

430 to the Office of the Legislative Fiscal Analyst and the Governor's Office of Management and
431 Budget.]

432 (1) As used in this section, "voted local levy" means a local levy imposed in
433 accordance with this section by a local school board.

434 (2) (a) A local school board ~~shall~~ **→** ~~may~~ **←** impose or modify a voted local levy on
434a **→** ~~real~~ **←** property

435 located in the school district of the local school board if a majority of the electors of the school
436 district voting at an election in the manner set forth in Subsections (8) and (9) vote in favor of
437 imposing or modifying the voted local levy.

438 (b) The tax rate of the imposed or modified voted local levy may not exceed .002 per
439 dollar of taxable value.

440 (3) The local school board shall hold an election to consider imposing or modifying the
441 voted local levy if:

442 (a) (i) 10% of the electors of the school district who voted at the last preceding general
443 election sign an initiative petition; and

444 (ii) the initiative petition is presented to the local school board; or

445 (b) a majority of the local school board vote in favor of holding the election.

446 ~~[(5)]~~ (4) (a) An election to modify an existing voted local levy is not a reconsideration
447 of the local school board's existing voted local levy authority unless the proposition submitted
448 to the electors expressly so states.

449 (b) A majority vote opposing a modification does not deprive the ~~district~~ local school
450 board of authority to continue the voted local levy.

451 (c) If adoption of a voted local levy is contingent upon an offset reducing other local
452 school board levies, the local school board ~~must~~ shall allow the electors, in an election, to
453 consider modifying or discontinuing the imposition of the voted local levy ~~prior to~~ before a
454 subsequent increase in other levies that would increase the total local school board ~~levy~~
455 levies.

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

459 ~~[(6)]~~ (5) Notwithstanding Section 59-2-919, a local school ~~district~~ board may budget
460 an increased amount of ad valorem property tax revenue derived from a voted local levy

492 revenue from this property tax without advertising the increase for the next five years."

493 ~~[(9)]~~ (8) (a) Before ~~[imposing a property tax]~~ a local school board may impose a voted
 494 local levy pursuant to this section, a local school ~~[district]~~ board shall submit an opinion
 495 question to the school district's registered voters voting on the imposition of the voted local
 496 levy tax rate so that each registered voter has the opportunity to express the registered voter's
 497 opinion on whether the tax rate should be imposed.

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

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

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

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

505 (c) Notwithstanding the requirements of Subsections ~~[(9)]~~ (8)(a) and (b), beginning on
 506 or after January 1, 2012, a local school ~~[district]~~ board may levy a voted local levy tax rate in
 507 accordance with this section without complying with the requirements of Subsections ~~[(9)]~~
 508 (8)(a) and (b) if the local school ~~[district]~~ board imposed a tax in accordance with this section
 509 at any time during the taxable year beginning on January 1, 2011, and ending on December 31,
 510 2011.

511 ~~[(10)]~~ (9) If a local school ~~[district]~~ board determines that a majority of the school
 512 district's registered voters voting on the imposition of the voted local levy tax rate have voted
 513 in favor of the imposition of the tax rate in accordance with Subsection ~~[(9)]~~ (8), the local
 514 school ~~[district may]~~ board ~~Š→ [shall] may ←Š~~ impose the tax rate.

515 (10) ~~Š→ [(a) Except as provided in Subsection (10)(b), in] In ←Š~~ order for a school district
 515a to
 516 receive a state guarantee described in Section 53A-17a-133.5 the first year a voted local levy is
 517 imposed, a local school board shall receive voter approval no later than December 1 of the year
 518 before implementation.

519 ~~Š→ [(b) Beginning on or after January 1, 2012, a local school board may, on behalf of the~~
 520 ~~school district, receive the state guarantee in accordance with Section 53A-17a-133.5 without~~
 521 ~~complying with the requirements of Subsection (10)(a) if the local school board imposed a tax~~
 522 ~~in accordance with this section during the taxable year beginning on January 1, 2011, and~~

523 ~~Ending on December 31, 2011.~~ ←§

524 Section 5. Section 53A-17a-133.5 is enacted to read:

525 **53A-17a-133.5. State guaranteed local levy increments -- Appropriation to**
526 **increase number of guaranteed local levy increments -- No effect of change of certified**
527 **tax rate -- Voted and board local levy funding balance -- Use of guaranteed local levy**
528 **increment funds.**

529 (1) As used in this section:

530 (a) "Board local levy" means a local levy described in Section [53A-17a-164](#).

531 (b) "Guaranteed local levy increment" means a local levy increment guaranteed by the
532 state:

533 (i) for the board local levy, described in Subsections (2)(a)(ii)(A) and (2)(b)(ii)(A); or

534 (ii) for the voted local levy, described in Subsections (2)(a)(ii)(B) and (2)(b)(ii)(B).

535 (c) "Local levy increment" means .0001 per dollar of taxable value.

536 (d) (i) "Voted and board local levy funding balance" means the difference between:

537 (A) the amount appropriated for the guaranteed local levy increments of the voted local
538 levy and board local levy in a fiscal year; and

539 (B) the amount necessary to fund in the same fiscal year the guaranteed local levy
540 increments as determined under this section.

541 (ii) "Voted and board local levy funding balance" does not include appropriations
542 described in Subsection (2)(b)(i).

543 (e) "Voted local levy" means a local levy described in Section [53A-17a-133](#).

544 (2) (a) In addition to revenue a school district collects from the imposition of a voted
545 local levy or a board local levy, the state shall guarantee:

546 (i) subject to Subsections (2)(b)(ii)(C) and (3)(a), for each guaranteed local levy
547 increment an amount sufficient to guarantee \$35.55 per weighted pupil unit; and

548 (ii) except as provided in Subsection (2)(b)(ii):

549 (A) for a board local levy, the amount described in Subsection (2)(a)(i) for the first four
550 local levy increments a local school board imposes under the board local levy; and

551 (B) for a voted local levy, the amount described in Subsection (2)(a)(i) for the first 16
552 local levy increments a local school board imposes under the voted local levy.

553 (b) (i) Subject to future budget constraints and Subsection (2)(c), the Legislature shall

585 in effect for the previous fiscal year, unless an increase in the voted local levy rate was
 586 authorized in an election described in Section 53A-17a-133 conducted on or after July 1 of the
 587 previous fiscal year and before December 2 of the previous fiscal year.

588 (6) (a) If a voted and board local levy funding balance exists for the prior fiscal year,
 589 the State Board of Education shall:

590 (i) use the voted and board local levy funding balance to increase the value of the state
 591 guarantee per weighted pupil unit described in Subsection (3)(a) in the current fiscal year; and

592 (ii) distribute guaranteed local levy increment funds to school districts based on the
 593 increased value of the state guarantee per weighted pupil unit described in Subsection (6)(a)(i).

594 (b) The State Board of Education shall report action taken under Subsection (6)(a) to
 595 the Office of the Legislative Fiscal Analyst and the Governor's Office of Management and
 596 Budget.

597 (7) A local school board of a school district that receives funds described in this section
 598 shall budget and expend the funds for any public education purpose.

598a **§→ (8)(a) §→ [The] Subject to the prioritization of the Audit Subcommittee, the ←§ Office of**
 598a1 **the Legislative Auditor General established under Section 36-12-15**

598b **shall on or before November 1, 2019:**

598c **(i) conduct an audit of money appropriated and allocated under Subsection (2)(b); and**

598d **(ii) prepare and submit a written report of the audit in accordance with Subsection 36-**
 598e **12-15(4)(b)(ii).**

598f **(b) The audit shall include:**

598g **(i) the annual amount of money appropriated under Subsection (2)(b)(i);**

598h **(ii)(A) which school districts received money under Subsection (2)(b)(ii); and**

598i **(B) what expenses each school district paid for with the money;**

598j **(iii) how the appropriation described in Subsection (2)(b)(i) affected differences in per**
 598k **student property tax revenue between school districts within the state; and**

598l **(iv) what effects, if any, the appropriation described in Subsection (2)(b)(i) has had on**
 598m **statewide education, including any discrepancies between the effect on school districts and**
 598n **charter schools. ←§**

599 Section 6. Section 53A-17a-134 is amended to read:

600 **53A-17a-134. Board-approved leeway -- Purpose -- State support -- Disapproval.**

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

604 (a) a local school board shall use the money generated by the tax for class size