

1 **VOTED AND BOARD LEVY AMENDMENTS**

2 2015 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Joel K. Briscoe**

5 Senate Sponsor: _____

6
7 **LONG TITLE**

8 **General Description:**

9 This bill amends school district property tax provisions and funding for public schools.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ increases the amount of state guarantee money that a school district may receive
13 from the voted local levy guarantee program by increasing the maximum rate the
14 state will guarantee;

15 ~~H→ [▶ increases the maximum rate that a school district may impose for the voted local~~
16 ~~levy;] ←H~~

17 ▶ provides that all school districts are subject to the same property tax rate cap for the
18 board local levy;

19 ▶ creates the Income Tax Growth Account;

20 ▶ requires a certain amount of the growth in the state's income tax collections to be
21 deposited into the Income Tax Growth Account;

22 ▶ subject to legislative appropriation, requires the State Board of Education to use
23 money from the Income Tax Growth Account to fund the state's portion of the voted
24 levy and board levy guarantee program; and

25 ▶ makes technical amendments, including deleting outdated language.

26 **Money Appropriated in this Bill:**

27 None



28 **Other Special Clauses:**

29 This bill provides a special effective date.

30 **Utah Code Sections Affected:**

31 AMENDS:

32 53A-17a-133, as last amended by Laws of Utah 2014, Chapter 189

33 53A-17a-164, as last amended by Laws of Utah 2013, Chapters 178 and 313

34 ENACTS:

35 53A-17a-133.1, Utah Code Annotated 1953

36 53A-17a-133.2, Utah Code Annotated 1953



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

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

40 **53A-17a-133. State-supported voted local levy authorized -- Election**
41 **requirements -- State guarantee -- Reconsideration of the program.**

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

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

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

48 (2) An election to consider adoption or modification of a voted local levy is required if
49 initiative petitions signed by 10% of the number of electors who voted at the last preceding
50 general election are presented to the local school board or by action of the board.

51 (3) (a) (i) To impose a voted local levy, a majority of the electors of a district voting at
52 an election in the manner set forth in Subsections (9) and (10) must vote in favor of a special
53 tax.

54 (ii) The tax rate for a voted local levy may not exceed ~~Ĥ~~→ [f] .002 [f] [~~-0024~~] ←Ĥ per
54a dollar of taxable
55 value.

56 (b) Except as provided in Subsection (3)(c), in order to receive state support the first
57 year, a district must receive voter approval no later than December 1 of the year prior to
58 implementation.

152 (b) The election required by this Subsection (9) shall be held:

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

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

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

159 (c) Notwithstanding the requirements of Subsections (9)(a) and (b), beginning on or
160 after January 1, 2012, a school district may levy a tax rate in accordance with this section
161 without complying with the requirements of Subsections (9)(a) and (b) if the school district
162 imposed a tax in accordance with this section at any time during the taxable year beginning on
163 January 1, 2011, and ending on December 31, 2011.

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

167 Section 2. Section **53A-17a-133.1** is enacted to read:

168 **53A-17a-133.1. Distribution of certain revenue for education.**

169 (1) For purposes of this section:

170 (a) "Eligible funds" means an amount equal to ~~H~~→ [30%] 10% ←~~H~~ of the increased
170a collections from
171 the state's income tax.

172 (b) "Increased collections from the state's income tax" means an amount of money
173 equal to the difference between:

174 (i) the amount of revenue collected during the prior fiscal year from a tax under:

175 (A) Title 59, Chapter 7, Corporate Franchise and Income Taxes; and

176 (B) Title 59, Chapter 10, Individual Income Tax Act; and

177 (ii) the amount of revenue collected during the fiscal year beginning on July 1, 2013,
178 and ending on June 30, 2014, from a tax under:

179 (A) Title 59, Chapter 7, Corporate Franchise and Income Taxes; and

180 (B) Title 59, Chapter 10, Individual Income Tax Act.

181 (2) Beginning on January 1, 2016, if there are eligible funds, the commission shall
182 annually, on or before January 31 of each year, deposit the eligible funds into the Income Tax