

## 2nd Sub. H.B. 109

# PUBLIC EDUCATION CAPITAL FUNDING EQUALIZATION

HOUSE FLOOR AMENDMENTS

AMENDMENT 2

MARCH 5, 2014 8:30 PM

Representative **Bradley G. Last** proposes the following amendments:

1. *Page 1, Lines 14 through 17:*

14 Capital Outlay Account; and  
15 {→requires a portion of unexpended balances in certain programs of the Minimum  
16 School Program at the end of a fiscal year to be deposited in the Capital Outlay  
17 Account; and }

2. *Page 2, Line 27:*

27 {~~53A-17a-105, as last amended by Laws of Utah 2013, Chapter 310~~}

3. *Page 2, Line 33 through Page 3, Line 84:*

33 { ~~Section 1. Section 53A-17a-105 is amended to read:~~  
34 ~~———— 53A-17a-105. Powers and duties of State Board of Education to adjust Minimum~~  
35 ~~School Program allocations.~~  
36 ~~———— (1) Except as provided in Subsection (2) or (4), if the number of weighted pupil units~~  
37 ~~in a program is underestimated, the State Board of Education shall reduce the value of the~~  
38 ~~weighted pupil unit in that program so that the total amount paid for the program does not~~  
39 ~~exceed the amount appropriated for the program.~~  
40 ~~———— (2) If the number of weighted pupil units in a program is overestimated, the State~~  
41 ~~Board of Education shall spend excess money appropriated for the following purposes giving~~  
42 ~~priority to the purpose described in Subsection (2)(a):~~  
43 ~~———— (a) to support the value of the weighted pupil unit in a program within the basic~~  
44 ~~state-supported school program in which the number of weighted pupil units is underestimated;~~  
45 ~~———— (b) to support the state guarantee per weighted pupil unit provided under the voted~~  
46 ~~local levy program established in Section 53A-17a-133 or the board local levy program~~  
47 ~~established in Section 53A-17a-164, if:~~  
48 ~~———— (i) local contributions to the voted local levy program or board local levy program are~~  
49 ~~overestimated; or~~  
50 ~~———— (ii) the number of weighted pupil units within school districts qualifying for a~~  
51 ~~guarantee is underestimated;~~  
52 ~~———— (c) to support the state supplement to local property taxes allocated to charter schools;~~  
53 ~~if the state supplement is less than the amount prescribed by Subsection 53A-1a-513(4); or~~  
54 ~~———— (d) to support a school district with a loss in student enrollment as provided in Section~~

55 ~~53A-17a-139.~~  
56 ~~—— (3) If local contributions from the minimum basic tax rate imposed under Section~~  
57 ~~53A-17a-135 are overestimated, the State Board of Education shall reduce the value of the~~  
58 ~~weighted pupil unit for all programs within the basic state-supported school program so the~~  
59 ~~total state contribution to the basic state-supported school program does not exceed the amount~~  
60 ~~of state funds appropriated.~~  
61 ~~—— (4) If local contributions from the minimum basic tax rate imposed under Section~~  
62 ~~53A-17a-135 are underestimated, the State Board of Education shall:~~  
63 ~~—— (a) spend the excess local contributions for the purposes specified in Subsection (2);~~  
64 ~~giving priority to supporting the value of the weighted pupil unit in programs within the basic~~  
65 ~~state-supported school program in which the number of weighted pupil units is underestimated;~~  
66 ~~and~~  
67 ~~—— (b) reduce the state contribution to the basic state-supported school program so the~~  
68 ~~total cost of the basic state-supported school program does not exceed the total state and local~~  
69 ~~funds appropriated to the basic state-supported school program plus the local contributions~~  
70 ~~necessary to support the value of the weighted pupil unit in programs within the basic~~  
71 ~~state-supported school program in which the number of weighted pupil units is underestimated.~~  
72 ~~—— (5) Except as provided in Subsection (2) or (4), the State Board of Education shall~~  
73 ~~reduce the guarantee per weighted pupil unit provided under the voted local levy program~~  
74 ~~established in Section 53A-17a-133 or board local levy program established in Section~~  
75 ~~53A-17a-164, if:~~  
76 ~~—— (a) local contributions to the voted local levy program or board local levy program are~~  
77 ~~overestimated; or~~  
78 ~~—— (b) the number of weighted pupil units within school districts qualifying for a~~  
79 ~~guarantee is underestimated.~~  
80 ~~—— (6) [Money] Except as provided in Subsection 53A-21-602(4), money appropriated to~~  
81 ~~the State Board of Education is nonlapsing.~~  
82 ~~—— (7) The State Board of Education shall report actions taken by the board under this~~  
83 ~~section to the Office of the Legislative Fiscal Analyst and the Governor's Office of~~  
84 ~~Management and Budget. }~~

4. Page 4, Lines 101 through 109:

101 (2) The Capital Outlay Account consists of:  
102 (a) an Education Fund revenue surplus transferred to the account pursuant to  
103 Subsection (3); **and**  
104 {(b) unexpended balances in the following programs within the Minimum School  
105 Program at the end of a fiscal year that are transferred to the account pursuant to Subsection  
106 (4):  
107 —— (i) the Basic Program; and

108 ~~(ii) the Related to Basic Programs; and~~  
109 ~~(c)}~~ (b) interest on account funds.

5. Page 4, Lines 110 through 117:

110 (3) The Division of Finance shall transfer the Education Fund revenue surplus balance,  
111 up to a maximum of ~~{\$75,000,000}~~ \$15,000,000 annually, to the Capital Outlay Account.  
112 ~~{(4) The Division of Finance shall transfer to the Capital Outlay Account 33% of the~~  
113 ~~unexpended balance in each of the following programs within the Minimum School Program at~~  
114 ~~the end of a fiscal year:~~  
115 ~~(a) the Basic Program; and~~  
116 ~~(b) the Related to Basic Programs:~~  
117 ~~(5)}~~ (4) Notwithstanding Subsection (3), if, at the end of a fiscal year, the Division of

6. Page 5, Lines 121 through 128:

121 ~~{(6)}~~ (5) Upon the appropriation of money from the Capital Outlay Account to the State  
122 Board of Education, the State Board of Education shall:  
123 (a) (i) allocate ~~{75%}~~ 50% of the money to the Capital Outlay Enrollment Growth Program;  
124 and  
125 (ii) distribute the money to school districts in accordance with Section [53A-21-302](#);  
126 and  
127 (b) (i) allocate ~~{25%}~~ 50% of the money to the Capital Outlay Foundation Program; and  
128 (ii) distribute the money to school districts in accordance with Section [53A-21-202](#).

Renumber remaining sections.