

- 259 (i) the date for the local special election; and
- 260 (ii) the purpose for the local special election.

261 Section 4. Section **53A-1a-106** is amended to read:

262 **53A-1a-106. School district and individual school powers.**

263 (1) In order to acquire and develop the characteristics listed in Section 53A-1a-104,
 264 each school district and each public school within its respective district shall implement a
 265 comprehensive system of accountability in which students advance through public schools by
 266 demonstrating competency in required skills and mastery of required knowledge through the
 267 use of diverse assessment instruments such as authentic and criterion referenced tests, projects,
 268 and portfolios.

269 (2) (a) Each school district and public school shall:

- 270 (i) develop and implement programs integrating technology into the curriculum,
- 271 instruction, and student assessment;
- 272 (ii) provide for teacher and parent involvement in policymaking at the school site;
- 273 (iii) implement a public school choice program to give parents, students, and teachers

274 greater flexibility in designing and choosing among programs with different focuses through
275 schools within the same district and other districts, subject to space availability, demographics,
276 and legal and performance criteria;

277 (iv) establish strategic planning at both the district and school level and site-based
278 decision making programs at the school level;

279 (v) provide opportunities for each student to acquire and develop academic and
280 occupational knowledge, skills, and abilities;

281 (vi) participate in ongoing research and development projects primarily at the school
282 level aimed at improving the quality of education within the system; and

283 (vii) involve business and industry in the education process through the establishment
284 of partnerships with the business community at the district and school level.

285 (b) (i) Each local school board, in consultation with school personnel, parents, and
286 school community councils or similar entities shall establish policies to provide for the
287 effective implementation of a personalized student education plan (SEP) or student
288 education/occupation plan (SEOP) for each student at the school site.

289 (ii) The policies shall include guidelines and expectations for:

290 (A) recognizing the student's accomplishments, strengths, and progress towards
291 meeting student achievement standards as defined in U-PASS;

292 (B) planning, monitoring, and managing education and career development; and

293 (C) involving students, parents, and school personnel in preparing and implementing
294 SEPs and SEOPs.

295 (iii) A parent may request conferences with school personnel in addition to SEP or
296 SEOP conferences established by local school board policy.

297 (iv) Time spent during the school day to implement SEPs and SEOPs is considered
298 part of the school term referred to in Subsection 53A-17a-103~~(5)~~(4).

299 (3) A school district or public school may submit proposals to modify or waive rules or
300 policies of a supervisory authority within the public education system in order to acquire or
301 develop the characteristics listed in Section 53A-1a-104.

302 (4) (a) Each school district and public school shall make an annual report to its patrons
303 on its activities under this section.

304 (b) The reporting process shall involve participation from teachers, parents, and the

305 community at large in determining how well the district or school is performing.

306 Section 5. Section **53A-1a-513** is amended to read:

307 **53A-1a-513. Funding for charter schools.**

308 (1) As used in this section:

309 (a) "Charter school students' average local revenues" means the amount determined as
310 follows:

311 (i) for each student enrolled in a charter school on the previous October 1, calculate the
312 district per pupil local revenues of the school district in which the student resides;

313 (ii) sum the district per pupil local revenues for each student enrolled in a charter
314 school on the previous October 1; and

315 (iii) divide the sum calculated under Subsection (1)(a)(ii) by the number of students
316 enrolled in charter schools on the previous October 1.

317 (b) "District per pupil local revenues" means the amount determined as follows, using
318 data from the most recently published school district annual financial reports and state
319 superintendent's annual report:

320 (i) calculate the sum of a school district's revenue received from:

321 (A) a voted local discretionary levy imposed under Section 53A-17a-133;

322 (B) a board local discretionary levy imposed under Section [~~53A-17a-134;~~]

323 53A-17a-163; and

324 [~~(C) 10% of the cost of the basic program levy imposed under Section 53A-17a-145;~~]

325 [~~(D) a tort liability levy imposed under Section 63G-7-704;~~]

326 [~~(E)~~] (C) a capital [~~outlay~~] discretionary levy imposed under Section [~~53A-16-107]~~

327 53A-17a-164; and

328 [~~(F) a voted capital outlay levy imposed under Section 53A-16-110; and]~~

329 (ii) divide the sum calculated under Subsection (1)(b)(i) by the sum of:

330 (A) a school district's average daily membership; and

331 (B) the average daily membership of a school district's resident students who attend
332 charter schools.

333 (c) "Resident student" means a student who is considered a resident of the school
334 district under Title 53A, Chapter 2, Part 2, District of Residency.

335 (d) "Statewide average debt service revenues" means the amount determined as

336 follows, using data from the most recently published state superintendent's annual report:

337 (i) sum the revenues of each school district from the debt service levy imposed under
338 Section 11-14-310; and

339 (ii) divide the sum calculated under Subsection (1)(d)(i) by statewide school district
340 average daily membership.

341 (2) (a) Charter schools shall receive funding as described in this section, except
342 Subsections (3) through (8) do not apply to charter schools described in Subsection (2)(b).

343 (b) Charter schools authorized by local school boards that are converted from district
344 schools or operate in district facilities without paying reasonable rent shall receive funding as
345 prescribed in Section 53A-1a-515.

346 (3) (a) Except as provided in Subsection (3)(b), a charter school shall receive state
347 funds, as applicable, on the same basis as a school district receives funds.

348 (b) In distributing funds under Title 53A, Chapter 17a, Minimum School Program Act,
349 to charter schools, charter school pupils shall be weighted, where applicable, as follows:

350 (i) .55 for kindergarten pupils;

351 (ii) .9 for pupils in grades 1-6;

352 (iii) .99 for pupils in grades 7-8; and

353 (iv) 1.2 for pupils in grades 9-12.

354 (4) (a) (i) Except as provided in Subsection (4)(a)(ii), a school district shall allocate a
355 portion of school district revenues for each resident student of the school district who is
356 enrolled in a charter school on October 1 equal to 25% of the lesser of:

357 (A) district per pupil local revenues; or

358 (B) charter school students' average local revenues.

359 (ii) For the purpose of allocating school district revenues under Subsection (4)(a)(i), a
360 kindergarten student who is enrolled in less than a full-day kindergarten program is weighted as
361 .55 of a student.

362 (iii) Nothing in this Subsection (4)(a) affects the school bond guarantee program
363 established under Chapter 28, Utah School Bond Guaranty Act.

364 (b) The State Board of Education shall:

365 (i) deduct an amount equal to the allocation provided under Subsection (4)(a) from
366 state funds the school district is authorized to receive under Title 53A, Chapter 17a, Minimum

367 School Program Act; and

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

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

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

373 (ii) the revenue sources listed in Subsections (1)(b)(i)(A) [~~through (F)~~] and (B) based
374 on the portion of the allocations to charter schools attributed to each of the revenue sources
375 listed in Subsections (1)(b)(i)(A) [~~through (F)~~] and (B).

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

379 (ii) Except as provided in Subsections (4)(d)(iii) and (iv), the amount of money
380 provided by the state for a charter school student shall be the sum of:

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

383 (B) statewide average debt service revenues.

384 (iii) If the total of a school district's allocation for a charter school student under
385 Subsection (4)(a) and the amount provided by the state under Subsection (4)(d)(ii) is less than
386 \$1427, the state shall provide an additional supplement so that a charter school receives at least
387 \$1427 per student under this Subsection (4).

388 (iv) For the purpose of providing state monies for charter school students under this
389 Subsection (4)(d), a kindergarten student who is enrolled in less than a full-day kindergarten
390 program is weighted as .55 of a student.

391 (e) Of the monies provided to a charter school under this Subsection (4), 10% shall be
392 expended for funding school facilities only.

393 (5) Charter schools are eligible to receive federal funds if they meet all applicable
394 federal requirements and comply with relevant federal regulations.

395 (6) The State Board of Education shall distribute funds for charter school students
396 directly to the charter school.

397 (7) (a) Notwithstanding Subsection (3), a charter school is not eligible to receive state

398 transportation funding.

399 (b) The board shall also adopt rules relating to the transportation of students to and
400 from charter schools, taking into account Sections 53A-2-210 and 53A-17a-127.

401 (c) The governing body of the charter school may provide transportation through an
402 agreement or contract with the local school board, a private provider, or with parents.

403 (8) (a) (i) The state superintendent of public instruction may allocate grants for both
404 start-up and ongoing costs to eligible charter school applicants from monies appropriated for
405 the implementation of this part.

406 (ii) Applications for the grants shall be filed on a form determined by the state
407 superintendent and in conjunction with the application for a charter.

408 (iii) The amount of a grant may vary based upon the size, scope, and special
409 circumstances of the charter school.

410 (iv) The governing board of the charter school shall use the grant to meet the expenses
411 of the school as established in the school's charter.

412 (b) The State Board of Education shall coordinate the distribution of federal monies
413 appropriated to help fund costs for establishing and maintaining charter schools within the
414 state.

415 (9) (a) A charter school may receive, hold, manage and use any devise, bequest, grant,
416 endowment, gift, or donation of any property made to the school for any of the purposes of this
417 part.

418 (b) It is unlawful for any person affiliated with a charter school to demand or request
419 any gift, donation, or contribution from a parent, teacher, employee, or other person affiliated
420 with the charter school as a condition for employment or enrollment at the school or continued
421 attendance at the school.

422 Section 6. Section **53A-2-114** is amended to read:

423 **53A-2-114. Additional levies -- School board options to abolish or continue after**
424 **consolidation.**

425 (1) If a school district which has approved an additional levy under Section
426 [~~53A-16-110,~~] 53A-17a-133[~~, 53A-17a-134, or 53A-17a-145~~] or 53A-17a-163 is consolidated
427 with a district which does not have such a levy, the board of education of the consolidated
428 district may choose to abolish the levy, or apply it in whole or in part to the entire consolidated

429 district.

430 (2) If the board chooses to apply any part of the levy to the entire district, the levy may
431 continue in force for no more than three years, unless approved by the electors of the
432 consolidated district in the manner set forth in Section [~~53A-16-110~~] 53A-17a-133.

433 Section 7. Section **53A-2-115** is amended to read:

434 **53A-2-115. Additional levies in transferred territory -- Transferee board option**
435 **to abolish or continue.**

436 If two or more districts undergo restructuring that results in a district receiving territory
437 that increases the population of the district by at least 25%, and if the transferred territory was,
438 at the time of transfer, subject to an additional levy under Section [~~53A-16-110~~;
439 53A-17a-133[, ~~53A-17a-134, or 53A-17a-145~~] or 53A-17a-163, the board of education of the
440 transferee district may abolish the levy or apply the levy in whole or in part to the entire
441 restructured district. Any such levy made applicable to the entire district may continue in force
442 for no more than five years, unless approved by the electors of the restructured district in the
443 manner set forth in Section [~~53A-16-110~~] 53A-17a-133.

444 Section 8. Section **53A-2-118.2** is amended to read:

445 **53A-2-118.2. New school district property tax -- Limitations.**

446 (1) (a) A new school district created under Section 53A-2-118.1 may not impose a
447 property tax prior to the fiscal year in which the new school district assumes responsibility for
448 providing student instruction.

449 (b) The remaining school district retains authority to impose property taxes on the
450 existing school district, including the territory of the new school district, until the fiscal year in
451 which the new school district assumes responsibility for providing student instruction.

452 (2) (a) If at the time a new school district created pursuant to Section 53A-2-118.1
453 assumes responsibility for student instruction any portion of the territory within the new school
454 district was subject to a levy pursuant to Section [~~53A-16-110 or~~] 53A-17a-133 or
455 53A-17a-163, the new school district's board may:

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

457 (ii) impose a levy on the new school district as provided in Section [~~53A-16-110 or~~]
458 53A-17a-133 or 53A-17a-163; or

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

460 (b) If the new school district's board applies a levy to the new school district pursuant
461 to Subsection (2)(a)(iii), the levy may not exceed the maximum duration or rate authorized by
462 the voters of the existing district or districts at the time of the vote to create the new school
463 district.

464 Section 9. Section **53A-2-118.3** is amended to read:

465 **53A-2-118.3. Imposition of the capital discretionary levy in qualifying divided**
466 **school districts.**

467 (1) For purposes of this section:

468 (a) "Qualifying divided school district" means a divided school district:

469 (i) located within a county of the second through sixth class; and

470 (ii) with a new school district created under Section 53A-2-118.1 that begins to provide
471 educational services after July 1, 2008.

472 (b) "Qualifying taxable year" means the calendar year in which a new school district
473 begins to provide educational services.

474 (2) Beginning with the qualifying taxable year, in order to qualify for receipt of the
475 state contribution toward the minimum school program described in Section 53A-17a-104, a
476 school district within a qualifying divided school district shall impose a capital [outlay]
477 discretionary levy described in Section [~~53A-16-107~~] 53A-17a-164 of at least .0006 per dollar
478 of taxable value.

479 (3) The county treasurer of a county with a qualifying divided school district shall
480 distribute revenues generated by the .0006 portion of the capital [outlay] discretionary levy
481 required in Subsection (2) to the school districts located within the boundaries of the qualifying
482 divided school district as follows:

483 (a) 25% of the revenues shall be distributed in proportion to a school district's
484 percentage of the total enrollment growth in all of the school districts within the qualifying
485 divided school district that have an increase in enrollment, calculated on the basis of the
486 average annual enrollment growth over the prior three years in all of the school districts within
487 the qualifying divided school district that have an increase in enrollment over the prior three
488 years, as of the October 1 enrollment counts; and

489 (b) 75% of the revenues shall be distributed in proportion to a school district's
490 percentage of the total current year enrollment in all of the school districts within the qualifying

491 divided school district, as of the October 1 enrollment counts.

492 (4) If a new school district is created or school district boundaries are adjusted, the
493 enrollment and average annual enrollment growth for each affected school district shall be
494 calculated on the basis of enrollment in school district schools located within that school
495 district's newly created or adjusted boundaries, as of October 1 enrollment counts.

496 (5) On or before December 31 of each year, the State Board of Education shall provide
497 a county treasurer with audited enrollment information from the fall enrollment audit necessary
498 to distribute revenues as required by this section.

499 (6) On or before March 31 of each year, a county treasurer in a county with a
500 qualifying divided school district shall distribute, in accordance with Subsection (3), the
501 revenue generated within the qualifying divided school district during the prior calendar year
502 from the capital [outlay] discretionary levy required in Subsection (2).

503 Section 10. Section **53A-2-206** is amended to read:

504 **53A-2-206. Interstate compact students -- Inclusion in attendance count --**
505 **Funding for foreign exchange students -- Annual report -- Requirements for exchange**
506 **student agencies.**

507 (1) A school district or charter school may include the following students in the
508 district's or school's membership and attendance count for the purpose of apportionment of
509 state monies:

510 (a) a student enrolled under an interstate compact, established between the State Board
511 of Education and the state education authority of another state, under which a student from one
512 compact state would be permitted to enroll in a public school in the other compact state on the
513 same basis as a resident student of the receiving state; or

514 (b) a student receiving services under the Compact on Placement of Children.

515 (2) (a) A school district or charter school may include foreign exchange students in the
516 district's or school's membership and attendance count for the purpose of apportionment of
517 state monies, except as provided in Subsections (2)(b) through (e).

518 (b) (i) Notwithstanding Section 53A-17a-106, foreign exchange students may not be
519 included in average daily membership for the purpose of determining the number of weighted
520 pupil units in the grades 1-12 basic program.

521 (ii) Subject to the limitation in Subsection (2)(c), the number of weighted pupil units in

522 the grades 1-12 basic program attributed to foreign exchange students shall be equal to the
523 number of foreign exchange students who were:

524 (A) enrolled in a school district or charter school on October 1 of the previous fiscal
525 year; and

526 (B) sponsored by an agency approved by the district's local school board or charter
527 school's governing board.

528 (c) (i) The total number of foreign exchange students in the state that may be counted
529 for the purpose of apportioning state monies under Subsection (2)(b) shall be the lesser of:

530 (A) the number of foreign exchange students enrolled in public schools in the state on
531 October 1 of the previous fiscal year; or

532 (B) 328 foreign exchange students.

533 (ii) The State Board of Education shall make rules in accordance with Title 63G,
534 Chapter 3, Utah Administrative Rulemaking Act, to administer the cap on the number of
535 foreign exchange students that may be counted for the purpose of apportioning state monies
536 under Subsection (2)(b).

537 (d) Notwithstanding Sections 53A-17a-133 [~~and 53A-17a-134~~] or 53A-17a-163,
538 weighted pupil units in the grades 1-12 basic program for foreign exchange students, as
539 determined by Subsections (2)(b) and (c), may not be included for the purposes of determining
540 a school district's state guarantee money under the voted [~~or board leeway programs~~] local
541 discretionary levy or board local discretionary levy.

542 (e) Notwithstanding Section 53A-17a-125, foreign exchange students may not be
543 included in enrollment when calculating student growth for the purpose of adjusting the annual
544 appropriation for retirement and Social Security.

545 (3) A school district or charter school may:

546 (a) enroll foreign exchange students that do not qualify for state monies; and

547 (b) pay for the costs of those students with other funds available to the school district
548 or charter school.

549 (4) Due to the benefits to all students of having the opportunity to become familiar
550 with individuals from diverse backgrounds and cultures, school districts are encouraged to
551 enroll foreign exchange students, as provided in Subsection (3), particularly in schools with
552 declining or stable enrollments where the incremental cost of enrolling the foreign exchange

553 student may be minimal.

554 (5) The board shall make an annual report to the Legislature on the number of
555 exchange students and the number of interstate compact students sent to or received from
556 public schools outside the state.

557 (6) (a) A local school board or charter school governing board shall require each
558 approved exchange student agency to provide it with a sworn affidavit of compliance prior to
559 the beginning of each school year.

560 (b) The affidavit shall include the following assurances:

561 (i) that the agency has complied with all applicable policies of the board;

562 (ii) that a household study, including a background check of all adult residents, has
563 been made of each household where an exchange student is to reside, and that the study was of
564 sufficient scope to provide reasonable assurance that the exchange student will receive proper
565 care and supervision in a safe environment;

566 (iii) that host parents have received training appropriate to their positions, including
567 information about enhanced criminal penalties under Subsection 76-5-406(10) for persons who
568 are in a position of special trust;

569 (iv) that a representative of the exchange student agency shall visit each student's place
570 of residence at least once each month during the student's stay in Utah;

571 (v) that the agency will cooperate with school and other public authorities to ensure
572 that no exchange student becomes an unreasonable burden upon the public schools or other
573 public agencies;

574 (vi) that each exchange student will be given in the exchange student's native language
575 names and telephone numbers of agency representatives and others who could be called at any
576 time if a serious problem occurs; and

577 (vii) that alternate placements are readily available so that no student is required to
578 remain in a household if conditions appear to exist which unreasonably endanger the student's
579 welfare.

580 (7) (a) A local school board or charter school governing board shall provide each
581 approved exchange student agency with a list of names and telephone numbers of individuals
582 not associated with the agency who could be called by an exchange student in the event of a
583 serious problem.

584 (b) The agency shall make a copy of the list available to each of its exchange students
585 in the exchange student's native language.

586 Section 11. Section **53A-2-214** is amended to read:

587 **53A-2-214. Online students' participation in extracurricular activities.**

588 (1) As used in this section:

589 (a) "Online education" means the use of information and communication technologies
590 to deliver educational opportunities to a student in a location other than a school.

591 (b) "Online student" means a student who:

592 (i) participates in an online education program sponsored or supported by the State
593 Board of Education, a school district, or charter school; and

594 (ii) generates funding for the school district or school pursuant to Subsection
595 53A-17a-103~~(5)~~(4) and rules of the State Board of Education.

596 (2) An online student is eligible to participate in extracurricular activities at:

597 (a) the school within whose attendance boundaries the student's custodial parent or
598 legal guardian resides; or

599 (b) the public school from which the student withdrew for the purpose of participating
600 in an online education program.

601 (3) A school other than a school described in Subsection (2)(a) or (b) may allow an
602 online student to participate in extracurricular activities other than:

603 (a) interschool competitions of athletic teams sponsored and supported by a public
604 school; or

605 (b) interschool contests or competitions for music, drama, or forensic groups or teams
606 sponsored and supported by a public school.

607 (4) An online student is eligible for extracurricular activities at a public school
608 consistent with eligibility standards as applied to full-time students of the public school.

609 (5) A school district or public school may not impose additional requirements on an
610 online school student to participate in extracurricular activities that are not imposed on
611 full-time students of the public school.

612 (6) (a) The State Board of Education shall make rules establishing fees for an online
613 school student's participation in extracurricular activities at school district schools.

614 (b) The rules shall provide that:

- 615 (i) online school students pay the same fees as other students to participate in
616 extracurricular activities;
- 617 (ii) online school students are eligible for fee waivers pursuant to Section 53A-12-103;
- 618 (iii) for each online school student who participates in an extracurricular activity at a
619 school district school, the online school shall pay a share of the school district's costs for the
620 extracurricular activity; and
- 621 (iv) an online school's share of the costs of an extracurricular activity shall reflect state
622 and local tax revenues expended, except capital facilities expenditures, for an extracurricular
623 activity in a school district or school divided by total student enrollment of the school district
624 or school.

625 (c) In determining an online school's share of the costs of an extracurricular activity
626 under Subsections (6)(b)(iii) and (iv), the State Board of Education may establish uniform fees
627 statewide based on average costs statewide or average costs within a sample of school districts.

628 (7) When selection to participate in an extracurricular activity at a public school is
629 made on a competitive basis, an online student is eligible to try out for and participate in the
630 activity as provided in this section.

631 Section 12. Section **53A-3-415** is amended to read:

632 **53A-3-415. School board policy on detaining students after school.**

633 (1) Each local school board shall establish a policy on detaining students after regular
634 school hours as a part of the districtwide discipline plan required under Section [~~53A-17a-135~~]
635 53A-11-901.

636 (2) The policy shall apply to elementary school students, grades kindergarten through
637 six. The board shall receive input from teachers, school administrators, and parents and
638 guardians of the affected students before adopting the policy.

639 (3) The policy shall provide for notice to the parent or guardian of a student prior to
640 holding the student after school on a particular day. The policy shall also provide for
641 exceptions to the notice provision if detention is necessary for the student's health or safety.

642 Section 13. Section **53A-16-107.1** is amended to read:

643 **53A-16-107.1. Capital discretionary levy in counties of the first class --**
644 **Allocation.**

645 (1) The county treasurer of a county of the first class shall distribute revenues

646 generated by the .0006 portion of the capital [outlay] discretionary levy required in [Subsection
647 ~~53A-16-107(3)~~] Section 53A-17a-164 to school districts located within the county of the first
648 class as follows:

649 (a) 25% of the revenues shall be distributed in proportion to a school district's
650 percentage of the total enrollment growth in all of the school districts within the county that
651 have an increase in enrollment, calculated on the basis of the average annual enrollment growth
652 over the prior three years in all of the school districts within the county that have an increase in
653 enrollment over the prior three years, as of the October 1 enrollment counts; and

654 (b) 75% of the revenues shall be distributed in proportion to a school district's
655 percentage of the total current year enrollment in all of the school districts within the county, as
656 of the October 1 enrollment counts.

657 (2) If a new school district is created or school district boundaries are adjusted, the
658 enrollment and average annual enrollment growth for each affected school district shall be
659 calculated on the basis of enrollment in school district schools located within that school
660 district's newly created or adjusted boundaries, as of October 1 enrollment counts.

661 (3) On or before December 31 of each year, the State Board of Education shall provide
662 a county treasurer with audited enrollment information from the fall enrollment audit necessary
663 to distribute revenues as required by this section.

664 (4) On or before March 31 of each year, a county treasurer in a county of the first class
665 shall distribute the revenue generated within the county of the first class during the prior
666 calendar year from the capital [outlay] discretionary levy described in Section [~~53A-16-107~~]
667 53A-17a-164.

668 Section 14. Section **53A-17a-103** is amended to read:

669 **53A-17a-103. Definitions.**

670 As used in this chapter:

671 (1) "Basic state-supported school program" or "basic program" means public education
672 programs for kindergarten, elementary, and secondary school students that are operated and
673 maintained for the amount derived by multiplying the number of weighted pupil units for each
674 district by \$2,577, except as otherwise provided in this chapter.

675 (2) (a) "Certified revenue levy" means a property tax levy that provides an amount of
676 ad valorem property tax revenue equal to the sum of:

677 (i) the amount of ad valorem property tax revenue to be generated statewide in the
 678 previous year from imposing a minimum basic tax rate, as specified in Subsection
 679 53A-17a-135(1)[~~(a)~~]; and

680 (ii) the product of:

681 (A) new growth, as defined in:

682 (I) Section 59-2-924; and

683 (II) rules of the State Tax Commission; and

684 (B) the minimum basic tax rate certified by the State Tax Commission for the previous
 685 year.

686 (b) For purposes of this Subsection (2), "ad valorem property tax revenue" does not
 687 include property tax revenue received statewide from personal property that is:

688 (i) assessed by a county assessor in accordance with Title 59, Chapter 2, Part 3, County
 689 Assessment; and

690 (ii) semiconductor manufacturing equipment.

691 (c) For purposes of calculating the certified revenue levy described in this Subsection
 692 (2), the State Tax Commission shall use:

693 (i) the taxable value of real property assessed by a county assessor contained on the
 694 assessment roll;

695 (ii) the taxable value of real and personal property assessed by the State Tax
 696 Commission; and

697 (iii) the taxable year end value of personal property assessed by a county assessor
 698 contained on the prior year's assessment roll.

699 [~~(3)~~ "~~Leeway program~~" or "~~leeway~~" means a state-supported voted leeway program or
 700 board leeway program authorized under Section ~~53A-17a-133~~ or ~~53A-17a-134~~.]

701 [~~(4)~~ (3) "Pupil in average daily membership (ADM)" means a full-day equivalent
 702 pupil.

703 [~~(5)~~ (4) (a) "State-supported minimum school program" or "minimum school
 704 program" means public school programs for kindergarten, elementary, and secondary schools
 705 as described in this Subsection [~~(5)~~ (4).

706 (b) The minimum school program established in the districts shall include the
 707 equivalent of a school term of nine months as determined by the State Board of Education.

708 (c) (i) The board shall establish the number of days or equivalent instructional hours
709 that school is held for an academic school year.

710 (ii) Education, enhanced by utilization of technologically enriched delivery systems,
711 when approved by local school boards, shall receive full support by the State Board of
712 Education as it pertains to fulfilling the attendance requirements, excluding time spent viewing
713 commercial advertising.

714 (d) The program includes the total of the following annual costs:

715 (i) the cost of a basic state-supported school program; and

716 (ii) other amounts appropriated in this chapter in addition to the basic program.

717 ~~[(6)]~~ (5) "Weighted pupil unit or units or WPU or WPUs" means the unit of measure of
718 factors that is computed in accordance with this chapter for the purpose of determining the
719 costs of a program on a uniform basis for each district.

720 Section 15. Section **53A-17a-105** is amended to read:

721 **53A-17a-105. Action required for underestimated or overestimated weighted**
722 **pupil units -- Action required for underestimating or overestimating local contributions.**

723 (1) If the number of weighted pupil units in a program is underestimated in Section
724 53A-17a-104, the amount per pupil in that program paid under this chapter must be reduced so
725 that the amount paid does not exceed the estimated amount by program.

726 (2) If the number of weighted pupil units in a program is overestimated in Section
727 53A-17a-104, the state superintendent of public instruction shall either increase the amount
728 paid in that program per weighted pupil unit or transfer the unused amount in that program to
729 another program included in the minimum school program.

730 (3) (a) If surplus funds are transferred to another program, the state superintendent, if
731 the state superintendent determines certain districts have greater need for additional funds, may
732 designate the districts as well as the programs to which the transferred funds will be allocated.

733 (b) Any amounts transferred under Subsection (3)(a) may be spent in addition to the
734 amounts listed in Section 53A-17a-104.

735 (4) The limitation on the proceeds from local tax rates for [~~operation and maintenance~~]
736 all programs under this chapter is subject to modification by local school boards under Sections
737 53A-17a-133 and [~~53A-17a-134~~] 53A-17a-163 and to special tax rates authorized by this
738 chapter, and shall be adjusted accordingly.

739 (5) If local contributions are overestimated, the guarantee per weighted pupil unit is
 740 reduced for all programs so the total state contribution [~~for operation and maintenance~~
 741 ~~programs~~] does not exceed the amount authorized in Subsection 53A-17a-104(1).

742 (6) (a) If local contributions from the basic tax rate [~~for operation and maintenance~~
 743 ~~programs~~] are underestimated, the excess is applied:

744 (i) first, to support the value of the weighted pupil unit as set by the Legislature for
 745 total weighted pupil units generated by the districts and those costs of Social Security and
 746 retirement[;];

747 (ii) second, to transportation[;]; and

748 (iii) third, to board and voted [~~leeway~~] local discretionary levy guarantees that occur as
 749 a result of the additional generated weighted pupil units, following internal adjustments by the
 750 state superintendent as provided in this section.

751 (b) The state contribution is decreased so the total school program cost [~~for operation~~
 752 ~~and maintenance programs~~] does not exceed the total estimated contributions to school districts
 753 for all programs under Subsection 53A-17a-104(2) plus the amount of local revenue necessary
 754 to support the value of the weighted pupil unit for weighted pupil units generated and those
 755 costs of Social Security and retirement, transportation, and board and voted leeway that occur
 756 as a result of the additional generated weighted pupil units.

757 (7) As an exception to Section 63J-1-401, the state fiscal officer may not close out
 758 appropriations from the Uniform School Fund at the end of a fiscal year.

759 Section 16. Section **53A-17a-127** is amended to read:

760 **53A-17a-127. Eligibility for state-supported transportation -- Approved bus**
 761 **routes -- Additional local tax.**

762 (1) A student eligible for state-supported transportation means:

763 (a) a student enrolled in kindergarten through grade six who lives at least 1-1/2 miles
 764 from school;

765 (b) a student enrolled in grades seven through 12 who lives at least two miles from
 766 school; and

767 (c) a student enrolled in a special program offered by a school district and approved by
 768 the State Board of Education for trainable, motor, multiple-disabled, or other students with
 769 severe disabilities who are incapable of walking to school or where it is unsafe for students to

770 walk because of their disabling condition, without reference to distance from school.

771 (2) If a school district implements double sessions as an alternative to new building
772 construction, with the approval of the State Board of Education, those affected elementary
773 school students residing less than 1-1/2 miles from school may be transported one way to or
774 from school because of safety factors relating to darkness or other hazardous conditions as
775 determined by the local school board.

776 (3) (a) The State Board of Education shall distribute transportation monies to school
777 districts based on:

778 (i) an allowance per mile for approved bus routes;
779 (ii) an allowance per hour for approved bus routes;
780 (iii) an annual allowance for equipment and overhead costs based on approved bus
781 routes and the age of the equipment; and

782 (iv) a minimum allocation for each school district eligible for transportation funding.

783 (b) The State Board of Education shall distribute appropriated transportation funds
784 based on the prior year's eligible transportation costs as legally reported under Subsection
785 53A-17a-126(3).

786 (c) In order for a bus to be considered for the equipment allowance under Subsection
787 (3)(a)(iii), it must meet federal and state regulations and standards for school buses.

788 (d) The State Board of Education shall annually review the allowance per mile, the
789 allowance per hour, and the annual equipment and overhead allowance and adjust the
790 allowance to reflect current economic conditions.

791 (4) (a) Approved bus routes for funding purposes shall be determined on fall data
792 collected by October 1.

793 (b) Approved route funding shall be determined on the basis of the most efficient and
794 economic routes.

795 (5) A Transportation Advisory Committee with representation from local school
796 superintendents, business officials, school district transportation supervisors, and the state
797 superintendent's staff shall serve as a review committee for addressing school transportation
798 needs, including recommended approved bus routes.

799 (6) (a) A local school board may provide for the transportation of students who are not
800 eligible under Subsection (1), regardless of the distance from school, from [:(i)] general funds

801 of the district[; and].

802 [~~(ii) a tax rate not to exceed .0003 per dollar of taxable value imposed on the district.~~]

803 [~~(b) A local school board may use revenue from the tax to pay for transporting~~
804 ~~participating students to interscholastic activities, night activities, and educational field trips~~
805 ~~approved by the board and for the replacement of school buses.~~]

806 [~~(c) (i) If a local school board levies a tax under Subsection (6)(a)(ii) of at least .0002,~~
807 ~~the]~~

808 (b) (i) The state may contribute an amount not to exceed 85% of the state average cost
809 per mile, contingent upon the Legislature appropriating funds for a state contribution.

810 (ii) The state superintendent's staff shall distribute the state contribution according to
811 rules enacted by the State Board of Education.

812 [~~(d)~~] (c) (i) The amount of state guarantee money which a school district would
813 otherwise be entitled to receive under Subsection (6)[~~(c)~~](b)(i) may not be reduced for the sole
814 reason that the district's levy is reduced as a consequence of changes in the certified tax rate
815 under Section 59-2-924 due to changes in property valuation.

816 (ii) Subsection (6)[~~(d)~~](c)(i) applies for a period of two years following the change in
817 the certified tax rate.

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

819 **53A-17a-133. Voted local discretionary levy -- Election requirements -- State**
820 **guarantee -- Reconsideration of levy authorization.**

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

824 (2) (a) (i) To [~~establish a voted leeway program~~] impose a voted local discretionary
825 levy, a majority of the electors of a district voting at an election in the manner set forth in
826 [~~Section 53A-16-110~~] Subsections (8) and (9) must vote in favor of a special tax.

827 (ii) The tax rate may not exceed .002 per dollar of taxable value.

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

830 [~~(c)~~] (b) In order to receive state support the first year, a district must receive voter
831 approval no later than December 1 of the year prior to implementation.

832 (3) (a) [~~Under the voted leeway program~~] In addition to the revenue a school district
833 collects from the imposition of a levy pursuant to this section, the state shall contribute an
834 amount sufficient to guarantee \$17.54 per weighted pupil unit for each .0001 of the first .0016
835 per dollar of taxable value.

836 (b) The same dollar amount guarantee per weighted pupil unit for the .0016 per dollar
837 of taxable value under Subsection (3)(a) shall apply to [~~the board-approved leeway~~] a portion
838 of the board local discretionary levy authorized in Section [~~53A-17a-134~~] 53A-17a-163, so that
839 the guarantee shall apply up to a total of .002 per dollar of taxable value if a school district
840 levies a tax rate under both programs.

841 (c) (i) Beginning July 1, 2005, the \$17.54 guarantee under Subsections (3)(a) and (b)
842 shall be indexed each year to the value of the weighted pupil unit by making the value of the
843 guarantee equal to .008544 times the value of the prior year's weighted pupil unit.

844 (ii) The guarantee shall increase by .0005 times the value of the prior year's weighted
845 pupil unit for each succeeding year until the guarantee is equal to .010544 times the value of
846 the prior year's weighted pupil unit.

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

851 (ii) Subsection (3)(d)(i) applies for a period of five years following any such change in
852 the certified tax rate.

853 (4) (a) An election to modify [~~an~~] existing [~~voted leeway program~~] authority to impose
854 a voted local discretionary levy is not a reconsideration of the existing [~~program~~] authority
855 unless the proposition submitted to the electors expressly so states.

856 (b) A majority vote opposing a modification does not deprive the district of authority to
857 continue [~~an~~] the existing [~~program~~] levy.

858 (c) If adoption of a [~~leeway program~~] voted local discretionary levy is contingent upon
859 an offset reducing other local school board levies, the board must allow the electors, in an
860 election, to consider modifying or discontinuing the [~~program~~] imposition of the levy prior to a
861 subsequent increase in other levies that would increase the total local school board levy.

862 (d) Nothing contained in this section terminates, without an election, the authority of a

863 school district to continue ~~[an existing voted leeway program]~~ imposing an existing voted local
864 discretionary levy previously authorized by the voters as a voted leeway program.

865 (5) Notwithstanding Section 59-2-918, a school district may budget an increased
866 amount of ad valorem property tax revenue derived from a voted ~~[leeway]~~ local discretionary
867 levy imposed under this section in addition to revenue from new growth as defined in
868 Subsection 59-2-924(4), without having to comply with the advertisement requirements of
869 Section 59-2-918, if:

870 (a) the voted ~~[leeway]~~ local discretionary levy is approved:

871 (i) in accordance with ~~[Section 53A-16-110]~~ Subsections (8) and (9) on or after
872 January 1, 2003; and

873 (ii) within the four-year period immediately preceding the year in which the school
874 district seeks to budget an increased amount of ad valorem property tax revenue derived from
875 the voted ~~[leeway]~~ local discretionary levy; and

876 (b) for a voted ~~[leeway]~~ local discretionary levy approved or modified in accordance
877 with this section on or after January 1, 2009, the school district complies with the requirements
878 of Subsection (7).

879 (6) Notwithstanding Section 59-2-919, a school district may levy a tax rate under this
880 section that exceeds the certified tax rate without having to comply with the advertisement
881 requirements of Section 59-2-919 if:

882 (a) the levy exceeds the certified tax rate as the result of a school district budgeting an
883 increased amount of ad valorem property tax revenue derived from a voted ~~[leeway]~~ local
884 discretionary levy imposed under this section;

885 (b) if the voted ~~[leeway]~~ local discretionary levy was approved:

886 (i) in accordance with ~~[Section 53A-16-110]~~ Subsections (8) and (9) on or after
887 January 1, 2003; and

888 (ii) within the four-year period immediately preceding the year in which the school
889 district seeks to budget an increased amount of ad valorem property tax revenue derived from
890 the voted ~~[leeway]~~ local discretionary levy; and

891 (c) for a voted ~~[leeway]~~ local discretionary levy approved or modified in accordance
892 with this section on or after January 1, 2009, the school district complies with requirements of
893 Subsection (7).

894 (7) For purposes of Subsection (5)(b) or (6)(c), the proposition submitted to the
895 electors regarding the adoption or modification of [~~a voted leeway program~~] the authority to
896 impose a voted local discretionary levy shall contain the following statement:

897 "A vote in favor of this tax means that (name of the school district) may increase
898 revenue from this property tax without advertising the increase for the next five years."

899 (8) (a) Before imposing a property tax levy pursuant to this section, a school district
900 shall submit an opinion question to the school district's registered voters voting on the
901 imposition of the tax rate so that each registered voter has the opportunity to express the
902 registered voter's opinion on whether the tax rate should be imposed.

903 (b) The election required by this Subsection (8) shall be held:

904 (i) at a regular general election conducted in accordance with the procedures and
905 requirements of Title 20A, Election Code, governing regular elections;

906 (ii) at a municipal general election conducted in accordance with the procedures and
907 requirements of Section 20A-1-202; or

908 (iii) at a local special election conducted in accordance with the procedures and
909 requirements of Section 20A-1-203.

910 (c) Notwithstanding the requirements of Subsections (8)(a) and (b), beginning on or
911 after January 1, 2010, a school district may levy a tax rate in accordance with this section
912 without complying with the requirements of Subsections (8)(a) and (b) if the school district
913 imposed a tax in accordance with this section at any time during the taxable year beginning on
914 January 1, 2009 and ending on December 31, 2009.

915 (9) If a school district determines that a majority of the school district's registered
916 voters voting on the imposition of the tax rate have voted in favor of the imposition of the tax
917 rate in accordance with Subsection (8), the school district may impose the tax rate.

918 Section 18. Section **53A-17a-135** is amended to read:

919 **53A-17a-135. Minimum basic tax rate.**

920 (1) (a) [~~In~~] Except as provided in Subsection (1)(b), in order to qualify for receipt of
921 the state contribution toward the basic program and as its contribution toward its costs of the
922 basic program, each school district shall impose a minimum basic tax rate of .00200 per dollar
923 of taxable value [~~that generates \$260,731,750 in revenues statewide~~].

924 [~~(b) The preliminary estimate for the 2008-09 minimum basic tax rate is .00125.]~~

925 ~~[(c) The State Tax Commission shall certify on or before June 22 the rate that~~
 926 ~~generates \$260,731,750 in revenues statewide.]~~

927 ~~[(d) If the minimum basic tax rate exceeds the certified revenue levy as defined in~~
 928 ~~Section 53A-17a-103, the state is subject to the notice requirements of Section 59-2-926.]~~

929 (b) Notwithstanding Subsection (1)(a), for a calendar year beginning on or after
 930 January 1, 2011, the minimum basic tax rate per dollar of taxable value shall be the greater of:

931 (i) .00200 per dollar of taxable value; or

932 (ii) the certified revenue levy for that calendar year as defined in Section 53A-17a-103.

933 (2) (a) The state shall contribute to each district toward the cost of the basic program in
 934 the district that portion which exceeds the proceeds of the levy authorized under Subsection
 935 (1).

936 (b) In accord with the state strategic plan for public education and to fulfill its
 937 responsibility for the development and implementation of that plan, the Legislature instructs
 938 the State Board of Education, the governor, and the Office of Legislative Fiscal Analyst in each
 939 of the coming five years to develop budgets that will fully fund student enrollment growth.

940 (3) (a) If the proceeds of the levy authorized under Subsection (1) equal or exceed the
 941 cost of the basic program in a school district, no state contribution shall be made to the basic
 942 program.

943 (b) The proceeds of the levy authorized under Subsection (1) which exceed the cost of
 944 the basic program shall be paid into the Uniform School Fund as provided by law.

945 (4) For fiscal year 2010-11, the Legislature shall increase the dollar amount described
 946 in Subsection 53A-17a-103(1) by an amount equal to the difference between:

947 (a) the amount of revenue generated statewide from the imposition of the minimum
 948 basic tax rate of .00200 per dollar of taxable value during calendar year 2010; and

949 (b) the amount of revenue that would have been generated from the imposition of the
 950 certified revenue levy statewide for the same calendar year.

951 Section 19. Section **53A-17a-143** is amended to read:

952 **53A-17a-143. Federal Impact Aid Program -- Offset for underestimated**
 953 **allocations from the Federal Impact Aid Program.**

954 (1) In addition to the revenues received from the levy imposed by each school district
 955 and authorized by the Legislature under Section 53A-17a-135, ~~[a local school board may~~

956 ~~increase its tax rate to~~ the Legislature shall provide an amount equal to the difference between
 957 the district's anticipated receipts under the entitlement for the fiscal year from ~~[Public Law~~
 958 ~~81-874]~~ the Federal Impact Aid Program and the amount the district actually received from this
 959 source for the next preceding fiscal year.

960 ~~[(2) The tax rate for this purpose may not exceed .0008 per dollar of taxable value in~~
 961 ~~any fiscal year.]~~

962 ~~[(3) This authorization terminates for each district at the end of the third year it is~~
 963 ~~used.]~~

964 ~~[(4)]~~ (2) If at the end of a fiscal year the sum of the receipts of a school district from
 965 ~~[this special tax rate plus allocation from Public Law 81-874]~~ a distribution from the
 966 Legislature pursuant to Subsection (1) plus the school district's allocations from the Federal
 967 Impact Aid Program for that fiscal year exceeds the amount allocated to the district from
 968 ~~[Public Law 81-874]~~ the Federal Impact Aid Program for the next preceding fiscal year, the
 969 excess funds are carried into the next succeeding fiscal year and become in that year a part of
 970 the district's contribution to its basic program for operation and maintenance under the state
 971 minimum school finance law.

972 ~~[(5)]~~ (3) During that year the district's required tax rate for the basic program shall be
 973 reduced so that the yield from the reduced tax rate plus the carryover funds equal the district's
 974 required contribution to its basic program.

975 ~~[(6)]~~ (4) A district that reduces its basic tax rate under this section shall receive state
 976 minimum school program funds as though the reduction in the tax rate had not been made.

977 Section 20. Section **53A-17a-150** is amended to read:

978 **53A-17a-150. K-3 Reading Improvement Program.**

979 (1) As used in this section:

980 (a) "Program" means the K-3 Reading Improvement Program~~[-and]~~.

981 (b) "Program monies" means:

982 ~~[(i) school district revenue from the levy authorized under Section 53A-17a-151;]~~

983 ~~[(ii)]~~ (i) school district revenue allocated to the program from other monies available to
 984 the school district, except monies provided by the state, for the purpose of receiving state funds
 985 under this section; and

986 ~~[(iii)]~~ (ii) monies appropriated by the Legislature to the program.

987 (2) The K-3 Reading Improvement Program consists of program monies and is created
988 to achieve the state's goal of having third graders reading at or above grade level.

989 (3) Subject to future budget constraints, the Legislature may annually appropriate
990 money to the K-3 Reading Improvement Program.

991 (4) (a) Prior to using program monies, a school district or charter school shall submit a
992 plan to the State Board of Education for reading proficiency improvement that incorporates the
993 following components:

- 994 (i) assessment;
- 995 (ii) intervention strategies;
- 996 (iii) professional development;
- 997 (iv) reading performance standards; and
- 998 (v) specific measurable goals that are based upon gain scores.

999 (b) The State Board of Education shall provide model plans which a school district or
1000 charter school may use, or the district or school may develop its own plan.

1001 (c) Plans developed by a school district or charter school shall be approved by the State
1002 Board of Education.

1003 (5) There is created within the K-3 Reading Achievement Program three funding
1004 programs:

- 1005 (a) the Base Level Program;
- 1006 (b) the Guarantee Program; and
- 1007 (c) the Low Income Students Program.

1008 (6) Monies appropriated to the State Board of Education for the K-3 Reading
1009 Improvement Program shall be allocated to the three funding programs as follows:

- 1010 (a) 8% to the Base Level Program;
- 1011 (b) 46% to the Guarantee Program; and
- 1012 (c) 46% to the Low Income Students Program.

1013 (7) (a) To participate in the Base Level Program, a school district or charter school
1014 shall submit a reading proficiency improvement plan to the State Board of Education as
1015 provided in Subsection (4) and must receive approval of the plan from the board.

1016 (b) (i) Each school district qualifying for Base Level Program funds and the qualifying
1017 elementary charter schools combined shall receive a base amount.

1018 (ii) The base amount for the qualifying elementary charter schools combined shall be
1019 allocated among each school in an amount proportionate to:

1020 (A) each existing charter school's prior year fall enrollment in grades kindergarten
1021 through grade 3; and

1022 (B) each new charter school's estimated fall enrollment in grades kindergarten through
1023 grade 3.

1024 (8) (a) A school district that applies for program monies in excess of the Base Level
1025 Program funds shall choose to first participate in either the Guarantee Program or the Low
1026 Income Students Program.

1027 (b) A school district must fully participate in either the Guarantee Program or the Low
1028 Income Students Program before it may elect to either fully or partially participate in the other
1029 program.

1030 (c) To fully participate in the Guarantee Program, a school district shall~~[(i) levy a tax~~
1031 ~~rate of .000056 under Section 53A-17a-151; (ii)]~~ allocate to the program other monies
1032 available to the school district, except monies provided by the state, equal to the amount of
1033 revenue that would be generated by a tax rate of .000056~~[-or].~~

1034 ~~[(iii) levy a tax under Section 53A-17a-151 and allocate to the program other monies~~
1035 ~~available to the school district, except monies provided by the state, so that the total revenue~~
1036 ~~from the combined revenue sources equals the amount of revenue that would be generated by a~~
1037 ~~tax rate of .000056.]~~

1038 (d) To fully participate in the Low Income Students Program, a school district shall~~[(i)~~
1039 ~~levy a tax rate of .000065 under Section 53A-17a-151; (ii)]~~ allocate to the program other
1040 monies available to the school district, except monies provided by the state, equal to the
1041 amount of revenue that would be generated by a tax rate of .000065~~[-or].~~

1042 ~~[(iii) levy a tax under Section 53A-17a-151 and allocate to the program other monies~~
1043 ~~available to the school district, except monies provided by the state, so that the total revenue~~
1044 ~~from the combined revenue sources equals the amount of revenue that would be generated by a~~
1045 ~~tax rate of .000065.]~~

1046 (e) (i) The State Board of Education shall verify that a school district allocates the
1047 monies required in accordance with Subsections (8)(c) and (d) before it distributes funds in
1048 accordance with this section.

1049 (ii) The State Tax Commission will provide the State Board of Education the
1050 information the State Board of Education needs to comply with Subsection (8)(e)(i).

1051 (9) (a) A school district that fully participates in the Guarantee Program shall receive
1052 state funds in an amount that is:

1053 (i) equal to the difference between \$21 times the district's total WPU's and the revenue
1054 the school district is required to generate or allocate under Subsection (8)(c) to fully participate
1055 in the Guarantee Program; and

1056 (ii) not less than \$0.

1057 (b) An elementary charter school shall receive under the Guarantee Program an amount
1058 equal to \$21 times the school's total WPU's.

1059 (10) The State Board of Education shall distribute Low Income Students Program
1060 funds in an amount proportionate to the number of students in each school district or charter
1061 school who qualify for free or reduced price school lunch multiplied by two.

1062 (11) A school district that partially participates in the Guarantee Program or Low
1063 Income Students Program shall receive program funds based on the amount of district revenue
1064 generated for or allocated to the program as a percentage of the amount of revenue that could
1065 have been generated or allocated if the district had fully participated in the program.

1066 (12) (a) Each school district and charter school shall use program monies for reading
1067 proficiency improvement in grades kindergarten through grade three.

1068 (b) Program monies may not be used to supplant funds for existing programs, but may
1069 be used to augment existing programs.

1070 (13) (a) Each school district and charter school shall annually submit a report to the
1071 State Board of Education accounting for the expenditure of program monies in accordance with
1072 its plan for reading proficiency improvement.

1073 (b) If a school district or charter school uses program monies in a manner that is
1074 inconsistent with Subsection (12), the school district or charter school is liable for reimbursing
1075 the State Board of Education for the amount of program monies improperly used, up to the
1076 amount of program monies received from the State Board of Education.

1077 (14) (a) The State Board of Education shall make rules to implement the program.

1078 (b) (i) The rules under Subsection (14)(a) shall require each school district or charter
1079 school to annually report progress in meeting goals stated in the district's or charter school's

1080 plan for student reading proficiency as measured by gain scores.

1081 (ii) If a school district or charter school does not meet or exceed the goals, the school
1082 district or charter school shall prepare a new plan which corrects deficiencies. The new plan
1083 must be approved by the State Board of Education before the school district or charter school
1084 receives an allocation for the next year.

1085 ~~[(15) If after 36 months of program operation, a school district fails to meet goals~~
1086 ~~stated in the district's plan for student reading proficiency as measured by gain scores, the~~
1087 ~~school district shall terminate any levy imposed under Section 53A-17a-151.]~~

1088 Section 21. Section **53A-17a-163** is enacted to read:

1089 **53A-17a-163. Board local discretionary levy.**

1090 (1) As used in this section:

1091 (a) "Basic levy increment" means an amount equal to the difference of:

1092 (i) an amount equal to the difference of:

1093 (A) the amount of revenue that would be generated within a school district by the
1094 imposition of the certified revenue levy described in Section 53A-17a-103 for the current
1095 calendar year; and

1096 (B) the estimated amount of revenue to be generated within the school district by the
1097 imposition of the minimum basic tax rate levied in accordance with Section 53A-17a-135
1098 during the current calendar year; and

1099 (ii) the school district's estimated WPU distribution from the basic levy increase
1100 described in Subsection (1)(i) during the current taxable year.

1101 (b) "Board local discretionary levy" means, for the taxable year beginning on January
1102 1, 2010, a tax rate equal to the sum of the tax rates imposed by a school district from the
1103 following levies:

1104 (i) Section 11-2-7;

1105 (ii) Section 53A-17a-127;

1106 (iii) Section 53A-17a-134;

1107 (iv) Section 53A-17a-143;

1108 (v) the portion of the 10% of basic levy described in Section 53A-17a-145 that is
1109 budgeted for textbooks, supplies, maintenance, and operations;

1110 (vi) Section 53A-17a-151; and

- 1111 (vii) Section 63G-7-704.
- 1112 (c) "Board property tax revenue" means an amount equal to the difference of the
- 1113 following:
- 1114 (i) an amount of revenue equal to the sum of:
- 1115 (A) the amount of revenue generated during the taxable year beginning on January 1,
- 1116 2009, from the sum of the following levies of a school district:
- 1117 (I) Section 11-2-7;
- 1118 (II) Section 53A-17a-127;
- 1119 (III) Section 53A-17a-134;
- 1120 (IV) Section 53A-17a-143;
- 1121 (V) the portion of the 10% of basic levy described in Section 53A-17a-145 that is
- 1122 budgeted for textbooks, supplies, maintenance, and operations;
- 1123 (VI) Section 53A-17a-151; and
- 1124 (VII) Section 63G-7-704; and
- 1125 (B) new growth as defined in Subsection 59-2-924(4)(c); minus
- 1126 (ii) the school district's estimated WPU distribution from the basic levy increase
- 1127 described in Subsection (1)(i) during the current calendar year.
- 1128 (d) "Certified tax rate" means a school district's certified tax rate calculated in
- 1129 accordance with Section 59-2-924.
- 1130 (e) "Contributing school district" means a school district that in a fiscal year receives
- 1131 less revenue from its WPU distribution from the basic levy increase than the amount of revenue
- 1132 generated within its school district during the same fiscal year from the imposition of the
- 1133 minimum basic levy rate increase.
- 1134 (f) "Increased revenue generated statewide from the minimum basic levy" means an
- 1135 amount equal to the difference of:
- 1136 (i) the estimated amount of revenue generated statewide by the imposition of the
- 1137 minimum basic tax rate levied in accordance with Section 53A-17a-135 during the current
- 1138 calendar year; and
- 1139 (ii) the amount of revenue that would be generated statewide by the imposition of the
- 1140 certified revenue levy during the current calendar year.
- 1141 (g) "Minimum basic levy rate increase" means the rate equal to the difference of:

1142 (i) the minimum basic tax rate levied during the current year; and

1143 (ii) the certified revenue levy tax rate for the current year.

1144 (h) "Receiving school district" means a school district that in a fiscal year receives
1145 more revenue from its WPU distribution from the basic levy increase than the amount of
1146 revenue generated within its school district during the same fiscal year from the imposition of
1147 the minimum basic levy rate increase.

1148 (i) "WPU distribution from the basic levy increase" means the revenue distributed to a
1149 school district from the minimum school program under Title 53A, Chapter 17a, Part 1,
1150 Minimum School Program, as a result of the increased revenue generated statewide from the
1151 minimum basic levy rate increase.

1152 (2) (a) Subject to the other requirements of this section, for a taxable year beginning on
1153 or after January 1, 2010, a local school board may levy a tax to fund the school district's
1154 general fund.

1155 (b) A tax rate imposed by a school district pursuant to this section may not exceed
1156 .0012 per dollar of taxable value in any fiscal year.

1157 (3) For fiscal year 2010-11, a school district is exempt from the public notice and
1158 hearing requirements of Sections 59-2-918 and 59-2-919 for the school district's board local
1159 discretionary levy if the school district budgets an amount of ad valorem property tax revenue
1160 equal to or less than the school district's board property tax revenue.

1161 (4) (a) For a fiscal year beginning on or after fiscal year 2011-12, a receiving school
1162 district is exempt from the public notice and hearing requirements of Sections 59-2-918 and
1163 59-2-919 for the receiving school district's board local discretionary levy if the receiving school
1164 district budgets an amount of ad valorem property tax revenue equal to or less than the
1165 receiving school district's board property tax revenue.

1166 (b) For a fiscal year beginning on or after fiscal year 2011-12, a contributing school
1167 district is exempt from the public notice and hearing requirements of Sections 59-2-918 and
1168 59-2-919 for the contributing school district's board local discretionary levy if the contributing
1169 school district budgets an amount of ad valorem property tax revenue equal to or less than:

1170 (i) the school district's board property tax revenue; minus

1171 (ii) the school district's basic levy increment.

1172 Section 22. Section **53A-17a-164** is enacted to read:

- 1173 53A-17a-164. Capital discretionary levy -- First class county required levy.
1174 (1) As used in this section:
1175 (a) "Capital aggregate tax rate" means a tax rate equal to the sum of the tax rates
1176 imposed by a school district from the following levies:
1177 (i) Section 53A-16-107; and
1178 (ii) the portion of the 10% of basic levy described in Section 53A-17a-145 that is
1179 budgeted for debt service or capital outlay.
1180 (b) "Capital property tax revenue" means an amount equal to an amount equal to the
1181 sum of the following:
1182 (i) the amount of revenue generated during the taxable year beginning on January 1,
1183 2009, from the sum of the following levies of a school district:
1184 (A) Section 53A-16-107; and
1185 (B) the portion of the 10% of basic levy described in Section 53A-17a-145 that is
1186 budgeted for debt service or capital outlay; and
1187 (ii) new growth as defined in Subsection 59-2-924(4)(c).
1188 (c) "Certified tax rate" means a school district's certified tax rate calculated in
1189 accordance with Section 59-2-924.
1190 (2) (a) Subject to the other requirements of this section, for taxable years beginning on
1191 or after January 1, 2010, a local school board may levy a tax to fund the school district's capital
1192 projects.
1193 (b) A tax rate imposed by a school district pursuant to this section may not exceed
1194 .0030 per dollar of taxable value in any fiscal year.
1195 (3) For fiscal year 2010-11, a school district is exempt from the public notice and
1196 hearing requirements of Sections 59-2-918 and 59-2-919 for the school district's board local
1197 discretionary levy if the school district budgets an amount of ad valorem property tax revenue
1198 equal to or less than the school district's capital property tax revenue.
1199 (4) Beginning January 1, 2010, in order to qualify for receipt of the state contribution
1200 toward the minimum school program described in Section 53A-17a-104, a local school board
1201 in a county of the first class shall impose a capital discretionary levy of at least .0006 per dollar
1202 of taxable value.
1203 (5) (a) The county treasurer of a county of the first class shall distribute revenues

1204 generated by the .0006 portion of the capital discretionary levy required in Subsection (4) to
1205 school districts within the county in accordance with Section 53A-16-107.1.

1206 (b) If a school district in a county of the first class imposes a capital discretionary levy
1207 pursuant to this section which exceeds .0006 per dollar of taxable value, the county treasurer of
1208 a county of the first class shall distribute revenues generated by the portion of the capital
1209 discretionary levy which exceeds .0006 to the school district imposing the levy.

1210 Section 23. Section **53A-21-101.5** is amended to read:

1211 **53A-21-101.5. Definitions.**

1212 As used in this chapter:

1213 (1) "ADM" or "pupil in average daily membership" is as defined in Section
1214 53A-17a-103.

1215 (2) "Combined capital levy rate" means a rate that includes the sum of the following
1216 property tax levies:

1217 (a) the capital ~~[outlay]~~ discretionary levy authorized in Section ~~[53A-16-107]~~

1218 53A-17a-164; and

1219 ~~[(b) the portion of the 10% of basic levy described in Section 53A-17a-145 that is~~
1220 ~~budgeted for debt service or capital outlay;]~~

1221 ~~[(c)]~~ (b) the debt service levy authorized in Section 11-14-310~~[-and]~~.

1222 ~~[(d) the voted capital outlay leeway authorized in Section 53A-16-110.]~~

1223 (3) "Derived net taxable value" means the quotient of:

1224 (a) the total current property tax collections from April 1 through the following March
1225 31 for a school district; divided by

1226 (b) the school district's total tax rate for the calendar year preceding the March 31
1227 referenced in Subsection (3)(a).

1228 (4) "Highest combined capital levy rate" means the highest combined capital levy rate
1229 imposed by any school district within the state for a fiscal year.

1230 (5) "Property tax base per ADM" means the quotient of:

1231 (a) a school district's derived net taxable value; divided by

1232 (b) the school district's ADM for the same year.

1233 (6) "Property tax yield per ADM" means:

1234 (a) the product of:

1235 (i) a school district's derived net taxable value; and
1236 (ii) the highest combined capital levy rate for the fiscal year of the March 31 referenced
1237 in Subsection (3)(a); divided by

1238 (b) the school district's ADM for the same fiscal year.

1239 (7) "Statewide average property tax base per ADM" means the quotient of:

1240 (a) the sum of all school districts' derived net taxable value; divided by

1241 (b) the sum of all school districts' ADM statewide for the same year.

1242 Section 24. Section **59-2-924** is amended to read:

1243 **59-2-924. Report of valuation of property to county auditor and commission --**

1244 **Transmittal by auditor to governing bodies -- Certified tax rate -- Calculation of certified**

1245 **tax rate -- Rulemaking authority -- Adoption of tentative budget.**

1246 (1) Before June 1 of each year, the county assessor of each county shall deliver to the
1247 county auditor and the commission the following statements:

1248 (a) a statement containing the aggregate valuation of all taxable real property assessed
1249 by a county assessor in accordance with Part 3, County Assessment, for each taxing entity; and

1250 (b) a statement containing the taxable value of all personal property assessed by a
1251 county assessor in accordance with Part 3, County Assessment, from the prior year end values.

1252 (2) The county auditor shall, on or before June 8, transmit to the governing body of
1253 each taxing entity:

1254 (a) the statements described in Subsections (1)(a) and (b);

1255 (b) an estimate of the revenue from personal property;

1256 (c) the certified tax rate; and

1257 (d) all forms necessary to submit a tax levy request.

1258 (3) (a) The "certified tax rate" means a tax rate that will provide the same ad valorem
1259 property tax revenues for a taxing entity as were budgeted by that taxing entity for the prior
1260 year.

1261 (b) For purposes of this Subsection (3):

1262 (i) "Ad valorem property tax revenues" do not include:

1263 (A) collections from redemptions;

1264 (B) interest;

1265 (C) penalties; and

1266 (D) revenue received by a taxing entity from personal property that is:
1267 (I) assessed by a county assessor in accordance with Part 3, County Assessment; and
1268 (II) semiconductor manufacturing equipment.
1269 (ii) "Aggregate taxable value of all property taxed" means:
1270 (A) the aggregate taxable value of all real property assessed by a county assessor in
1271 accordance with Part 3, County Assessment, for the current year;
1272 (B) the aggregate taxable year end value of all personal property assessed by a county
1273 assessor in accordance with Part 3, County Assessment, for the prior year; and
1274 (C) the aggregate taxable value of all real and personal property assessed by the
1275 commission in accordance with Part 2, Assessment of Property, for the current year.
1276 (c) (i) Except as otherwise provided in this section, the certified tax rate shall be
1277 calculated by dividing the ad valorem property tax revenues budgeted for the prior year by the
1278 taxing entity by the amount calculated under Subsection (3)(c)(ii).
1279 (ii) For purposes of Subsection (3)(c)(i), the legislative body of a taxing entity shall
1280 calculate an amount as follows:
1281 (A) calculate for the taxing entity the difference between:
1282 (I) the aggregate taxable value of all property taxed; and
1283 (II) any redevelopment adjustments for the current calendar year;
1284 (B) after making the calculation required by Subsection (3)(c)(ii)(A), calculate an
1285 amount determined by increasing or decreasing the amount calculated under Subsection
1286 (3)(c)(ii)(A) by the average of the percentage net change in the value of taxable property for the
1287 equalization period for the three calendar years immediately preceding the current calendar
1288 year;
1289 (C) after making the calculation required by Subsection (3)(c)(ii)(B), calculate the
1290 product of:
1291 (I) the amount calculated under Subsection (3)(c)(ii)(B); and
1292 (II) the percentage of property taxes collected for the five calendar years immediately
1293 preceding the current calendar year; and
1294 (D) after making the calculation required by Subsection (3)(c)(ii)(C), calculate an
1295 amount determined by subtracting from the amount calculated under Subsection (3)(c)(ii)(C)
1296 any new growth as defined in this section:

- 1297 (I) within the taxing entity; and
- 1298 (II) for the following calendar year:
 - 1299 (Aa) for new growth from real property assessed by a county assessor in accordance
 - 1300 with Part 3, County Assessment and all property assessed by the commission in accordance
 - 1301 with Section 59-2-201, the current calendar year; and
 - 1302 (Bb) for new growth from personal property assessed by a county assessor in
 - 1303 accordance with Part 3, County Assessment, the prior calendar year.
 - 1304 (iii) For purposes of Subsection (3)(c)(ii)(A), the aggregate taxable value of all
 - 1305 property taxed:
 - 1306 (A) except as provided in Subsection (3)(c)(iii)(B) or (3)(c)(ii)(C), is as defined in
 - 1307 Subsection (3)(b)(ii);
 - 1308 (B) does not include the total taxable value of personal property contained on the tax
 - 1309 rolls of the taxing entity that is:
 - 1310 (I) assessed by a county assessor in accordance with Part 3, County Assessment; and
 - 1311 (II) semiconductor manufacturing equipment; and
 - 1312 (C) for personal property assessed by a county assessor in accordance with Part 3,
 - 1313 County Assessment, the taxable value of personal property is the year end value of the personal
 - 1314 property contained on the prior year's tax rolls of the entity.
 - 1315 (iv) For purposes of Subsection (3)(c)(ii)(B), for calendar years beginning on or after
 - 1316 January 1, 2007, the value of taxable property does not include the value of personal property
 - 1317 that is:
 - 1318 (A) within the taxing entity assessed by a county assessor in accordance with Part 3,
 - 1319 County Assessment; and
 - 1320 (B) semiconductor manufacturing equipment.
 - 1321 (v) For purposes of Subsection (3)(c)(ii)(C)(II), for calendar years beginning on or after
 - 1322 January 1, 2007, the percentage of property taxes collected does not include property taxes
 - 1323 collected from personal property that is:
 - 1324 (A) within the taxing entity assessed by a county assessor in accordance with Part 3,
 - 1325 County Assessment; and
 - 1326 (B) semiconductor manufacturing equipment.
 - 1327 (vi) For purposes of Subsection (3)(c)(ii)(B), for calendar years beginning on or after

1328 January 1, 2009, the value of taxable property does not include the value of personal property
1329 that is within the taxing entity assessed by a county assessor in accordance with Part 3, County
1330 Assessment.

1331 (vii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1332 the commission may prescribe rules for calculating redevelopment adjustments for a calendar
1333 year.

1334 (d) (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
1335 the commission shall make rules determining the calculation of ad valorem property tax
1336 revenues budgeted by a taxing entity.

1337 (ii) For purposes of Subsection (3)(d)(i), ad valorem property tax revenues budgeted by
1338 a taxing entity shall be calculated in the same manner as budgeted property tax revenues are
1339 calculated for purposes of Section 59-2-913.

1340 (e) The certified tax rates for the taxing entities described in this Subsection (3)(e) shall
1341 be calculated as follows:

1342 (i) except as provided in Subsection (3)(e)(ii), for new taxing entities the certified tax
1343 rate is zero;

1344 (ii) for each municipality incorporated on or after July 1, 1996, the certified tax rate is:

1345 (A) in a county of the first, second, or third class, the levy imposed for municipal-type
1346 services under Sections 17-34-1 and 17-36-9; and

1347 (B) in a county of the fourth, fifth, or sixth class, the levy imposed for general county
1348 purposes and such other levies imposed solely for the municipal-type services identified in
1349 Section 17-34-1 and Subsection 17-36-3(22); and

1350 (iii) for debt service voted on by the public, the certified tax rate shall be the actual
1351 levy imposed by that section, except that the certified tax rates for the following levies shall be
1352 calculated in accordance with Section 59-2-913 and this section:

1353 (A) school [~~highways~~] levies provided for under Sections [~~11-2-7, 53A-16-110,~~
1354 ~~53A-17a-125, 53A-17a-127,~~] 53A-17a-133[, ~~53A-17a-134, 53A-17a-143, 53A-17a-145, and~~
1355 ~~53A-21-103~~], 53A-17a-163, and 53A-17a-164; and

1356 (B) levies to pay for the costs of state legislative mandates or judicial or administrative
1357 orders under Section 59-2-1604.

1358 (f) (i) A judgment levy imposed under Section [~~59-2-1328 or~~] 59-2-1330 shall be

1359 established at that rate which is sufficient to generate only the revenue required to satisfy one
1360 or more eligible judgments, as defined in Section 59-2-102.

1361 (ii) The ad valorem property tax revenue generated by the judgment levy shall not be
1362 considered in establishing the taxing entity's aggregate certified tax rate.

1363 (g) The ad valorem property tax revenue generated by the capital ~~[outlay]~~ discretionary
1364 levy described in Section ~~[53A-16-107]~~ 53A-17a-164 within a taxing entity in a county of the
1365 first class:

1366 (i) may not be considered in establishing the school district's aggregate certified tax
1367 rate; and

1368 (ii) shall be included by the commission in establishing a certified tax rate for that
1369 capital ~~[outlay]~~ discretionary levy determined in accordance with the calculation described in
1370 Subsection 59-2-913(3).

1371 (4) (a) For the purpose of calculating the certified tax rate, the county auditor shall use:

1372 (i) the taxable value of real property assessed by a county assessor contained on the
1373 assessment roll;

1374 (ii) the taxable value of real and personal property assessed by the commission; and

1375 (iii) the taxable year end value of personal property assessed by a county assessor
1376 contained on the prior year's assessment roll.

1377 (b) For purposes of Subsection (4)(a)(i), the taxable value of real property on the
1378 assessment roll does not include new growth as defined in Subsection (4)(c).

1379 (c) "New growth" means:

1380 (i) the difference between the increase in taxable value of the following property of the
1381 taxing entity from the previous calendar year to the current year:

1382 (A) real property assessed by a county assessor in accordance with Part 3, County
1383 Assessment; and

1384 (B) property assessed by the commission under Section 59-2-201; plus

1385 (ii) the difference between the increase in taxable year end value of personal property
1386 of the taxing entity from the year prior to the previous calendar year to the previous calendar
1387 year; minus

1388 (iii) the amount of an increase in taxable value described in Subsection (4)(e).

1389 (d) For purposes of Subsection (4)(c)(ii), the taxable value of personal property of the

1390 taxing entity does not include the taxable value of personal property that is:

1391 (i) contained on the tax rolls of the taxing entity if that property is assessed by a county
1392 assessor in accordance with Part 3, County Assessment; and

1393 (ii) semiconductor manufacturing equipment.

1394 (e) Subsection (4)(c)(iii) applies to the following increases in taxable value:

1395 (i) the amount of increase to locally assessed real property taxable values resulting
1396 from factoring, reappraisal, or any other adjustments; or

1397 (ii) the amount of an increase in the taxable value of property assessed by the
1398 commission under Section 59-2-201 resulting from a change in the method of apportioning the
1399 taxable value prescribed by:

1400 (A) the Legislature;

1401 (B) a court;

1402 (C) the commission in an administrative rule; or

1403 (D) the commission in an administrative order.

1404 (f) For purposes of Subsection (4)(a)(ii), the taxable year end value of personal
1405 property on the prior year's assessment roll does not include:

1406 (i) new growth as defined in Subsection (4)(c); or

1407 (ii) the total taxable year end value of personal property contained on the prior year's
1408 tax rolls of the taxing entity that is:

1409 (A) assessed by a county assessor in accordance with Part 3, County Assessment; and

1410 (B) semiconductor manufacturing equipment.

1411 (5) (a) On or before June 22, each taxing entity shall annually adopt a tentative budget.

1412 (b) If the taxing entity intends to exceed the certified tax rate, it shall notify the county
1413 auditor of:

1414 (i) its intent to exceed the certified tax rate; and

1415 (ii) the amount by which it proposes to exceed the certified tax rate.

1416 (c) The county auditor shall notify all property owners of any intent to exceed the
1417 certified tax rate in accordance with Subsection 59-2-919(3).

1418 Section 25. Section **59-2-924.3** is amended to read:

1419 **59-2-924.3. Adjustment of the calculation of the certified tax rate for a school**
1420 **district imposing a capital discretionary levy in a county of the first class.**

1421 (1) As used in this section:

1422 (a) "Capital [~~outlay~~] discretionary levy increment" means the amount of revenue equal
1423 to the difference between:

1424 (i) the amount of revenue generated by a levy of .0006 per dollar of taxable value
1425 within a school district during a fiscal year; and

1426 (ii) the amount of revenue the school district received during the same fiscal year from
1427 the distribution described in Subsection 53A-16-107.1(1).

1428 (b) "Contributing school district" means a school district in a county of the first class
1429 that in a fiscal year receives less revenue from the distribution described in Subsection
1430 53A-16-107.1(1) than it would have received during the same fiscal year from a levy imposed
1431 within the school district of .0006 per dollar of taxable value.

1432 (c) "Receiving school district" means a school district in a county of the first class that
1433 in a fiscal year receives more revenue from the distribution described in Subsection
1434 53A-16-107.1(1) than it would have received during the same fiscal year from a levy imposed
1435 within the school district of .0006 per dollar of taxable value.

1436 [~~(2) For fiscal year 2009-10, a receiving school district shall decrease its capital outlay
1437 certified tax rate under Subsection 59-2-924(3)(g)(ii) by an amount required to offset the
1438 receiving school district's estimated capital outlay increment for the current fiscal year.]~~

1439 [~~(3)~~] (2) Beginning with fiscal year 2010-11, a receiving school district shall decrease
1440 its capital [~~outlay~~] discretionary levy certified tax rate under Subsection 59-2-924(3)(g)(ii) by
1441 the amount required to offset the receiving school district's [~~capital outlay~~] estimated capital
1442 discretionary levy increment for the prior fiscal year.

1443 [~~(4)~~] (3) For fiscal year [~~2009-10~~] 2010-11, a contributing school district is exempt
1444 from the public notice and hearing requirements of Sections 59-2-918 and 59-2-919 for the
1445 school district's capital [~~outlay~~] discretionary levy certified tax rate calculated pursuant to
1446 Subsection 59-2-924(3)(g)(ii) if:

1447 (a) the contributing school district budgets an increased amount of ad valorem property
1448 tax revenue exclusive of new growth as defined in Subsection 59-2-924(4) for the capital
1449 [~~outlay~~] discretionary levy described in Section [~~53A-16-107~~] 53A-17a-164; and

1450 (b) the increased amount of ad valorem property tax revenue described in Subsection
1451 [~~(4)~~] (3)(a) is less than or equal to that contributing school district's estimated capital [~~outlay~~]

1452 discretionary increment for the current fiscal year.

1453 [~~(5)~~] (4) Beginning with fiscal year [~~2010-11~~] 2011-12, a contributing school district is
1454 exempt from the public notice and hearing requirements of Sections 59-2-918 and 59-2-919 for
1455 the school district's capital [~~outlay~~] discretionary levy certified tax rate calculated pursuant to
1456 Subsection 59-2-924(3)(g)(ii) if:

1457 (a) the contributing school district budgets an increased amount of ad valorem property
1458 tax revenue exclusive of new growth as defined in Subsection 59-2-924(4) for the capital
1459 [~~outlay~~] discretionary levy described in Section [~~53A-16-107~~] 53A-17a-164; and

1460 (b) the increased amount of ad valorem property tax revenue described in Subsection
1461 [~~(5)~~] (4)(a) is less than or equal to that contributing school district's capital [~~outlay~~]
1462 discretionary levy increment for the prior year.

1463 [~~(6)~~] (5) Beginning with fiscal year 2011-12, a contributing school district is exempt
1464 from the public notice and hearing requirements of Sections 59-2-918 and 59-2-919 for the
1465 school district's capital [~~outlay~~] discretionary levy certified tax rate calculated pursuant to
1466 Subsection 59-2-924(3)(g)(ii) if:

1467 (a) the contributing school district budgets an increased amount of ad valorem property
1468 tax revenue exclusive of new growth as defined in Subsection 59-2-924(4) for the capital
1469 [~~outlay~~] discretionary levy described in Section [~~53A-16-107~~] 53A-17a-164; and

1470 (b) the increased amount of ad valorem property tax revenue described in Subsection
1471 [~~(6)~~] (5)(a) is less than or equal to the difference between:

1472 (i) the amount of revenue generated by a levy of .0006 per dollar of taxable value
1473 imposed within the contributing school district during the current taxable year; and

1474 (ii) the amount of revenue generated by a levy of .0006 per dollar of taxable value
1475 imposed within the contributing school district during the prior taxable year.

1476 [~~(7)~~] (6) Regardless of the amount a school district receives from the revenue collected
1477 from the .0006 portion of the capital [~~outlay~~] discretionary levy required in Subsection
1478 [~~53A-16-107(3)~~] 53A-17a-164(4), the revenue generated within the school district from the
1479 .0006 portion of the capital [~~outlay~~] discretionary levy required in Subsection [~~53A-16-107(3)~~]
1480 53A-17a-164(4) shall be considered to be budgeted ad valorem property tax revenues of the
1481 school district that levies the .0006 portion of the capital [~~outlay~~] discretionary levy for
1482 purposes of calculating the school district's certified tax rate in accordance with Subsection

1483 59-2-924(3)(g)(ii).

1484 Section 26. Section **59-2-924.4** is amended to read:

1485 **59-2-924.4. Adjustment of the calculation of the certified tax rate for certain**
1486 **divided school districts.**

1487 (1) As used in this section:

1488 (a) "Capital [~~outlay~~] discretionary levy increment" means the amount of revenue equal
1489 to the difference between:

1490 (i) the amount of revenue generated by a levy of .0006 per dollar of taxable value
1491 within a qualifying divided school district during a fiscal year; and

1492 (ii) the amount of revenue the qualifying divided school district received during the
1493 same fiscal year from the distribution described in Section 53A-2-118.3.

1494 (b) "Contributing divided school district" means a school district located within a
1495 qualifying divided school district that in a fiscal year receives less revenue from the distribution
1496 described in Section 53A-2-118.3 than it would have received during the same fiscal year from
1497 a levy imposed within the school district of .0006 per dollar of taxable value.

1498 (c) "Divided school district" means a school district from which a new school district is
1499 created.

1500 (d) "New school district" means a school district:

1501 (i) created under Section 53A-2-118.1;

1502 (ii) that begins to provide educational services after July 1, 2008; and

1503 (iii) located in a qualifying divided school district.

1504 (e) "Qualifying divided school district" means a divided school district:

1505 (i) located within a county of the second through sixth class; and

1506 (ii) with a new school district created under Section 53A-2-118.1 that begins to provide
1507 educational services after July 1, 2008.

1508 (f) "Qualifying fiscal year" means the first fiscal year that a new school district begins
1509 to provide educational services.

1510 (g) "Receiving divided school district" means a school district located within a
1511 qualifying divided school district that in a fiscal year receives more revenue from the
1512 distribution described in Section 53A-2-118.3 than it would have received during the same
1513 fiscal year from a levy imposed within the school district of .0006 per dollar of taxable value.

1514 (2) A receiving divided school district shall decrease its certified tax rate calculated in
1515 accordance with Section 59-2-924 by the amount required to offset the receiving divided
1516 school district's capital [~~outlay~~] discretionary levy increment for the prior fiscal year.

1517 (3) Beginning with the fiscal year after the qualifying fiscal year, a contributing divided
1518 school district is exempt from the public notice and hearing requirements of Sections 59-2-918
1519 and 59-2-919 for the contributing divided school district's certified tax rate calculated pursuant
1520 to Section 59-2-924 if:

1521 (a) the contributing divided school district budgets an increased amount of ad valorem
1522 property tax revenue exclusive of new growth as defined in Subsection 59-2-924(4) for the
1523 capital [~~outlay~~] discretionary levy required in Section 53A-2-118.3; and

1524 (b) the increased amount of ad valorem property tax revenue described in Subsection
1525 (3)(a) is less than or equal to that contributing divided school district's capital [~~outlay~~]
1526 discretionary levy increment for the prior year.

1527 (4) Beginning with the fiscal year after the qualifying fiscal year, a contributing divided
1528 school district is exempt from the public notice and hearing requirements of Sections 59-2-918
1529 and 59-2-919 for the contributing divided school district's certified tax rate calculated pursuant
1530 to Section 59-2-924 if:

1531 (a) the contributing divided school district budgets an increased amount of ad valorem
1532 property tax revenue exclusive of new growth as defined in Subsection 59-2-924(4) for the
1533 capital [~~outlay~~] discretionary levy described in Section 53A-2-118.3; and

1534 (b) the increased amount of ad valorem property tax revenue described in Subsection
1535 (4)(a) is less than or equal to the difference between:

1536 (i) the amount of revenue generated by a levy of .0006 per dollar of taxable value
1537 imposed within the contributing divided school district during the current taxable year; and

1538 (ii) the amount of revenue generated by a levy of .0006 per dollar of taxable value
1539 imposed within the contributing divided school district during the prior taxable year.

1540 (5) Regardless of the amount a school district receives from the revenue collected from
1541 the .0006 portion of the capital [~~outlay~~] discretionary levy described in Section 53A-2-118.3,
1542 the revenue generated within the school district from the .0006 portion of the capital [~~outlay~~]
1543 discretionary levy described in Section 53A-2-118.3 shall be considered to be budgeted ad
1544 valorem property tax revenues of the school district that levies the .0006 portion of the capital

1545 [~~outlay~~] discretionary levy for purposes of calculating the school district's certified tax rate in
1546 accordance with Section 59-2-924.

1547 Section 27. Section **59-2-926** is amended to read:

1548 **59-2-926. Proposed tax increase by state -- Notice -- Contents -- Dates.**

1549 If the state authorizes a levy [~~pursuant to Section 53A-17a-135 that exceeds the~~
1550 ~~certified revenue levy as defined in Section 53A-17a-103 or authorizes a levy]~~ pursuant to
1551 Section 59-2-1602 that exceeds the certified revenue levy as defined in Section 59-2-102, the
1552 state shall publish a notice no later than ten days after the last day of the annual legislative
1553 general session that meets the following requirements:

1554 (1) The Office of the Legislative Fiscal Analyst shall advertise that the state authorized
1555 a levy that generates revenue in excess of the previous year's ad valorem tax revenue, plus new
1556 growth, but exclusive of revenue from collections from redemptions, interest, and penalties in a
1557 newspaper of general circulation in the state. The advertisement shall be no less than 1/4 page
1558 in size and the type used shall be no smaller than 18 point, and surrounded by a 1/4-inch
1559 border. The advertisement may not be placed in that portion of the newspaper where legal
1560 notices and classified advertisements appear. The advertisement shall be run once.

1561 (2) The form and content of the notice shall be substantially as follows:

1562 "NOTICE OF TAX INCREASE

1563 The state has budgeted an increase in its property tax revenue from \$_____ to
1564 \$_____ or ____%. The increase in property tax revenues will come from the following
1565 sources (include all of the following provisions):

1566 (a) \$_____ of the increase will come from (provide an explanation of the cause
1567 of adjustment or increased revenues, such as reappraisals or factoring orders);

1568 (b) \$_____ of the increase will come from natural increases in the value of the
1569 tax base due to (explain cause of new growth, such as new building activity, annexation, etc.);
1570 and

1571 (c) a home valued at \$100,000 in the state of Utah which based on last year's (~~levy for~~
1572 ~~the basic state-supported school program;~~) levy for the Property Tax Valuation Agency Fund,
1573 or both) paid \$_____ in property taxes would pay the following:

1574 (i) \$_____ if the state of Utah did not budget an increase in property tax revenue
1575 exclusive of new growth; and

1576 (ii) \$_____ under the increased property tax revenues exclusive of new growth
1577 budgeted by the state of Utah."

1578 Section 28. Section **63G-7-704** is amended to read:

1579 **63G-7-704. Tax levy by political subdivisions for payment of claims, judgments,**
1580 **or insurance premiums.**

1581 (1) For purposes of this section, "political subdivision" does not include a school
1582 district.

1583 [~~(1)~~] (2) Notwithstanding any provision of law to the contrary, a political subdivision
1584 may levy an annual property tax sufficient to pay:

1585 (a) any claim, settlement, or judgment;

1586 (b) the costs to defend against any claim, settlement, or judgment; or

1587 (c) for the establishment and maintenance of a reserve fund for the payment of claims,
1588 settlements, or judgments that may be reasonably anticipated.

1589 [~~(2)~~] (3) (a) The payments authorized to pay for punitive damages or to pay the
1590 premium for authorized insurance is money spent for a public purpose within the meaning of
1591 this section and Article XIII, Sec. 5, Utah Constitution, even though, as a result of the levy, the
1592 maximum levy as otherwise restricted by law is exceeded.

1593 (b) No levy under this section may exceed .0001 per dollar of taxable value of taxable
1594 property.

1595 (c) The revenues derived from this levy may not be used for any purpose other than
1596 those specified in this section.

1597 Section 29. **Repealer.**

1598 This bill repeals:

1599 Section **53A-16-107, Capital outlay levy -- Maintenance of school facilities --**
1600 **Authority to use proceeds of .0002 tax rate -- Restrictions and procedure.**

1601 Section **53A-16-110, Special tax to buy school building sites, build and furnish**
1602 **schoolhouses, or improve school property.**

1603 Section **53A-16-111, Payment of judgments and warrants -- Special tax.**

1604 Section **53A-17a-134, Board-approved leeway -- Purpose -- State support --**
1605 **Disapproval.**

1606 Section **53A-17a-145, Additional levy by district for debt service, school sites,**

1607 **buildings, buses, textbooks, and supplies.**

1608 Section **53A-17a-151, Board leeway for reading improvement.**

1609 Section 30. **Effective date.**

1610 This bill takes effect on January 1, 2010.

H.B. 66 4th Sub. (Green) - Property Tax Amendments

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill raises the minimum basic state rate and guarantees a minimum amount of property tax revenue from the basic rate. This increases the local portion of the minimum school program by \$9,000,000 in FY 2011. Because of the basic rate increase, other local property tax will decrease by \$9,000,000. Due to recapture, revenue to the Uniform School Fund could increase by \$2,700,000.

	<u>2009</u> <u>Approp.</u>	<u>2010</u> <u>Approp.</u>	<u>2011</u> <u>Approp.</u>	<u>2009</u> <u>Revenue</u>	<u>2010</u> <u>Revenue</u>	<u>2011</u> <u>Revenue</u>
Uniform School Fund	\$0	\$0	\$0	\$0	\$0	\$11,700,000
Property Tax	\$0	\$0	\$0	\$0	\$0	(\$9,000,000)
Total	\$0	\$0	\$0	\$0	\$0	\$2,700,000

Individual, Business and/or Local Impact

Enactment of this bill will shift \$1,900,000 between school districts in FY 2011. If a school district that experiences a decrease in revenue decides to go through truth in taxation to make up the lost revenue, there will be an increase in property tax on individuals and businesses. Some school districts will likely experience an increase in revenue. If a school district that receives an increase in revenue decides to decrease other property taxes, there will be a decrease in local property tax on certain individuals and businesses. There will likely be recapture of \$2,700,000 from school districts to the Uniform School Fund.