

VOTED AND BOARD LEVY PROGRAMS AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen G. Handy

Senate Sponsor: Howard A. Stephenson

LONG TITLE

General Description:

This bill amends provisions in the Minimum School Program Act regarding the voted and board levy programs.

Highlighted Provisions:

This bill:

- ▶ requires the State Board of Education to:
 - use a voted and board local levy funding balance in the prior fiscal year to increase the value of the state guarantee per weighted pupil unit in the current fiscal year; and
 - distribute the state contribution to the voted and board local levy programs to school districts based on the increased guarantee per weighted pupil unit; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides an effective date.

Utah Code Sections Affected:

AMENDS:

53A-17a-133, as last amended by Laws of Utah 2012, Chapter 421

53A-17a-134, as last amended by Laws of Utah 2012, Chapter 421

53A-17a-164, as enacted by Laws of Utah 2011, Chapter 371

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

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

32 **53A-17a-133. State-supported voted local levy authorized -- Election**
33 **requirements -- State guarantee -- Reconsideration of the program.**

34 (1) As used in this section, "voted and board local levy funding balance" means the
35 difference between:

36 (a) the amount appropriated for the voted and board local levy program in a fiscal year;
37 and

38 (b) the amount necessary to provide the state guarantee per weighted pupil unit as
39 determined under this section and Section 53A-17a-164 in the same fiscal year.

40 [~~(1)~~] (2) An election to consider adoption or modification of a voted local levy is
41 required if initiative petitions signed by 10% of the number of electors who voted at the last
42 preceding general election are presented to the local school board or by action of the board.

43 [~~(2)~~] (3) (a) (i) To impose a voted local levy, a majority of the electors of a district
44 voting at an election in the manner set forth in Subsections [~~(8)~~] (9) and [~~(9)~~] (10) must vote in
45 favor of a special tax.

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

47 (b) Except as provided in Subsection [~~(2)~~] (3)(c), in order to receive state support the
48 first year, a district must receive voter approval no later than December 1 of the year prior to
49 implementation.

50 (c) Beginning on or after January 1, 2012, a school district may receive state support in
51 accordance with Subsection [~~(3)~~] (4) without complying with the requirements of Subsection
52 [~~(2)~~] (3)(b) if the local school board imposed a tax in accordance with this section during the
53 taxable year beginning on January 1, 2011 and ending on December 31, 2011.

54 [~~(3)~~] (4) (a) In addition to the revenue a school district collects from the imposition of a
55 levy pursuant to this section, the state shall contribute an amount sufficient to guarantee \$27.36
56 per weighted pupil unit for each .0001 of the first .0016 per dollar of taxable value.

57 (b) The same dollar amount guarantee per weighted pupil unit for the .0016 per dollar

58 of taxable value under Subsection [~~(3)~~] (4)(a) shall apply to the portion of the board local levy
 59 authorized in Section 53A-17a-164, so that the guarantee shall apply up to a total of .002 per
 60 dollar of taxable value if a school district levies a tax rate under both programs.

61 (c) (i) Beginning July 1, 2013, the \$27.36 guarantee under Subsections [~~(3)~~] (4)(a) and
 62 (b) shall be indexed each year to the value of the weighted pupil unit for the grades 1 through
 63 12 program by making the value of the guarantee equal to.010544 times the value of the prior
 64 year's weighted pupil unit for the grades 1 through 12 program.

65 (ii) The guarantee shall increase by .0005 times the value of the prior year's weighted
 66 pupil unit for the grades 1 through 12 program for each succeeding year subject to the
 67 Legislature appropriating funds for an increase in the guarantee.

68 (d) (i) The amount of state guarantee money to which a school district would otherwise
 69 be entitled to receive under this Subsection [~~(3)~~] (4) may not be reduced for the sole reason that
 70 the district's levy is reduced as a consequence of changes in the certified tax rate under Section
 71 59-2-924 pursuant to changes in property valuation.

72 (ii) Subsection [~~(3)~~] (4)(d)(i) applies for a period of five years following any such
 73 change in the certified tax rate.

74 (e) The guarantee provided under this section does not apply to the portion of a voted
 75 local levy rate that exceeds the voted local levy rate that was in effect for the previous fiscal
 76 year, unless an increase in the voted local levy rate was authorized in an election conducted on
 77 or after July 1 of the previous fiscal year and before December 2 of the previous fiscal year.

78 (f) (i) If a voted and board local levy funding balance exists for the prior fiscal year, the
 79 State Board of Education shall:

80 (A) use the voted and board local levy funding balance to increase the value of the state
 81 guarantee per weighted pupil unit described in Subsection (4)(c) in the current fiscal year; and

82 (B) distribute the state contribution to the voted and local levy programs to school
 83 districts based on the increased value of the state guarantee per weighted pupil unit described in
 84 Subsection (4)(f)(i)(A).

85 (ii) The State Board of Education shall report action taken under this Subsection (4)(f)

86 to the Office of the Legislative Fiscal Analyst and the Governor's Office of Planning and
87 Budget.

88 [~~(4)~~] (5) (a) An election to modify an existing voted local levy is not a reconsideration
89 of the existing authority unless the proposition submitted to the electors expressly so states.

90 (b) A majority vote opposing a modification does not deprive the district of authority to
91 continue the levy.

92 (c) If adoption of a voted local levy is contingent upon an offset reducing other local
93 school board levies, the board must allow the electors, in an election, to consider modifying or
94 discontinuing the imposition of the levy prior to a subsequent increase in other levies that
95 would increase the total local school board levy.

96 (d) Nothing contained in this section terminates, without an election, the authority of a
97 school district to continue imposing an existing voted local levy previously authorized by the
98 voters as a voted leeway program.

99 [~~(5)~~] (6) Notwithstanding Section 59-2-919, a school district may budget an increased
100 amount of ad valorem property tax revenue derived from a voted local levy imposed under this
101 section in addition to revenue from new growth as defined in Subsection 59-2-924(4), without
102 having to comply with the notice requirements of Section 59-2-919, if:

103 (a) the voted local levy is approved:

104 (i) in accordance with Subsections [~~(8)~~] (9) and [~~(9)~~] (10) on or after January 1, 2003;
105 and

106 (ii) within the four-year period immediately preceding the year in which the school
107 district seeks to budget an increased amount of ad valorem property tax revenue derived from
108 the voted local levy; and

109 (b) for a voted local levy approved or modified in accordance with this section on or
110 after January 1, 2009, the school district complies with the requirements of Subsection [~~(7)~~]
111 (8).

112 [~~(6)~~] (7) Notwithstanding Section 59-2-919, a school district may levy a tax rate under
113 this section that exceeds the certified tax rate without having to comply with the notice

114 requirements of Section 59-2-919 if:

115 (a) the levy exceeds the certified tax rate as the result of a school district budgeting an
116 increased amount of ad valorem property tax revenue derived from a voted local levy imposed
117 under this section;

118 (b) the voted local levy was approved:

119 (i) in accordance with Subsections [~~(8)~~] (9) and [~~(9)~~] (10) on or after January 1, 2003;
120 and

121 (ii) within the four-year period immediately preceding the year in which the school
122 district seeks to budget an increased amount of ad valorem property tax revenue derived from
123 the voted local levy; and

124 (c) for a voted local levy approved or modified in accordance with this section on or
125 after January 1, 2009, the school district complies with requirements of Subsection [~~(7)~~] (8).

126 [~~(7)~~] (8) For purposes of Subsection [~~(5)~~] (6)(b) or [~~(6)~~] (7)(c), the proposition
127 submitted to the electors regarding the adoption or modification of a voted local levy shall
128 contain the following statement:

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

131 [~~(8)~~] (9) (a) Before imposing a property tax levy pursuant to this section, a school
132 district shall submit an opinion question to the school district's registered voters voting on the
133 imposition of the tax rate so that each registered voter has the opportunity to express the
134 registered voter's opinion on whether the tax rate should be imposed.

135 (b) The election required by this Subsection [~~(8)~~] (9) shall be held:

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

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

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

142 (c) Notwithstanding the requirements of Subsections ~~[(8)]~~ (9)(a) and (b), beginning on
 143 or after January 1, 2012, a school district may levy a tax rate in accordance with this section
 144 without complying with the requirements of Subsections ~~[(8)]~~ (9)(a) and (b) if the school
 145 district imposed a tax in accordance with this section at any time during the taxable year
 146 beginning on January 1, 2011, and ending on December 31, 2011.

147 ~~[(9)]~~ (10) If a school district determines that a majority of the school district's
 148 registered voters voting on the imposition of the tax rate have voted in favor of the imposition
 149 of the tax rate in accordance with Subsection ~~[(8)]~~ (9), the school district may impose the tax
 150 rate.

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

152 **53A-17a-134. Board-approved leeway -- Purpose -- State support -- Disapproval.**

153 (1) Except as provided in Subsection (9), a local school board may levy a tax rate of up
 154 to .0004 per dollar of taxable value to maintain a school program above the cost of the basic
 155 school program as follows:

156 (a) a local school board shall use the money generated by the tax for class size
 157 reduction within the school district;

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

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

165 (2) (a) The state shall contribute an amount sufficient to guarantee \$27.36 per weighted
 166 pupil unit for each .0001 per dollar of taxable value.

167 (b) The guarantee shall increase in the same manner as provided for the voted local
 168 levy guarantee in Subsection 53A-17a-133~~[(3)]~~(4)(c).

169 (c) (i) The amount of state guarantee money to which a school district would otherwise

170 be entitled to under this Subsection (2) may not be reduced for the sole reason that the district's
171 levy is reduced as a consequence of changes in the certified tax rate under Section 59-2-924
172 pursuant to changes in property valuation.

173 (ii) Subsection (2)(c)(i) applies for a period of five years following any such change in
174 the certified tax rate.

175 (d) The guarantee provided under this section does not apply to:

176 (i) a board-authorized leeway in the first fiscal year the leeway is in effect, unless the
177 leeway was approved by voters pursuant to Subsections (4) through (6); or

178 (ii) the portion of a board-authorized leeway rate that is in excess of the
179 board-authorized leeway rate that was in effect for the previous fiscal year.

180 (3) The levy authorized under this section is not in addition to the maximum rate of
181 .002 authorized in Section 53A-17a-133, but is a board-authorized component of the total tax
182 rate under that section.

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

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

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

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

198 a special election.

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

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

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

204 (9) Beginning January 1, 2012, a local school board may not levy a tax in accordance
205 with this section.

206 Section 3. Section **53A-17a-164** is amended to read:

207 **53A-17a-164. Board local levy -- State guarantee.**

208 (1) Subject to the other requirements of this section, for a calendar year beginning on
209 or after January 1, 2012, a local school board may levy a tax to fund the school district's
210 general fund.

211 (2) (a) Except as provided in Subsection (2)(b), a tax rate imposed by a school district
212 pursuant to this section may not exceed .0018 per dollar of taxable value in any calendar year.

213 (b) A tax rate imposed by a school district pursuant to this section may not exceed
214 .0025 per dollar of taxable value in any calendar year if, during the calendar year beginning on
215 January 1, 2011, the school district's combined tax rate for the following levies was greater
216 than .0018 per dollar of taxable value:

217 (i) a recreation levy imposed under Section 11-2-7;

218 (ii) a transportation levy imposed under Section 53A-17a-127;

219 (iii) a board-authorized levy imposed under Section 53A-17a-134;

220 (iv) an impact aid levy imposed under Section 53A-17a-143;

221 (v) the portion of a 10% of basic levy imposed under Section 53A-17a-145 that is
222 budgeted for purposes other than capital outlay or debt service;

223 (vi) a reading levy imposed under Section 53A-17a-151; and

224 (vii) a tort liability levy imposed under Section [~~63G-1-704~~] 63G-7-704.

225 (3) (a) In addition to the revenue a school district collects from the imposition of a levy

226 pursuant to this section, the state shall contribute an amount sufficient to guarantee that each
227 .0001 of the first .0004 per dollar of taxable value generates an amount equal to [~~.010544 times~~
228 ~~the value of the prior year's weighted pupil unit~~] the state guarantee per weighted pupil unit
229 described in Subsection 53A-17a-133(4).

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

234 (ii) Subsection (3)(b)(i) applies for a period of five years following any changes in the
235 certified tax rate.

236 (4) A school district that imposes a board local levy in the calendar year beginning on
237 January 1, 2012, is exempt from the public notice and hearing requirements of Section
238 59-2-919 if the school district budgets an amount of ad valorem property tax revenue equal to
239 or less than the sum of the following amounts:

240 (a) the amount of revenue generated during the calendar year beginning on January 1,
241 2011, from the sum of the following levies of a school district:

- 242 (i) a recreation levy imposed under Section 11-2-7;
- 243 (ii) a transportation levy imposed under Section 53A-17a-127;
- 244 (iii) a board-authorized levy imposed under Section 53A-17a-134;
- 245 (iv) an impact aid levy imposed under Section 53A-17a-143;
- 246 (v) the portion of a 10% of basic levy imposed under Section 53A-17a-145 that is
247 budgeted for purposes other than capital outlay or debt service;
- 248 (vi) a reading levy imposed under Section 53A-17a-151; and
- 249 (vii) a tort liability levy imposed under Section [~~63G-1-704~~] 63G-7-704; and

250 (b) revenue from new growth as defined in Subsection 59-2-924(4)(c).

251 **Section 4. Effective date.**

252 This bill takes effect on July 1, 2013.