

**Senator Lincoln Fillmore** proposes the following substitute bill:

**SCHOOL FUNDING AMENDMENTS**

2017 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lincoln Fillmore**

House Sponsor: Bradley G. Last

6	Cosponsors:	Howard A. Stephenson	Todd Weiler
7	Ann Millner	Daniel W. Thatcher	

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**LONG TITLE**

**General Description:**

This bill amends and enacts provisions related to education funding.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ directs the Legislature to annually appropriate money to increase the number of guaranteed local levy increments;
- ▶ directs the State Board of Education to use the appropriation to increase:
  - the number of guaranteed local levy increments, giving first priority to guarantee board local levy increments and second priority to guarantee voted local levy increments; and
  - the guaranteed amount for each local levy increment per weighted pupil unit after increasing the number of guaranteed local levy increments;
- ▶ directs a local school board to use funds received from the state local levy guarantee for a public education purpose;



- 25 ▶ recodifies and enacts language governing:
- 26 • a voted local levy;
- 27 • the use of guaranteed local levy increments; and
- 28 • a board local levy;
- 29 ▶ amends for a five-year period the calculation of the school minimum basic tax rate;
- 30 ▶ exempts in certain circumstances the school minimum basic tax rate from certain
- 31 public notice requirements;
- 32 ▶ establishes the Local Levy Growth Account;
- 33 ▶ provides a repeal date; and
- 34 ▶ makes technical and conforming changes.

35 **Money Appropriated in this Bill:**

36 None

37 **Other Special Clauses:**

38 This bill provides a special effective date.

39 This bill provides revisor instructions.

40 **Utah Code Sections Affected:**

41 AMENDS:

- 42 **11-13-302**, as last amended by Laws of Utah 2015, Chapter 287
- 43 **11-13-310**, as last amended by Laws of Utah 2003, Chapter 21
- 44 **53A-1a-513**, as last amended by Laws of Utah 2016, Chapter 229
- 45 **53A-2-118.4**, as last amended by Laws of Utah 2015, Chapter 428
- 46 **53A-2-206**, as last amended by Laws of Utah 2012, Chapter 398
- 47 **53A-17a-103**, as last amended by Laws of Utah 2016, Chapter 367
- 48 **53A-17a-105**, as last amended by Laws of Utah 2016, Chapter 229
- 49 **53A-17a-133**, as last amended by Laws of Utah 2016, Chapters 2, 350, and 367
- 50 **53A-17a-134**, as last amended by Laws of Utah 2013, Chapter 178
- 51 **53A-17a-135**, as last amended by Laws of Utah 2016, Chapter 2
- 52 **53A-17a-135.1**, as enacted by Laws of Utah 2015, Chapter 287
- 53 **53A-17a-136**, as last amended by Laws of Utah 2011, Chapter 371
- 54 **53A-17a-143**, as last amended by Laws of Utah 2011, Chapter 371
- 55 **53A-17a-146**, as last amended by Laws of Utah 2011, Chapters 371 and 381

56 **53A-17a-164**, as last amended by Laws of Utah 2016, Chapters 229, 350, and 367

57 **53A-19-102**, as last amended by Laws of Utah 2016, Chapter 363

58 **59-2-102**, as last amended by Laws of Utah 2016, Chapters 98, 308, 367, and 368

59 **63I-2-211**, as enacted by Laws of Utah 2015, Chapter 250

60 **63I-2-253**, as last amended by Laws of Utah 2016, Chapters 128, 229, 236, 271, and

61 318

62 **63I-2-259**, as last amended by Laws of Utah 2015, Chapter 139

63 ENACTS:

64 **53A-17a-133.5**, Utah Code Annotated 1953

65 **53A-17a-135.5**, Utah Code Annotated 1953

66 **53A-17a-135.6**, Utah Code Annotated 1953

67 **Utah Code Sections Affected by Revisor Instructions:**

68 **63I-2-253**, as last amended by Laws of Utah 2016, Chapters 128, 229, 236, 271, and

69 318



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

72 Section 1. Section **11-13-302** is amended to read:

73 **11-13-302. Payment of fee in lieu of ad valorem property tax by certain energy**  
74 **suppliers -- Method of calculating -- Collection -- Extent of tax lien.**

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

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

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

83 (i) with respect to each taxing jurisdiction that is a candidate receiving the benefit of  
84 impact alleviation payments under contracts or determination orders provided for in Sections  
85 **11-13-305** and **11-13-306**, with the fiscal year of the candidate following the fiscal year of the  
86 candidate in which the date of commercial operation of the last generating unit, other than any

87 generating unit providing additional project capacity, of the project occurs, or, in the case of  
88 any facilities providing additional project capacity, with the fiscal year of the candidate  
89 following the fiscal year of the candidate in which the date of commercial operation of the  
90 generating unit providing the additional project capacity occurs; and

91 (ii) with respect to any taxing jurisdiction other than a taxing jurisdiction described in  
92 Subsection (1)(c)(i), with the fiscal year of the taxing jurisdiction in which construction of the  
93 project commences, or, in the case of facilities providing additional project capacity, with the  
94 fiscal year of the taxing jurisdiction in which construction of those facilities commences.

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

97 (2) (a) The annual fees due a school district shall be as provided in Subsection (2)(b)  
98 because the ad valorem property tax imposed by a school district and authorized by the  
99 Legislature represents both:

100 (i) a levy mandated by the state for the state minimum school program under Section  
101 [53A-17a-135](#) or [53A-17a-135.5](#), as applicable; and

102 (ii) local levies for capital outlay and other purposes under Sections [53A-16-113](#),  
103 [53A-17a-133](#), and [53A-17a-164](#).

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

105 (i) the project entity shall pay to the school district an annual fee for the state minimum  
106 school program at the rate imposed by the school district and authorized by the Legislature  
107 under Section [53A-17a-135](#) or [53A-17a-135.5](#), as applicable; and

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

110 (A) an annual fee; or

111 (B) impact alleviation payments under contracts or determination orders provided for  
112 in Sections [11-13-305](#) and [11-13-306](#).

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

118 (b) As used in this section, "tax rate," when applied in respect to a school district,  
119 includes any assessment to be made by the school district under Subsection (2) or Section  
120 63M-5-302.

121 (c) There is to be credited against the annual fee due a taxing jurisdiction for each year,  
122 an amount equal to the debt service, if any, payable in that year by the project entity on bonds,  
123 the proceeds of which were used to provide public facilities and services for impact alleviation  
124 in the taxing jurisdiction in accordance with Sections 11-13-305 and 11-13-306.

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

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

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

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

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

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

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

138 (A) the project entity; and

139 (B) any county that:

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

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

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

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

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

148 (iii) For purposes of an annual fee imposed by a taxing jurisdiction within a county

149 described in Subsection (4)(b)(i)(B), the fee base determined by the agreement described in  
150 Subsection (4)(b)(i) shall be used for purposes of an annual fee imposed by that taxing  
151 jurisdiction.

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

155 (I) for that year; and

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

157 (B) The valuation required by Subsection (4)(b)(iv)(A) shall be made by the State Tax  
158 Commission in accordance with rules made by the State Tax Commission.

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

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

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

162 (d) (i) The contracts of the project entity with the purchasers of the capacity, service, or  
163 other benefits of the project whose tangible property is not exempted by Utah Constitution  
164 Article XIII, Section 3, from the payment of ad valorem property tax shall require each  
165 purchaser, whether or not located in the state, to pay, to the extent not otherwise provided for,  
166 its share, determined in accordance with the terms of the contract, of these fees.

167 (ii) It is the responsibility of the project entity to enforce the obligations of the  
168 purchasers.

169 (5) (a) The responsibility of the project entity to make payment of the annual fees is  
170 limited to the extent that there is legally available to the project entity, from bond proceeds or  
171 revenues, money to make these payments, and the obligation to make payments of the annual  
172 fees is not otherwise a general obligation or liability of the project entity.

173 (b) No tax lien may attach upon any property or money of the project entity by virtue of  
174 any failure to pay all or any part of an annual fee.

175 (c) The project entity or any purchaser may contest the validity of an annual fee to the  
176 same extent as if the payment was a payment of the ad valorem property tax itself.

177 (d) The payments of an annual fee shall be reduced to the extent that any contest is  
178 successful.

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

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

181 (A) is not a project entity; and

182 (B) owns an interest in a facility providing additional project capacity if the interest is  
183 otherwise exempt from taxation pursuant to Utah Constitution, Article XIII, Section 3; and

184 (ii) for a public agency described in Subsection (6)(a)(i), shall be calculated in  
185 accordance with Subsection (6)(b).

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

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

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

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

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

198 Section 2. Section **11-13-310** is amended to read:

199 **11-13-310. Termination of impact alleviation contract.**

200 If the project or any part of it or the facilities providing additional project capacity or  
201 any part of them, or the output from the project or facilities providing additional project  
202 capacity become subject, in addition to the requirements of Section **11-13-302**, to ad valorem  
203 property taxation or other payments in lieu of ad valorem property taxation, or other form of  
204 tax equivalent payments to any candidate which is a party to an impact alleviation contract with  
205 respect to the project or facilities providing additional project capacity or is receiving impact  
206 alleviation payments or means with respect to the project or facilities providing additional  
207 project capacity pursuant to a determination by the board, then the impact alleviation contract  
208 or the requirement to make impact alleviation payments or provide means therefor pursuant to  
209 the determination, as the case may be, shall, at the election of the candidate, terminate. In any  
210 event, each impact alleviation contract or determination order shall terminate upon the project,

211 or, in the case of facilities providing additional project capacity, those facilities becoming  
212 subject to the provisions of Section 11-13-302, except that no impact alleviation contract or  
213 agreement entered by a school district shall terminate because of in lieu ad valorem property  
214 tax fees levied under Subsection 11-13-302(2)(b)(i) or because of ad valorem property taxes  
215 levied under Section 53A-17a-135 or 53A-17a-135.5, as applicable, for the state minimum  
216 school program. In addition, if the construction of the project, or, in the case of facilities  
217 providing additional project capacity, of those facilities, is permanently terminated for any  
218 reason, each impact alleviation contract and determination order, and the payments and means  
219 required thereunder, shall terminate. No termination of an impact alleviation contract or  
220 determination order may terminate or reduce any liability previously incurred pursuant to the  
221 contract or determination order by the candidate beneficiary under it. If the provisions of  
222 Section 11-13-302, or its successor, are held invalid by a court of competent jurisdiction, and  
223 no ad valorem taxes or other form of tax equivalent payments are payable, the remaining  
224 provisions of this chapter shall continue in operation without regard to the commencement of  
225 commercial operation of the last generating unit of that project or of facilities providing  
226 additional project capacity.

227 Section 3. Section 53A-1a-513 is amended to read:

228 **53A-1a-513. Funding for charter schools.**

229 (1) As used in this section:

230 (a) "Basic program" means the same as that term is defined in Section 53A-17a-103.

231 ~~(c)~~ (b) "Charter school levy per pupil revenues" means the same as that term is  
232 defined in Section 53A-1a-513.1.

233 ~~(b)~~ (c) "Charter school students' average local revenues" means the amount  
234 determined as follows:

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

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

239 (iii) divide the sum calculated under Subsection (1)(b)(ii) by the number of students  
240 enrolled in charter schools on the previous October 1.

241 (d) "District local property tax revenues" means the sum of a school district's revenue



242 received from the following:

243 (i) a voted local levy imposed under Section 53A-17a-133;

244 (ii) a board local levy imposed under Section 53A-17a-164, excluding revenues  
245 expended for:

246 (A) pupil transportation, up to the amount of revenue generated by a .0003 per dollar of  
247 taxable value of the school district's board local levy; and

248 (B) the K-3 Reading Improvement Program, up to the amount of revenue generated by  
249 a .000121 per dollar of taxable value of the school district's board local levy;

250 (iii) a capital local levy imposed under Section 53A-16-113; and

251 (iv) a guarantee described in Section [~~53A-17a-133, 53A-17a-164~~] 53A-17a-133.5,  
252 53A-21-202, or 53A-21-302.

253 (e) "District per pupil local revenues" means, using data from the most recently  
254 published school district annual financial reports and state superintendent's annual report, an  
255 amount equal to district local property tax revenues divided by the sum of:

256 (i) a school district's average daily membership; and

257 (ii) the average daily membership of a school district's resident students who attend  
258 charter schools.

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

261 (g) "Statewide average debt service revenues" means the amount determined as  
262 follows, using data from the most recently published state superintendent's annual report:

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

265 (ii) divide the sum calculated under Subsection (1)(g)(i) by statewide school district  
266 average daily membership.

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

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

272 (3) (a) Except as provided in Subsections (3)(b) and (3)(c), a charter school shall

273 receive state funds, as applicable, on the same basis as a school district receives funds.

274 (b) For the 2015-16 school year, the number of weighted pupil units assigned to a  
275 charter school for the kindergarten and grades 1 through 12 programs of the Basic School  
276 Program shall be:

277 (i) based on the higher of:

278 (A) October 1 enrollment in the current school year; or

279 (B) average daily membership in the prior school year plus growth as determined under  
280 Section 53A-17a-106; and

281 (ii) weighted as provided in Subsection (3)(c).

282 (c) In distributing funds under Chapter 17a, Minimum School Program Act, to charter  
283 schools, charter school pupils shall be weighted, where applicable, as follows:

284 (i) .55 for kindergarten pupils;

285 (ii) .9 for pupils in grades 1 through 6;

286 (iii) .99 for pupils in grades 7 through 8; and

287 (iv) 1.2 for pupils in grades 9 through 12.

288 (4) (a) (i) A school district shall allocate a portion of school district revenues for each  
289 resident student of the school district who is enrolled in a charter school on the previous  
290 October 1 equal to 25% of the district per pupil local revenues excluding the amount of  
291 revenues:

292 (A) described in Subsection (1)(d)(iv) collected by the district; and

293 (B) expended by the school district for recreational facilities and activities authorized  
294 under Title 11, Chapter 2, Playgrounds.

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

297 (b) The State Board of Education shall:

298 (i) deduct an amount equal to the allocation provided under Subsection (4)(a) from  
299 state funds the school district is authorized to receive under Chapter 17a, Minimum School  
300 Program Act; and

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

302 (c) Notwithstanding the method used to transfer school district revenues to charter  
303 schools as provided in Subsection (4)(b), a school district may deduct the allocations to charter

304 schools under this section from:

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

306 (ii) the revenue sources listed in Subsection (1)(d) based on the portion of the  
307 allocations to charter schools attributed to each of the revenue sources listed in Subsection  
308 (1)(d).

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

312 (ii) Except as provided in Subsection (4)(d)(iii), the amount of money provided by the  
313 state for a charter school student shall be the sum of:

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

316 (B) statewide average debt service revenues.

317 (iii) If the total of a school district's allocation for a charter school student under  
318 Subsection (4)(a) and the amount provided by the state under Subsection (4)(d)(ii) is less than  
319 \$1427, the state shall provide an additional supplement so that a charter school receives at least  
320 \$1427 per student under this Subsection (4).

321 (iv) (A) If the appropriation provided under this Subsection (4)(d) is less than the  
322 amount prescribed by Subsection (4)(d)(ii) or (4)(d)(iii), the appropriation shall be allocated  
323 among charter schools in proportion to each charter school's enrollment as a percentage of the  
324 total enrollment in charter schools.

325 (B) If the State Board of Education makes adjustments to Minimum School Program  
326 allocations as provided under Section [53A-17a-105](#), the allocation provided in Subsection  
327 (4)(d)(iv)(A) shall be determined after adjustments are made under Section [53A-17a-105](#).

328 (e) (i) Except as provided in Subsection (4)(e)(ii), of the money provided to a charter  
329 school under this Subsection (4), 10% shall be expended for funding school facilities only.

330 (ii) Subsection (4)(e)(i) does not apply to an online charter school.

331 (f) This Subsection (4) is repealed July 1, 2017.

332 (5) (a) As described in Section [53A-1a-513.1](#), the State Board of Education shall  
333 distribute charter school levy per pupil revenues to charter schools.

334 (b) (i) Subject to future budget constraints, the Legislature shall provide an

335 appropriation for charter schools for each charter school student enrolled on October 1 to  
336 supplement the allocation of charter school levy per pupil revenues described in Subsection  
337 (5)(a).

338 (ii) Except as provided in Subsection (5)(b)(iii), the amount of money provided by the  
339 state for a charter school student shall be the sum of:

340 (A) charter school students' average local revenues minus the charter school levy per  
341 pupil revenues; and

342 (B) statewide average debt service revenues.

343 (iii) If the total of charter school levy per pupil revenues and the amount provided by  
344 the state under Subsection (5)(b)(ii) is less than \$1,427, the state shall provide an additional  
345 supplement so that a charter school receives at least \$1,427 per student under this Subsection  
346 (5).

347 (iv) (A) If the appropriation provided under this Subsection (5)(b) is less than the  
348 amount prescribed by Subsection (5)(b)(ii) or (5)(b)(iii), the appropriation shall be allocated  
349 among charter schools in proportion to each charter school's enrollment as a percentage of the  
350 total enrollment in charter schools.

351 (B) If the State Board of Education makes adjustments to Minimum School Program  
352 allocations as provided under Section 53A-17a-105, the allocation provided in Subsection  
353 (5)(b)(iv)(A) shall be determined after adjustments are made under Section 53A-17a-105.

354 (c) (i) Of the money provided to a charter school under this Subsection (5), 10% shall  
355 be expended for funding school facilities only.

356 (ii) Subsection (5)(c)(i) does not apply to an online charter school.

357 (d) This Subsection (5) is effective July 1, 2017.

358 (6) Charter schools are eligible to receive federal funds if they meet all applicable  
359 federal requirements and comply with relevant federal regulations.

360 (7) The State Board of Education shall distribute funds for charter school students  
361 directly to the charter school.

362 (8) (a) Notwithstanding Subsection (3), a charter school is not eligible to receive state  
363 transportation funding.

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

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

368 (9) (a) (i) In accordance with Section 53A-1a-513.5, the State Charter School Board  
369 may allocate grants for start-up costs to charter schools from money appropriated for charter  
370 school start-up costs.

371 (ii) The governing board of a charter school that receives money from a grant under  
372 Section 53A-1a-513.5 shall use the grant for expenses for planning and implementation of the  
373 charter school.

374 (b) The State Board of Education shall coordinate the distribution of federal money  
375 appropriated to help fund costs for establishing and maintaining charter schools within the  
376 state.

377 (10) (a) A charter school may receive, hold, manage and use any devise, bequest, grant,  
378 endowment, gift, or donation of any property made to the school for any of the purposes of this  
379 part.

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

384 Section 4. Section 53A-2-118.4 is amended to read:

385 **53A-2-118.4. Property tax levies in new district and remaining district --**

386 **Distribution of property tax revenue.**

387 (1) As used in this section:

388 (a) "Divided school district" or "existing district" means a school district from which a  
389 new district is created.

390 (b) "New district" means a school district created under Section 53A-2-118.1 after May  
391 10, 2011.

392 (c) "Property tax levy" means a property tax levy that a school district is authorized to  
393 impose, except:

394 (i) the minimum basic rate imposed under Section 53A-17a-135 or 53A-17a-135.5, as  
395 applicable;

396 (ii) a debt service levy imposed under Section 11-14-310; or

397 (iii) a judgment levy imposed under Section [59-2-1330](#).

398 (d) "Qualifying taxable year" means the calendar year in which a new district begins to  
399 provide educational services.

400 (e) "Remaining district" means an existing district after the creation of a new district.

401 (2) A new district and remaining district shall continue to impose property tax levies  
402 that were imposed by the divided school district in the taxable year prior to the qualifying  
403 taxable year.

404 (3) Except as provided in Subsection (6), a property tax levy that a new district and  
405 remaining district are required to impose under Subsection (2) shall be set at a rate that:

406 (a) is uniform in the new district and remaining district; and

407 (b) generates the same amount of revenue that was generated by the property tax levy  
408 within the divided school district in the taxable year prior to the qualifying taxable year.

409 (4) (a) Except as provided in Subsection (4)(b), the county treasurer of the county in  
410 which a property tax levy is imposed under Subsection (2) shall distribute revenues generated  
411 by the property tax levy to the new district and remaining district in proportion to the  
412 percentage of the divided school district's enrollment on the October 1 prior to the new district  
413 commencing educational services that were enrolled in schools currently located in the new  
414 district or remaining district.

415 (b) The county treasurer of a county of the first class shall distribute revenues  
416 generated by a capital local levy of .0006 that a school district in a county of the first class is  
417 required to impose under Section [53A-16-113](#) in accordance with the distribution method  
418 specified in Section [53A-16-114](#).

419 (5) On or before March 31, a county treasurer shall distribute revenues generated by a  
420 property tax levy imposed under Subsection (2) in the prior calendar year to a new district and  
421 remaining district as provided in Subsection (4).

422 (6) (a) Subject to the notice and public hearing requirements of Section [59-2-919](#), a  
423 new district or remaining district may set a property tax rate higher than the rate required by  
424 Subsection (3), up to:

425 (i) the maximum rate, if any, allowed by law; or

426 (ii) the maximum rate authorized by voters for a voted local levy under Section  
427 [53A-17a-133](#).

428 (b) The revenues generated by the portion of a property tax rate in excess of the rate  
429 required by Subsection (3) shall be retained by the district that imposes the higher rate.

430 Section 5. Section **53A-2-206** is amended to read:

431 **53A-2-206. Interstate compact students -- Inclusion in attendance count --**  
432 **Funding for foreign exchange students -- Annual report -- Requirements for exchange**  
433 **student agencies.**

434 (1) A school district or charter school may include the following students in the  
435 district's or school's membership and attendance count for the purpose of apportionment of  
436 state money:

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

441 (b) a student receiving services under Title 62A, Chapter 4a, Part 7, Interstate Compact  
442 on Placement of Children.

443 (2) (a) A school district or charter school may include foreign exchange students in the  
444 district's or school's membership and attendance count for the purpose of apportionment of  
445 state money, except as provided in Subsections (2)(b) through (d).

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

449 (ii) Subject to the limitation in Subsection (2)(c), the number of weighted pupil units in  
450 the grades 1-12 basic program attributed to foreign exchange students shall be equal to the  
451 number of foreign exchange students who were:

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

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

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

458 (A) the number of foreign exchange students enrolled in public schools in the state on

459 October 1 of the previous fiscal year; or

460 (B) 328 foreign exchange students.

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

465 (d) Notwithstanding [~~Sections 53A-17a-133 and 53A-17a-164~~] Section  
466 53A-17a-133.5, weighted pupil units in the grades 1 through 12 basic program for foreign  
467 exchange students, as determined by Subsections (2)(b) and (c), may not be included for the  
468 purposes of determining a school district's state guarantee money under the voted or board local  
469 levies.

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

471 (a) enroll foreign exchange students that do not qualify for state money; and

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

474 (4) Due to the benefits to all students of having the opportunity to become familiar  
475 with individuals from diverse backgrounds and cultures, school districts are encouraged to  
476 enroll foreign exchange students, as provided in Subsection (3), particularly in schools with  
477 declining or stable enrollments where the incremental cost of enrolling the foreign exchange  
478 student may be minimal.

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

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

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

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

487 (ii) that a household study, including a background check of all adult residents, has  
488 been made of each household where an exchange student is to reside, and that the study was of  
489 sufficient scope to provide reasonable assurance that the exchange student will receive proper



490 care and supervision in a safe environment;

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

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

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

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

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

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

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

511 (8) Notwithstanding Subsection (2)(c)(i), a school district or charter school shall enroll  
512 a foreign exchange student if the foreign exchange student:

513 (a) is sponsored by an agency approved by the State Board of Education;

514 (b) attends the same school during the same time period that another student from the  
515 school is:

516 (i) sponsored by the same agency; and

517 (ii) enrolled in a school in a foreign country; and

518 (c) is enrolled in the school for one year or less.

519 Section 6. Section 53A-17a-103 is amended to read:

520 **53A-17a-103. Definitions.**

521 As used in this chapter:

522 (1) "Basic state-supported school program" or "basic program" means public education  
523 programs for kindergarten, elementary, and secondary school students that are operated and  
524 maintained for the amount derived by multiplying the number of weighted pupil units for each  
525 school district or charter school by the value established each year in statute, except as  
526 otherwise provided in this chapter.

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

529 (i) the amount of ad valorem property tax revenue to be generated statewide in the  
530 previous year from imposing a minimum basic tax rate, as specified in Section [53A-17a-135](#) or  
531 [53A-17a-135.5](#), as applicable; and

532 (ii) the product of:

533 (A) eligible new growth, as defined in Section [59-2-924](#) and rules of the State Tax  
534 Commission; and

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

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

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

541 (ii) semiconductor manufacturing equipment.

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

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

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

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

550 (3) "Pupil in average daily membership (ADM)" means a full-day equivalent pupil.

551 (4) (a) "State-supported minimum school program" or "Minimum School Program"

552 means public school programs for kindergarten, elementary, and secondary schools as  
553 described in this Subsection (4).

554 (b) The minimum school program established in school districts and charter schools  
555 shall include the equivalent of a school term of nine months as determined by the State Board  
556 of Education.

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

559 (ii) Education, enhanced by utilization of technologically enriched delivery systems,  
560 when approved by local school boards or charter school governing boards, shall receive full  
561 support by the State Board of Education as it pertains to fulfilling the attendance requirements,  
562 excluding time spent viewing commercial advertising.

563 (d) (i) A local school board or charter school governing board may reallocate up to 32  
564 instructional hours or four school days established under Subsection (4)(c) for teacher  
565 preparation time or teacher professional development.

566 (ii) A reallocation of instructional hours or school days under Subsection (4)(d)(i) is  
567 subject to the approval of two-thirds of the members of a local school board or charter school  
568 governing board voting in a regularly scheduled meeting:

569 (A) at which a quorum of the local school board or charter school governing board is  
570 present; and

571 (B) held in compliance with Title 52, Chapter 4, Open and Public Meetings Act.

572 (iii) If a local school board or charter school governing board reallocates instructional  
573 hours or school days as provided by this Subsection (4)(d), the school district or charter school  
574 shall notify students' parents and guardians of the school calendar at least 90 days before the  
575 beginning of the school year.

576 (iv) Instructional hours or school days reallocated for teacher preparation time or  
577 teacher professional development pursuant to this Subsection (4)(d) is considered part of a  
578 school term referred to in Subsection (4)(b).

579 (e) The Minimum School Program includes a program or allocation funded by a line  
580 item appropriation or other appropriation designated as follows:

581 (i) Basic School Program;

582 (ii) Related to Basic Programs;

583 (iii) Voted and Board Levy Programs; or

584 (iv) Minimum School Program.

585 (5) "Weighted pupil unit or units or WPU or WPUs" means the unit of measure of  
586 factors that is computed in accordance with this chapter for the purpose of determining the  
587 costs of a program on a uniform basis for each district.

588 Section 7. Section **53A-17a-105** is amended to read:

589 **53A-17a-105. Powers and duties of State Board of Education to adjust Minimum**  
590 **School Program allocations -- Use of remaining funds at the end of a fiscal year.**

591 (1) For purposes of this section:

592 (a) "Board" means the State Board of Education.

593 (b) "ESEA" means the Elementary and Secondary Education Act of 1965, 20 U.S.C.  
594 Sec. 6301 et seq.

595 (c) "LEA" means:

596 (i) a school district; or

597 (ii) a charter school.

598 (d) "Program" means a program or allocation funded by a line item appropriation or  
599 other appropriation designated as:

600 (i) Basic Program;

601 (ii) Related to Basic Programs;

602 (iii) Voted and Board Levy Programs; or

603 (iv) Minimum School Program.

604 (2) Except as provided in Subsection (3) or (5), if the number of weighted pupil units  
605 in a program is underestimated, the board shall reduce the value of the weighted pupil unit in  
606 that program so that the total amount paid for the program does not exceed the amount  
607 appropriated for the program.

608 (3) If the number of weighted pupil units in a program is overestimated, the board shall  
609 spend excess money appropriated for the following purposes giving priority to the purpose  
610 described in Subsection (3)(a):

611 (a) to support the value of the weighted pupil unit in a program within the basic  
612 state-supported school program in which the number of weighted pupil units is underestimated;

613 (b) to support the state guarantee per weighted pupil unit provided under the voted

614 local levy [~~program established in Section 53A-17a-133~~] or the board local levy [~~program~~  
615 ~~established in Section 53A-17a-164,~~] in accordance with Section [53A-17a-133.5](#), if:

616 (i) local contributions to the voted local levy program or board local levy program are  
617 overestimated; or

618 (ii) the number of weighted pupil units within school districts qualifying for a  
619 guarantee is underestimated;

620 (c) to support the state supplement to local property taxes allocated to charter schools,  
621 if the state supplement is less than the amount prescribed by Section [53A-1a-513](#); or

622 (d) to support a school district with a loss in student enrollment as provided in Section  
623 [53A-17a-139](#).

624 (4) If local contributions from the minimum basic tax rate imposed under Section  
625 [53A-17a-135](#) or [53A-17a-135.5](#), as applicable, are overestimated, the board shall reduce the  
626 value of the weighted pupil unit for all programs within the basic state-supported school  
627 program so the total state contribution to the basic state-supported school program does not  
628 exceed the amount of state funds appropriated.

629 (5) If local contributions from the minimum basic tax rate imposed under Section  
630 [53A-17a-135](#) or [53A-17a-135.5](#), as applicable, are underestimated, the board shall:

631 (a) spend the excess local contributions for the purposes specified in Subsection (3),  
632 giving priority to supporting the value of the weighted pupil unit in programs within the basic  
633 state-supported school program in which the number of weighted pupil units is underestimated;  
634 and

635 (b) reduce the state contribution to the basic state-supported school program so the  
636 total cost of the basic state-supported school program does not exceed the total state and local  
637 funds appropriated to the basic state-supported school program plus the local contributions  
638 necessary to support the value of the weighted pupil unit in programs within the basic  
639 state-supported school program in which the number of weighted pupil units is underestimated.

640 (6) Except as provided in Subsection (3) or (5), the board shall reduce the guarantee  
641 per weighted pupil unit as described in Section [53A-17a-133.5](#) provided under the voted local  
642 levy program established in Section [53A-17a-133](#) or board local levy program established in  
643 Section [53A-17a-164](#), if:

644 (a) local contributions to the voted local levy program or board local levy program are

645 overestimated; or

646 (b) the number of weighted pupil units within school districts qualifying for a  
647 guarantee is underestimated.

648 (7) (a) The board may use program funds as described in Subsection (7)(b) if:

649 (i) the state loses flexibility due to the U.S. Department of Education's rejection of the  
650 state's renewal application for flexibility under the ESEA; and

651 (ii) the state is required to fully implement the requirements of Title I of the ESEA, as  
652 amended by the No Child Left Behind Act of 2001.

653 (b) Subject to the requirements of Subsections (7)(a) and (c), for fiscal year 2016, after  
654 any transfers or adjustments described in Subsections (2) through (6) are made, the board may  
655 use up to \$15,000,000 of excess money appropriated to a program, remaining at the end of  
656 fiscal year 2015, to mitigate a budgetary impact to an LEA due to the LEA's loss of flexibility  
657 related to implementing the requirements of Title I of the ESEA, as amended by the No Child  
658 Left Behind Act of 2001.

659 (c) In addition to the reporting requirement described in Subsection (9), the board shall  
660 report actions taken by the board under this Subsection (7) to the Executive Appropriations  
661 Committee.

662 (8) Money appropriated to the board is nonlapsing.

663 (9) The board shall report actions taken by the board under this section to the Office of  
664 the Legislative Fiscal Analyst and the Governor's Office of Management and Budget.

665 Section 8. Section 53A-17a-133 is amended to read:

666 **53A-17a-133. Voted local levy -- Election requirements -- Reconsideration of the**  
667 **program.**

668 [~~(1) As used in this section, "voted and board local levy funding balance" means the~~  
669 ~~difference between:]~~

670 [~~(a) the amount appropriated for the voted and board local levy program in a fiscal~~  
671 ~~year; and]~~

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

674 [~~(2) An election to consider adoption or modification of a voted local levy is required if~~  
675 ~~initiative petitions signed by 10% of the number of electors who voted at the last preceding~~

676 general election are presented to the local school board or by action of the board.]

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

680 ~~[(ii) The tax rate may not exceed .002 per dollar of taxable value.]~~

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

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

688 ~~[(4) (a) In addition to the revenue a school district collects from the imposition of a~~  
689 ~~levy pursuant to this section, the state shall contribute an amount sufficient to guarantee \$35.55~~  
690 ~~per weighted pupil unit for each .0001 of the first .0016 per dollar of taxable value.]~~

691 ~~[(b) The same dollar amount guarantee per weighted pupil unit for the .0016 per dollar~~  
692 ~~of taxable value under Subsection (4)(a) shall apply to the portion of the board local levy~~  
693 ~~authorized in Section 53A-17a-164, so that the guarantee shall apply up to a total of .002 per~~  
694 ~~dollar of taxable value if a school district levies a tax rate under both programs.]~~

695 ~~[(c) (i) Beginning July 1, 2015, the \$35.55 guarantee under Subsections (4)(a) and (b)~~  
696 ~~shall be indexed each year to the value of the weighted pupil unit for the grades 1 through 12~~  
697 ~~program by making the value of the guarantee equal to .011962 times the value of the prior~~  
698 ~~year's weighted pupil unit for the grades 1 through 12 program.]~~

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

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

706 ~~[(ii) Subsection (4)(d)(i) applies for a period of five years following any such change in~~

707 ~~the certified tax rate.]~~

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

712 ~~[(f) (i) If a voted and board local levy funding balance exists for the prior fiscal year,~~  
713 ~~the State Board of Education shall:]~~

714 ~~[(A) use the voted and board local levy funding balance to increase the value of the~~  
715 ~~state guarantee per weighted pupil unit described in Subsection (4)(c) in the current fiscal year;~~  
716 ~~and]~~

717 ~~[(B) distribute the state contribution to the voted and board local levy programs to~~  
718 ~~school districts based on the increased value of the state guarantee per weighted pupil unit~~  
719 ~~described in Subsection (4)(f)(i)(A).]~~

720 ~~[(ii) The State Board of Education shall report action taken under this Subsection (4)(f)~~  
721 ~~to the Office of the Legislative Fiscal Analyst and the Governor's Office of Management and~~  
722 ~~Budget.]~~

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

725 (2) (a) A local school board may impose or modify a voted local levy on property  
726 located in the school district of the local school board if a majority of the electors of the school  
727 district voting at an election in the manner set forth in Subsections (8) and (9) vote in favor of  
728 imposing or modifying the voted local levy.

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

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

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

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

736 (b) a majority of the local school board votes in favor of holding the election.

737 ~~[(5)] (4) (a) An election to modify an existing voted local levy is not a reconsideration~~



738 of the local school board's existing voted local levy authority unless the proposition submitted  
739 to the electors expressly so states.

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

742 (c) If adoption of a voted local levy is contingent upon an offset reducing other local  
743 school board levies, the local school board [~~must~~] shall allow the electors, in an election, to  
744 consider modifying or discontinuing the imposition of the voted local levy [~~prior to~~] before a  
745 subsequent increase in other levies that would increase the total local school board [~~levy~~]  
746 levies.

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

750 [(6)] (5) Notwithstanding Section 59-2-919, a local school [~~district~~] board may budget  
751 an increased amount of ad valorem property tax revenue derived from a voted local levy  
752 imposed under this section in addition to revenue from eligible new growth as defined in  
753 Section 59-2-924, without having to comply with the notice requirements of Section 59-2-919,  
754 if:

755 (a) the voted local levy is approved:

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

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

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

764 [(7)] (6) Notwithstanding Section 59-2-919, a local school [~~district~~] board may levy a  
765 voted local levy tax rate under this section that exceeds the certified tax rate without having to  
766 comply with the notice requirements of Section 59-2-919 if:

767 (a) the voted local levy exceeds the certified tax rate as the result of [~~a school district~~]  
768 the local school board budgeting an increased amount of ad valorem property tax revenue

769 derived from a voted local levy imposed under this section;

770 (b) the voted local levy [~~was~~] is approved:

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

772 and

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

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

779 [~~(8)~~] (7) For purposes of Subsection [~~(6)~~] (5)(b) or [~~(7)~~] (6)(c), the proposition  
780 submitted to the electors regarding the adoption or modification of a voted local levy shall  
781 contain the following statement:

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

784 [~~(9)~~] (8) (a) Before [~~imposing a property tax~~] a local school board may impose a voted  
785 local levy pursuant to this section, a local school [~~district~~] board shall submit an opinion  
786 question to the school district's registered voters voting on the imposition of the voted local  
787 levy tax rate so that each registered voter has the opportunity to express the registered voter's  
788 opinion on whether the tax rate should be imposed.

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

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

792 (ii) at a municipal general election conducted in accordance with the procedures and  
793 requirements of Section [20A-1-202](#); or

794 (iii) at a local special election conducted in accordance with the procedures and  
795 requirements of Section [20A-1-203](#).

796 (c) Notwithstanding the requirements of Subsections [~~(9)~~] (8)(a) and (b), beginning on  
797 or after January 1, 2012, a local school [~~district~~] board may levy a voted local levy tax rate in  
798 accordance with this section without complying with the requirements of Subsections [~~(9)~~]  
799 (8)(a) and (b) if the local school [~~district~~] board imposed a tax in accordance with this section

800 at any time during the taxable year beginning on January 1, 2011, and ending on December 31,  
801 2011.

802 ~~[(10)]~~ (9) If a local school [district] board determines that a majority of the school  
803 district's registered voters voting on the imposition of the voted local levy tax rate have voted  
804 in favor of the imposition of the tax rate in accordance with Subsection ~~[(9)]~~ (8), the local  
805 school ~~[district may]~~ board may impose the tax rate.

806 (10) In order for a school district to receive a state guarantee described in Section  
807 53A-17a-133.5 the first year a voted local levy is imposed, a local school board shall receive  
808 voter approval no later than December 1 of the year before implementation.

809 Section 9. Section **53A-17a-133.5** is enacted to read:

810 **53A-17a-133.5. State guaranteed local levy increments -- Appropriation to**  
811 **increase number of guaranteed local levy increments -- No effect of change of certified**  
812 **tax rate -- Voted and board local levy funding balance -- Use of guaranteed local levy**  
813 **increment funds.**

814 (1) As used in this section:

815 (a) "Board local levy" means a local levy described in Section 53A-17a-164.

816 (b) "Guaranteed local levy increment" means a local levy increment guaranteed by the  
817 state:

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

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

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

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

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

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

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

828 (e) "Voted local levy" means a local levy described in Section 53A-17a-133.

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

831 (i) subject to Subsections (2)(b)(ii)(C) and (3)(a), for each guaranteed local levy  
832 increment, an amount sufficient to guarantee \$35.55 per weighted pupil unit; and  
833 (ii) except as provided in Subsection (2)(b)(ii):  
834 (A) for a board local levy, the amount described in Subsection (2)(a)(i) for the first four  
835 local levy increments a local school board imposes under the board local levy; and  
836 (B) for a voted local levy, the amount described in Subsection (2)(a)(i) for the first 16  
837 local levy increments a local school board imposes under the voted local levy.  
838 (b) (i) Subject to future budget constraints and Subsection (2)(c), the Legislature shall  
839 annually appropriate money from the Local Levy Growth Account established in Section  
840 53A-17a-135.6 to increase the number of guaranteed local levy increments in accordance with  
841 Subsection (2)(b)(ii).  
842 (ii) The State Board of Education shall, for a fiscal year beginning on or after July 1,  
843 2018, and subject to Subsection (2)(c), allocate funds appropriated under Subsection (2)(b)(i)  
844 in the following order of priority by increasing:  
845 (A) by up to two increments for any given fiscal year the number of board local levy  
846 guaranteed local levy increments above four;  
847 (B) by up to two increments for any given fiscal year the number of voted local levy  
848 guaranteed local levy increments above 16; and  
849 (C) the guaranteed amount for each local levy increment per weighted pupil unit  
850 described in Subsection (2)(a)(i).  
851 (c) The number of guaranteed local levy increments under this Subsection (2) for a  
852 school district may not exceed 38 guaranteed local levy increments, regardless of whether the  
853 guaranteed local levy increments are from the imposition of a voted local levy, a board local  
854 levy, or a combination of the two.  
855 (3) (a) Beginning July 1, 2015, the \$35.55 guarantee described in Subsection (2)(a)(i)  
856 shall be indexed each year to the value of the weighted pupil unit by making the value of the  
857 guarantee equal to .011962 times the value of the prior year's weighted pupil unit.  
858 (b) The guarantee shall increase by .0005 times the value of the prior year's weighted  
859 pupil unit for each succeeding year subject to the Legislature appropriating funds for an  
860 increase in the guarantee.  
861 (4) (a) The amount of guaranteed local levy increment money that a school district

862 would otherwise be entitled to receive under this section may not be reduced for the sole reason  
863 that the school district's board local levy or voted local levy is reduced as a consequence of  
864 changes in a certified tax rate under Section 59-2-924 pursuant to changes in property  
865 valuation.

866 (b) Subsection (4)(a) applies for a period of five years following a change in the  
867 certified tax rate as described in Subsection (4)(a).

868 (5) The guaranteed local levy increments from the imposition of a voted local levy do  
869 not apply to the portion of a voted local levy rate that exceeds the voted local levy rate that was  
870 in effect for the previous fiscal year, unless an increase in the voted local levy rate was  
871 authorized in an election described in Section 53A-17a-133 conducted on or after July 1 of the  
872 previous fiscal year and before December 2 of the previous fiscal year.

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

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

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

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

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

884 (8) (a) Subject to prioritization of the Audit Subcommittee, the Office of the  
885 Legislative Auditor General established under Section 36-12-15 shall on or before November  
886 1, 2020:

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

888 (ii) prepare and submit a written report of the audit in accordance with Subsection  
889 36-12-15(4)(b)(ii).

890 (b) The audit shall include:

891 (i) the annual amount of money appropriated under Subsection (2)(b)(i);

892 (ii) (A) which school districts received money under Subsection (2)(b)(ii); and

- 893 (B) what expenses each school district paid for with the money;
- 894 (iii) how the appropriation described in Subsection (2)(b)(i) affected differences in per
- 895 student property tax revenue between school districts within the state; and
- 896 (iv) what effects, if any, the appropriation described in Subsection (2)(b)(i) has had on
- 897 statewide education, including any discrepancies between the effect on school districts and
- 898 charter schools.

899 Section 10. Section **53A-17a-134** is amended to read:

900 **53A-17a-134. Board-approved leeway -- Purpose -- State support -- Disapproval.**

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

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

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

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

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

915 (b) The guarantee shall increase in the same manner as provided for the voted local  
916 levy guarantee in Subsection [~~53A-17a-133(4)(c)~~] 53A-17a-133.5(3)(a).

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

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

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

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

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

928 (3) The levy authorized under this section is not in addition to the maximum rate of  
929 .002 authorized in Section 53A-17a-133, but is a board-authorized component of the total tax  
930 rate under that section.

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

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

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

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

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

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

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

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

954 Section 11. Section 53A-17a-135 is amended to read:

955 **53A-17a-135. Minimum basic tax rate -- Certified revenue levy.**

956 (1) (a) As used in this section, "basic levy increment rate" means a tax rate that will  
957 generate an amount of revenue equal to \$75,000,000.

958 (b) The provisions of this section are not in effect for a fiscal year that begins July 1,  
959 2018, 2019, 2020, 2021, or 2022.

960 (2) (a) In order to qualify for receipt of the state contribution toward the basic program  
961 and as ~~[its]~~ the school district's contribution toward ~~[its]~~ the costs of the basic program, each  
962 school district shall impose a minimum basic tax rate per dollar of taxable value that generates  
963 \$392,266,800 in revenues statewide.

964 (b) The preliminary estimate for the 2016-17 minimum basic tax rate is .001695.

965 (c) The State Tax Commission shall certify on or before June 22 the rate that generates  
966 \$392,266,800 in revenues statewide.

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

969 (3) (a) The state shall contribute to each district toward the cost of the basic program in  
970 the district that portion which exceeds the proceeds of the difference between:

- 971 (i) the minimum basic tax rate to be imposed under Subsection (2); and
- 972 (ii) the basic levy increment rate.

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

977 (4) (a) If the difference described in Subsection (3)(a) equals or exceeds the cost of the  
978 basic program in a school district, no state contribution shall be made to the basic program.

979 (b) The proceeds of the difference described in Subsection (3)(a) that exceed the cost  
980 of the basic program shall be paid into the Uniform School Fund as provided by law.

981 (5) The State Board of Education shall:

982 (a) deduct from state funds that a school district is authorized to receive under this  
983 chapter an amount equal to the proceeds generated within the school district by the basic levy  
984 increment rate; and

985 (b) deposit the money described in Subsection (5)(a) into the Minimum Basic Growth



986 Account created in Section [53A-17a-135.1](#).

987 Section 12. Section **53A-17a-135.1** is amended to read:

988 **53A-17a-135.1. Minimum Basic Growth Account.**

989 (1) As used in this section, "account" means the Minimum Basic Growth Account  
990 created in this section.

991 (2) There is created within the Education Fund a restricted account known as the  
992 "Minimum Basic Growth Account."

993 (3) The account shall be funded by amounts deposited into the account in accordance  
994 with Section [53A-17a-135](#) or [53A-17a-135.5](#), as applicable.

995 (4) The account shall earn interest.

996 (5) Interest earned on the account shall be deposited into the account.

997 (6) Upon appropriation by the Legislature:

998 (a) 75% of the money from the account shall be used to fund the state's contribution to  
999 the voted local levy guarantee described in [~~Subsection [53A-17a-133\(4\)](#)] Section  
1000 [53A-17a-133.5](#);~~

1001 (b) 20% of the money from the account shall be used to fund the Capital Outlay  
1002 Foundation Program as provided in Title 53A, Chapter 21, Part 2, Capital Outlay Foundation  
1003 Program; and

1004 (c) 5% of the money from the account shall be used to fund the Capital Outlay  
1005 Enrollment Growth Program as provided in Title 53A, Chapter 21, Part 3, Capital Outlay  
1006 Enrollment Growth Program.

1007 Section 13. Section **53A-17a-135.5** is enacted to read:

1008 **53A-17a-135.5. Minimum basic tax rate for July 1, 2018, through July 1, 2022,**  
1009 **fiscal years -- Certified revenue levy.**

1010 (1) (a) As used in this section:

1011 (i) "Basic levy increment rate" means a tax rate that will generate an amount of revenue  
1012 equal to \$75,000,000.

1013 (ii) "Fixed minimum rate" means a tax rate that will generate an amount of revenue  
1014 equal to \$20,000,000.

1015 (b) The provisions of this section apply for a fiscal year that begins on July 1, 2018,  
1016 2019, 2020, 2021, or 2022.

1017 (2) (a) In order to qualify for receipt of the state contribution toward the basic program  
1018 and as the school district's contribution toward the costs of the basic program, each school  
1019 district shall impose a minimum basic tax rate per dollar of taxable value in accordance with  
1020 this section.

1021 (b) The minimum basic rate is the greater of:

1022 (i) the certified revenue levy; or

1023 (ii) a tax rate of .0016.

1024 (c) On or before June 22, the State Tax Commission shall certify:

1025 (i) the minimum basic tax rate to be imposed under Subsection (2)(b);

1026 (ii) the basic levy increment rate; and

1027 (iii) the fixed minimum rate.

1028 (3) (a) The state shall contribute to each school district toward the cost of the basic  
1029 program in the school district the portion that exceeds the proceeds of the difference between:

1030 (i) the minimum basic tax rate to be imposed under Subsection (2); and

1031 (ii) the sum of the basic levy increment rate and the fixed minimum rate.

1032 (b) In accordance with the state strategic plan for public education and to fulfill its  
1033 responsibility for the development and implementation of that plan, the Legislature instructs  
1034 the State Board of Education, the governor, and the Office of the Legislative Fiscal Analyst in  
1035 each of the coming five years to develop budgets that will fully fund student enrollment  
1036 growth.

1037 (4) (a) If the difference described in Subsection (3)(a) equals or exceeds the cost of the  
1038 basic program in a school district, no state contribution shall be made to the basic program.

1039 (b) The proceeds of the difference described in Subsection (3)(a) that exceed the cost  
1040 of the basic program shall be paid into the Uniform School Fund as provided by law.

1041 (5) The State Board of Education shall:

1042 (a) deduct from state funds that a school district is authorized to receive under this  
1043 chapter an amount equal to the proceeds generated within the school district by the basic levy  
1044 increment rate; and

1045 (b) deposit the money described in Subsection (5)(a) into the Minimum Basic Growth  
1046 Account created in Section [53A-17a-135.1](#).

1047 (6) The State Board of Education shall:

1048 (a) deduct from state funds that a school district is authorized to receive under this  
1049 chapter an amount equal to the proceeds generated within the school district by the fixed  
1050 minimum rate; and

1051 (b) deposit the money described in Subsection (6)(a) into the Local Levy Growth  
1052 Account created in Section [53A-17a-135.6](#).

1053 Section 14. Section **53A-17a-135.6** is enacted to read:

1054 **53A-17a-135.6. Local Levy Growth Account.**

1055 (1) As used in this section, "account" means the Local Levy Growth Account created in  
1056 this section.

1057 (2) There is created within the Education Fund a restricted account known as the  
1058 "Local Levy Growth Account."

1059 (3) The account shall be funded by:

1060 (a) amounts deposited into the account in accordance with Section [53A-17a-135.5](#); and

1061 (b) other legislative appropriations.

1062 (4) The account shall earn interest.

1063 (5) Interest earned on the account shall be deposited into the account.

1064 (6) The Legislature shall appropriate money in the account to the State Board of  
1065 Education.

1066 (7) The State Board of Education shall use money in the account in accordance with  
1067 Section [53A-17a-133.5](#).

1068 Section 15. Section **53A-17a-136** is amended to read:

1069 **53A-17a-136. Cost of operation and maintenance of minimum school program --**  
1070 **Division between state and school districts.**

1071 (1) The total cost of operation and maintenance of the minimum school program in the  
1072 state is divided between the state and school districts as follows:

1073 (a) Each school district shall impose a minimum basic tax rate on all taxable, tangible  
1074 property in the school district and shall contribute the tax proceeds toward the cost of the basic  
1075 program as provided in this chapter.

1076 (b) Each school district may also impose a levy for the purpose of participating in the  
1077 levy programs provided in Section [53A-17a-133](#) or [53A-17a-164](#).

1078 (c) The state shall contribute the balance of the total costs.

1079 (2) The contributions by the school districts and by the state are computed separately  
1080 for the purpose of determining their respective contributions to:

1081 (a) the basic program; and [tø]

1082 (b) (i) the levy programs provided in Section 53A-17a-133 or 53A-17a-164[:]; and

1083 (ii) the state guarantee of the levy programs as described in Section 53A-17a-133.5.

1084 Section 16. Section 53A-17a-143 is amended to read:

1085 **53A-17a-143. Federal Impact Aid Program -- Offset for underestimated**  
1086 **allocations from the Federal Impact Aid Program.**

1087 (1) In addition to the revenues received from the levy imposed by each school district  
1088 and authorized by the Legislature under Section 53A-17a-135 or 53A-17a-135.5, as applicable,  
1089 the Legislature shall provide an amount equal to the difference between the district's  
1090 anticipated receipts under the entitlement for the fiscal year from the Federal Impact Aid  
1091 Program and the amount the district actually received from this source for the next preceding  
1092 fiscal year.

1093 (2) If at the end of a fiscal year the sum of the receipts of a school district from a  
1094 distribution from the Legislature pursuant to Subsection (1) plus the school district's allocations  
1095 from the Federal Impact Aid Program for that fiscal year exceeds the amount allocated to the  
1096 district from the Federal Impact Aid Program for the next preceding fiscal year, the excess  
1097 funds are carried into the next succeeding fiscal year and become in that year a part of the  
1098 district's contribution to its basic program for operation and maintenance under the state  
1099 minimum school finance law.

1100 (3) During that year the district's required tax rate for the basic program shall be  
1101 reduced so that the yield from the reduced tax rate plus the carryover funds equal the district's  
1102 required contribution to its basic program.

1103 (4) A district that reduces its basic tax rate under this section shall receive state  
1104 minimum school program funds as though the reduction in the tax rate had not been made.

1105 Section 17. Section 53A-17a-146 is amended to read:

1106 **53A-17a-146. Reduction of district allocation based on insufficient revenues.**

1107 (1) As used in this section, "Minimum School Program funds" means the total of state  
1108 and local funds appropriated for the Minimum School Program, excluding:

1109 (a) the state-supported voted local levy [program] and board local levy programs

1110 pursuant to Section [~~53A-17a-133~~; (b) ~~the state-supported board local levy program pursuant~~  
1111 ~~to Section 53A-17a-164~~] 53A-17a-133.5; and

1112 [~~(c)~~] (b) the appropriation to charter schools to replace local property tax revenues  
1113 pursuant to Section 53A-1a-513.

1114 (2) If the Legislature reduces appropriations made to support public schools under this  
1115 chapter because an Education Fund budget deficit, as defined in Section 63J-1-312, exists, the  
1116 State Board of Education, after consultation with each school district and charter school, shall  
1117 allocate the reduction among school districts and charter schools in proportion to each school  
1118 district's or charter school's percentage share of Minimum School Program funds.

1119 (3) Except as provided in Subsection (5) and subject to the requirements of Subsection  
1120 (7), a school district or charter school shall determine which programs are affected by a  
1121 reduction pursuant to Subsection (2) and the amount each program is reduced.

1122 (4) Except as provided in Subsections (5) and (6), the requirement to spend a specified  
1123 amount in any particular program is waived if reductions are made pursuant to Subsection (2).

1124 (5) A school district or charter school may not reduce or reallocate spending of funds  
1125 distributed to the school district or charter school for the following programs:

- 1126 (a) educator salary adjustments provided in Section 53A-17a-153;
- 1127 (b) the Teacher Salary Supplement Program provided in Section 53A-17a-156;
- 1128 (c) the extended year for special educators provided in Section 53A-17a-158;
- 1129 (d) USTAR centers provided in Section 53A-17a-159;
- 1130 (e) the School LAND Trust Program created in Section 53A-16-101.5; or
- 1131 (f) a special education program within the Basic School Program.

1132 (6) A school district or charter school may not reallocate spending of funds distributed  
1133 to the school district or charter school to a reserve account.

1134 (7) A school district or charter school that reduces or reallocates funds in accordance  
1135 with this section shall report all transfers into, or out of, Minimum School Program programs  
1136 to the State Board of Education as part of the school district or charter school's Annual  
1137 Financial and Program report.

1138 Section 18. Section **53A-17a-164** is amended to read:

1139 **53A-17a-164. Board local levy.**

1140 (1) As used in this section, "board local levy" means a local levy imposed in

1141 accordance with this section by a local school board.

1142 [(+)] (2) Subject to the other requirements of this section, for a calendar year beginning  
1143 on or after January 1, 2012, a local school board may levy a tax to fund the school district's  
1144 general fund.

1145 [(2)] (3) (a) For purposes of this Subsection [(2)] (3), "combined rate" means the sum  
1146 of:

1147 (i) the rate imposed by a local school board under Subsection [(+)] (2); and

1148 (ii) the charter school levy rate, described in Section 53A-1a-513.1, for the local school  
1149 board's school district.

1150 (b) Except as provided in Subsection [(2)] (3)(c), beginning on January 1, 2017, a  
1151 school district's combined rate may not exceed .0018 per dollar of taxable value in any calendar  
1152 year.

1153 (c) Beginning on January 1, 2017, a school district's combined rate may not exceed  
1154 .0025 per dollar of taxable value in any calendar year if, during the calendar year beginning on  
1155 January 1, 2011, the school district's total tax rate for the following levies was greater than  
1156 .0018 per dollar of taxable value:

1157 (i) a recreation levy imposed under Section 11-2-7;

1158 (ii) a transportation levy imposed under Section 53A-17a-127;

1159 (iii) a board-authorized levy imposed under Section 53A-17a-134;

1160 (iv) an impact aid levy imposed under Section 53A-17a-143;

1161 (v) the portion of a 10% of basic levy imposed under Section 53A-17a-145 that is  
1162 budgeted for purposes other than capital outlay or debt service;

1163 (vi) a reading levy imposed under Section 53A-17a-151; and

1164 (vii) a tort liability levy imposed under Section 63G-7-704.

1165 [(3)(a) In addition to the revenue a school district collects from the imposition of a  
1166 levy pursuant to this section, the state shall contribute an amount sufficient to guarantee that  
1167 each .0001 of the first .0004 per dollar of taxable value generates an amount equal to the state  
1168 guarantee per weighted pupil unit described in Subsection 53A-17a-133(4).]

1169 [(b)(i) The amount of state guarantee money to which a school district would  
1170 otherwise be entitled to under this Subsection (3) may not be reduced for the sole reason that  
1171 the district's levy is reduced as a consequence of changes in the certified tax rate under Section

1172 ~~59-2-924 pursuant to changes in property valuation.]~~

1173 ~~[(ii) Subsection (3)(b)(i) applies for a period of five years following any changes in the~~  
1174 ~~certified tax rate.]~~

1175 (4) (a) For a calendar year beginning on or after January 1, 2017, the State Tax  
1176 Commission shall adjust a board local levy rate imposed by a local school board under this  
1177 section by the amount necessary to offset the change in revenues from the charter school levy  
1178 imposed under Section 53A-1a-513.1.

1179 (b) A local school board is not required to comply with the notice and public hearing  
1180 requirements of Section 59-2-919 for an offset described in Subsection (4)(a) to the change in  
1181 revenues from the charter school levy imposed under Section 53A-1a-513.1.

1182 (c) A local school board may not increase a board local levy rate under this section  
1183 before December 31, 2016, if the local school board did not give public notice on or before  
1184 March 4, 2016, of the local school board's intent to increase the board local levy rate.

1185 (d) So long as the charter school levy rate does not exceed 25% of the charter school  
1186 levy per district revenues, a local school board may not increase a board local levy rate under  
1187 this section if the purpose of increasing the board local levy rate is to capture the revenues  
1188 assigned to the charter school levy through the adjustment in a board local levy rate under  
1189 Subsection (4)(a).

1190 (e) Before a local school board takes action to increase a board local levy rate under  
1191 this section, the local school board shall:

1192 (i) prepare a written statement that attests that the local school board is in compliance  
1193 with Subsection (4)(d);

1194 (ii) read the statement described in Subsection (4)(e)(i) during a local school board  
1195 public meeting where the local school board discusses increasing the board local levy rate; and

1196 (iii) send a copy of the statement described in Subsection (4)(e)(i) to the State Tax  
1197 Commission.

1198 Section 19. Section 53A-19-102 is amended to read:

1199 **53A-19-102. Local governing board budget procedures.**

1200 (1) As used in this section:

1201 (a) "Budget officer" means:

1202 (i) for a school district, the school district's superintendent; or

1203 (ii) for a charter school, an individual selected by the charter school governing board.

1204 (b) "Governing board" means:

1205 (i) for a school district, the local school board; or

1206 (ii) for a charter school, the charter school governing board.

1207 (2) (a) For a school district, before June 22 of each year, a local school board shall  
1208 adopt a budget and make appropriations for the next fiscal year.

1209 (b) For a school district, if the tax rate in the school district's proposed budget exceeds  
1210 the certified tax rate defined in Section 59-2-924, the local school board shall comply with  
1211 Section 59-2-919 in adopting the budget, except as provided by Section [~~53A-17a-133~~]  
1212 53A-17a-133.5.

1213 (3) (a) For a school district, before the adoption or amendment of a budget, a local  
1214 school board shall hold a public hearing, as defined in Section 10-9a-103, on the proposed  
1215 budget or budget amendment.

1216 (b) In addition to complying with Title 52, Chapter 4, Open and Public Meetings Act,  
1217 in regards to the public hearing described in Subsection (3)(a), at least 10 days prior to the  
1218 public hearing, a local school board shall:

1219 (i) publish a notice of the public hearing in a newspaper or combination of newspapers  
1220 of general circulation in the school district, except as provided in Section 45-1-101;

1221 (ii) publish a notice of the public hearing electronically in accordance with Section  
1222 45-1-101;

1223 (iii) file a copy of the proposed budget with the local school board's business  
1224 administrator for public inspection; and

1225 (iv) post the proposed budget on the school district's Internet website.

1226 (c) A notice of a public hearing on a school district's proposed budget shall include  
1227 information on how the public may access the proposed budget as provided in Subsections  
1228 (3)(b)(iii) and (iv).

1229 (4) For a charter school, before June 22 of each year, a charter school governing board  
1230 shall adopt a budget for the next fiscal year.

1231 (5) Within 30 days of adopting a budget, a governing board shall file a copy of the  
1232 adopted budget with the state auditor and the State Board of Education.

1233 Section 20. Section 59-2-102 is amended to read:



1234 **59-2-102. Definitions.**

1235 As used in this chapter and title:

1236 (1) "Aerial applicator" means aircraft or rotorcraft used exclusively for the purpose of  
1237 engaging in dispensing activities directly affecting agriculture or horticulture with an  
1238 airworthiness certificate from the Federal Aviation Administration certifying the aircraft or  
1239 rotorcraft's use for agricultural and pest control purposes.

1240 (2) "Air charter service" means an air carrier operation that requires the customer to  
1241 hire an entire aircraft rather than book passage in whatever capacity is available on a scheduled  
1242 trip.

1243 (3) "Air contract service" means an air carrier operation available only to customers  
1244 that engage the services of the carrier through a contractual agreement and excess capacity on  
1245 any trip and is not available to the public at large.

1246 (4) "Aircraft" means the same as that term is defined in Section 72-10-102.

1247 (5) (a) Except as provided in Subsection (5)(b), "airline" means an air carrier that:

1248 (i) operates:

1249 (A) on an interstate route; and

1250 (B) on a scheduled basis; and

1251 (ii) offers to fly one or more passengers or cargo on the basis of available capacity on a  
1252 regularly scheduled route.

1253 (b) "Airline" does not include an:

1254 (i) air charter service; or

1255 (ii) air contract service.

1256 (6) "Assessment roll" means a permanent record of the assessment of property as  
1257 assessed by the county assessor and the commission and may be maintained manually or as a  
1258 computerized file as a consolidated record or as multiple records by type, classification, or  
1259 categories.

1260 (7) "Base parcel" means a parcel of property that was legally:

1261 (a) subdivided into two or more lots, parcels, or other divisions of land; or

1262 (b) (i) combined with one or more other parcels of property; and

1263 (ii) subdivided into two or more lots, parcels, or other divisions of land.

1264 (8) (a) "Certified revenue levy" means a property tax levy that provides an amount of

1265 ad valorem property tax revenue equal to the sum of:

1266 (i) the amount of ad valorem property tax revenue to be generated statewide in the  
1267 previous year from imposing a school minimum basic tax rate, as specified in Section  
1268 [53A-17a-135](#) or [53A-17a-135.5](#), as applicable, or multicounty assessing and collecting levy, as  
1269 specified in Section [59-2-1602](#); and

1270 (ii) the product of:

1271 (A) eligible new growth, as defined in Section [59-2-924](#); and

1272 (B) the school minimum basic tax rate or multicounty assessing and collecting levy  
1273 certified by the commission for the previous year.

1274 (b) For purposes of this Subsection (8), "ad valorem property tax revenue" does not  
1275 include property tax revenue received by a taxing entity from personal property that is:

1276 (i) assessed by a county assessor in accordance with Part 3, County Assessment; and

1277 (ii) semiconductor manufacturing equipment.

1278 (c) For purposes of calculating the certified revenue levy described in this Subsection  
1279 (8), the commission shall use:

1280 (i) the taxable value of real property assessed by a county assessor contained on the  
1281 assessment roll;

1282 (ii) the taxable value of real and personal property assessed by the commission; and

1283 (iii) the taxable year end value of personal property assessed by a county assessor  
1284 contained on the prior year's assessment roll.

1285 (9) "County-assessed commercial vehicle" means:

1286 (a) any commercial vehicle, trailer, or semitrailer that is not apportioned under Section  
1287 [41-1a-301](#) and is not operated interstate to transport the vehicle owner's goods or property in  
1288 furtherance of the owner's commercial enterprise;

1289 (b) any passenger vehicle owned by a business and used by its employees for  
1290 transportation as a company car or vanpool vehicle; and

1291 (c) vehicles that are:

1292 (i) especially constructed for towing or wrecking, and that are not otherwise used to  
1293 transport goods, merchandise, or people for compensation;

1294 (ii) used or licensed as taxicabs or limousines;

1295 (iii) used as rental passenger cars, travel trailers, or motor homes;

- 1296 (iv) used or licensed in this state for use as ambulances or hearses;
- 1297 (v) especially designed and used for garbage and rubbish collection; or
- 1298 (vi) used exclusively to transport students or their instructors to or from any private,
- 1299 public, or religious school or school activities.

1300 (10) (a) Except as provided in Subsection (10)(b), for purposes of Section 59-2-801,  
1301 "designated tax area" means a tax area created by the overlapping boundaries of only the  
1302 following taxing entities:

- 1303 (i) a county; and
- 1304 (ii) a school district.

1305 (b) "Designated tax area" includes a tax area created by the overlapping boundaries of  
1306 the taxing entities described in Subsection (10)(a) and:

- 1307 (i) a city or town if the boundaries of the school district under Subsection (10)(a) and  
1308 the boundaries of the city or town are identical; or
- 1309 (ii) a special service district if the boundaries of the school district under Subsection  
1310 (10)(a) are located entirely within the special service district.

1311 (11) "Eligible judgment" means a final and unappealable judgment or order under  
1312 Section 59-2-1330:

1313 (a) that became a final and unappealable judgment or order no more than 14 months  
1314 before the day on which the notice described in Section 59-2-919.1 is required to be provided;  
1315 and

1316 (b) for which a taxing entity's share of the final and unappealable judgment or order is  
1317 greater than or equal to the lesser of:

- 1318 (i) \$5,000; or
- 1319 (ii) 2.5% of the total ad valorem property taxes collected by the taxing entity in the  
1320 previous fiscal year.

1321 (12) (a) "Escaped property" means any property, whether personal, land, or any  
1322 improvements to the property, that is subject to taxation and is:

- 1323 (i) inadvertently omitted from the tax rolls, assigned to the incorrect parcel, or assessed  
1324 to the wrong taxpayer by the assessing authority;
- 1325 (ii) undervalued or omitted from the tax rolls because of the failure of the taxpayer to  
1326 comply with the reporting requirements of this chapter; or

1327 (iii) undervalued because of errors made by the assessing authority based upon  
1328 incomplete or erroneous information furnished by the taxpayer.

1329 (b) "Escaped property" does not include property that is undervalued because of the use  
1330 of a different valuation methodology or because of a different application of the same valuation  
1331 methodology.

1332 (13) "Fair market value" means the amount at which property would change hands  
1333 between a willing buyer and a willing seller, neither being under any compulsion to buy or sell  
1334 and both having reasonable knowledge of the relevant facts. For purposes of taxation, "fair  
1335 market value" shall be determined using the current zoning laws applicable to the property in  
1336 question, except in cases where there is a reasonable probability of a change in the zoning laws  
1337 affecting that property in the tax year in question and the change would have an appreciable  
1338 influence upon the value.

1339 (14) (a) "Farm machinery and equipment," for purposes of the exemption provided  
1340 under Section 59-2-1101, means tractors, milking equipment and storage and cooling facilities,  
1341 feed handling equipment, irrigation equipment, harvesters, choppers, grain drills and planters,  
1342 tillage tools, scales, combines, spreaders, sprayers, haying equipment, including balers and  
1343 cubers, and any other machinery or equipment used primarily for agricultural purposes.

1344 (b) "Farm machinery and equipment" does not include vehicles required to be  
1345 registered with the Motor Vehicle Division or vehicles or other equipment used for business  
1346 purposes other than farming.

1347 (15) "Geothermal fluid" means water in any form at temperatures greater than 120  
1348 degrees centigrade naturally present in a geothermal system.

1349 (16) "Geothermal resource" means:

1350 (a) the natural heat of the earth at temperatures greater than 120 degrees centigrade;  
1351 and

1352 (b) the energy, in whatever form, including pressure, present in, resulting from, created  
1353 by, or which may be extracted from that natural heat, directly or through a material medium.

1354 (17) (a) "Goodwill" means:

1355 (i) acquired goodwill that is reported as goodwill on the books and records that a  
1356 taxpayer maintains for financial reporting purposes; or

1357 (ii) the ability of a business to:

1358 (A) generate income that exceeds a normal rate of return on assets and that results from  
1359 a factor described in Subsection (17)(b); or

1360 (B) obtain an economic or competitive advantage resulting from a factor described in  
1361 Subsection (17)(b).

1362 (b) The following factors apply to Subsection (17)(a)(ii):

1363 (i) superior management skills;

1364 (ii) reputation;

1365 (iii) customer relationships;

1366 (iv) patronage; or

1367 (v) a factor similar to Subsections (17)(b)(i) through (iv).

1368 (c) "Goodwill" does not include:

1369 (i) the intangible property described in Subsection (21)(a) or (b);

1370 (ii) locational attributes of real property, including:

1371 (A) zoning;

1372 (B) location;

1373 (C) view;

1374 (D) a geographic feature;

1375 (E) an easement;

1376 (F) a covenant;

1377 (G) proximity to raw materials;

1378 (H) the condition of surrounding property; or

1379 (I) proximity to markets;

1380 (iii) value attributable to the identification of an improvement to real property,

1381 including:

1382 (A) reputation of the designer, builder, or architect of the improvement;

1383 (B) a name given to, or associated with, the improvement; or

1384 (C) the historic significance of an improvement; or

1385 (iv) the enhancement or assemblage value specifically attributable to the interrelation

1386 of the existing tangible property in place working together as a unit.

1387 (18) "Governing body" means:

1388 (a) for a county, city, or town, the legislative body of the county, city, or town;

1389 (b) for a local district under Title 17B, Limited Purpose Local Government Entities -  
1390 Local Districts, the local district's board of trustees;

1391 (c) for a school district, the local board of education; or

1392 (d) for a special service district under Title 17D, Chapter 1, Special Service District  
1393 Act:

1394 (i) the legislative body of the county or municipality that created the special service  
1395 district, to the extent that the county or municipal legislative body has not delegated authority  
1396 to an administrative control board established under Section 17D-1-301; or

1397 (ii) the administrative control board, to the extent that the county or municipal  
1398 legislative body has delegated authority to an administrative control board established under  
1399 Section 17D-1-301.

1400 (19) (a) For purposes of Section 59-2-103:

1401 (i) "household" means the association of individuals who live in the same dwelling,  
1402 sharing its furnishings, facilities, accommodations, and expenses; and

1403 (ii) "household" includes married individuals, who are not legally separated, that have  
1404 established domiciles at separate locations within the state.

1405 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1406 commission may make rules defining the term "domicile."

1407 (20) (a) Except as provided in Subsection (20)(c), "improvement" means a building,  
1408 structure, fixture, fence, or other item that is permanently attached to land, regardless of  
1409 whether the title has been acquired to the land, if:

1410 (i) (A) attachment to land is essential to the operation or use of the item; and

1411 (B) the manner of attachment to land suggests that the item will remain attached to the  
1412 land in the same place over the useful life of the item; or

1413 (ii) removal of the item would:

1414 (A) cause substantial damage to the item; or

1415 (B) require substantial alteration or repair of a structure to which the item is attached.

1416 (b) "Improvement" includes:

1417 (i) an accessory to an item described in Subsection (20)(a) if the accessory is:

1418 (A) essential to the operation of the item described in Subsection (20)(a); and

1419 (B) installed solely to serve the operation of the item described in Subsection (20)(a);

1420 and

1421 (ii) an item described in Subsection (20)(a) that is temporarily detached from the land  
1422 for repairs and remains located on the land.

1423 (c) "Improvement" does not include:

1424 (i) an item considered to be personal property pursuant to rules made in accordance  
1425 with Section 59-2-107;

1426 (ii) a moveable item that is attached to land for stability only or for an obvious  
1427 temporary purpose;

1428 (iii) (A) manufacturing equipment and machinery; or

1429 (B) essential accessories to manufacturing equipment and machinery;

1430 (iv) an item attached to the land in a manner that facilitates removal without substantial  
1431 damage to the land or the item; or

1432 (v) a transportable factory-built housing unit as defined in Section 59-2-1502 if that  
1433 transportable factory-built housing unit is considered to be personal property under Section  
1434 59-2-1503.

1435 (21) "Intangible property" means:

1436 (a) property that is capable of private ownership separate from tangible property,  
1437 including:

1438 (i) money;

1439 (ii) credits;

1440 (iii) bonds;

1441 (iv) stocks;

1442 (v) representative property;

1443 (vi) franchises;

1444 (vii) licenses;

1445 (viii) trade names;

1446 (ix) copyrights; and

1447 (x) patents;

1448 (b) a low-income housing tax credit;

1449 (c) goodwill; or

1450 (d) a renewable energy tax credit or incentive, including:

- 1451 (i) a federal renewable energy production tax credit under Section 45, Internal Revenue  
1452 Code;
- 1453 (ii) a federal energy credit for qualified renewable electricity production facilities under  
1454 Section 48, Internal Revenue Code;
- 1455 (iii) a federal grant for a renewable energy property under American Recovery and  
1456 Reinvestment Act of 2009, Pub. L. No. 111-5, Section 1603; and
- 1457 (iv) a tax credit under Subsection [59-7-614\(5\)](#).
- 1458 (22) "Livestock" means:
- 1459 (a) a domestic animal;
- 1460 (b) a fish;
- 1461 (c) a fur-bearing animal;
- 1462 (d) a honeybee; or
- 1463 (e) poultry.
- 1464 (23) "Low-income housing tax credit" means:
- 1465 (a) a federal low-income housing tax credit under Section 42, Internal Revenue Code;
- 1466 or
- 1467 (b) a low-income housing tax credit under Section [59-7-607](#) or Section [59-10-1010](#).
- 1468 (24) "Metalliferous minerals" includes gold, silver, copper, lead, zinc, and uranium.
- 1469 (25) "Mine" means a natural deposit of either metalliferous or nonmetalliferous  
1470 valuable mineral.
- 1471 (26) "Mining" means the process of producing, extracting, leaching, evaporating, or  
1472 otherwise removing a mineral from a mine.
- 1473 (27) (a) "Mobile flight equipment" means tangible personal property that is owned or  
1474 operated by an air charter service, air contract service, or airline and:
- 1475 (i) is capable of flight or is attached to an aircraft that is capable of flight; or
- 1476 (ii) is contained in an aircraft that is capable of flight if the tangible personal property  
1477 is intended to be used:
- 1478 (A) during multiple flights;
- 1479 (B) during a takeoff, flight, or landing; and
- 1480 (C) as a service provided by an air charter service, air contract service, or airline.
- 1481 (b) (i) "Mobile flight equipment" does not include a spare part other than a spare



1482 engine that is rotated at regular intervals with an engine that is attached to the aircraft.

1483 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1484 commission may make rules defining the term "regular intervals."

1485 (28) "Nonmetalliferous minerals" includes, but is not limited to, oil, gas, coal, salts,  
1486 sand, rock, gravel, and all carboniferous materials.

1487 (29) "Part-year residential property" means property that is not residential property on  
1488 January 1 of a calendar year but becomes residential property after January 1 of the calendar  
1489 year.

1490 (30) "Personal property" includes:

1491 (a) every class of property as defined in Subsection (31) that is the subject of  
1492 ownership and is not real estate or an improvement;

1493 (b) any pipe laid in or affixed to land whether or not the ownership of the pipe is  
1494 separate from the ownership of the underlying land, even if the pipe meets the definition of an  
1495 improvement;

1496 (c) bridges and ferries;

1497 (d) livestock; and

1498 (e) outdoor advertising structures as defined in Section [72-7-502](#).

1499 (31) (a) "Property" means property that is subject to assessment and taxation according  
1500 to its value.

1501 (b) "Property" does not include intangible property as defined in this section.

1502 (32) "Public utility" means:

1503 (a) for purposes of this chapter, the operating property of a railroad, gas corporation, oil  
1504 or gas transportation or pipeline company, coal slurry pipeline company, electrical corporation,  
1505 telephone corporation, sewerage corporation, or heat corporation where the company performs  
1506 the service for, or delivers the commodity to, the public generally or companies serving the  
1507 public generally, or in the case of a gas corporation or an electrical corporation, where the gas  
1508 or electricity is sold or furnished to any member or consumers within the state for domestic,  
1509 commercial, or industrial use; and

1510 (b) the operating property of any entity or person defined under Section [54-2-1](#) except  
1511 water corporations.

1512 (33) (a) Subject to Subsection (33)(b), "qualifying exempt primary residential rental

1513 personal property" means household furnishings, furniture, and equipment that:  
1514 (i) are used exclusively within a dwelling unit that is the primary residence of a tenant;  
1515 (ii) are owned by the owner of the dwelling unit that is the primary residence of a  
1516 tenant; and  
1517 (iii) after applying the residential exemption described in Section 59-2-103, are exempt  
1518 from taxation under this chapter in accordance with Subsection 59-2-1115(2).  
1519 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1520 commission may by rule define the term "dwelling unit" for purposes of this Subsection (33)  
1521 and Subsection (36).  
1522 (34) "Real estate" or "real property" includes:  
1523 (a) the possession of, claim to, ownership of, or right to the possession of land;  
1524 (b) all mines, minerals, and quarries in and under the land, all timber belonging to  
1525 individuals or corporations growing or being on the lands of this state or the United States, and  
1526 all rights and privileges appertaining to these; and  
1527 (c) improvements.  
1528 (35) (a) "Relationship with an owner of the property's land surface rights" means a  
1529 relationship described in Subsection 267(b), Internal Revenue Code, except that the term 25%  
1530 shall be substituted for the term 50% in Subsection 267(b), Internal Revenue Code.  
1531 (b) For purposes of determining if a relationship described in Subsection 267(b),  
1532 Internal Revenue Code, exists, the ownership of stock shall be determined using the ownership  
1533 rules in Subsection 267(c), Internal Revenue Code.  
1534 (36) (a) Subject to Subsection (36)(b), "residential property," for purposes of the  
1535 reductions and adjustments under this chapter, means any property used for residential  
1536 purposes as a primary residence.  
1537 (b) Subject to Subsection (36)(c), "residential property":  
1538 (i) except as provided in Subsection (36)(b)(ii), includes household furnishings,  
1539 furniture, and equipment if the household furnishings, furniture, and equipment are:  
1540 (A) used exclusively within a dwelling unit that is the primary residence of a tenant;  
1541 and  
1542 (B) owned by the owner of the dwelling unit that is the primary residence of a tenant;  
1543 and

1544 (ii) does not include property used for transient residential use.

1545 (c) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
1546 commission may by rule define the term "dwelling unit" for purposes of Subsection (33) and  
1547 this Subsection (36).

1548 (37) "Split estate mineral rights owner" means a person that:

1549 (a) has a legal right to extract a mineral from property;

1550 (b) does not hold more than a 25% interest in:

1551 (i) the land surface rights of the property where the wellhead is located; or

1552 (ii) an entity with an ownership interest in the land surface rights of the property where  
1553 the wellhead is located;

1554 (c) is not an entity in which the owner of the land surface rights of the property where  
1555 the wellhead is located holds more than a 25% interest; and

1556 (d) does not have a relationship with an owner of the land surface rights of the property  
1557 where the wellhead is located.

1558 (38) (a) "State-assessed commercial vehicle" means:

1559 (i) any commercial vehicle, trailer, or semitrailer that operates interstate or intrastate to  
1560 transport passengers, freight, merchandise, or other property for hire; or

1561 (ii) any commercial vehicle, trailer, or semitrailer that operates interstate and transports  
1562 the vehicle owner's goods or property in furtherance of the owner's commercial enterprise.

1563 (b) "State-assessed commercial vehicle" does not include vehicles used for hire that are  
1564 specified in Subsection (9)(c) as county-assessed commercial vehicles.

1565 (39) "Subdivided lot" means a lot, parcel, or other division of land, that is a division of  
1566 a base parcel.

1567 (40) "Taxable value" means fair market value less any applicable reduction allowed for  
1568 residential property under Section [59-2-103](#).

1569 (41) "Tax area" means a geographic area created by the overlapping boundaries of one  
1570 or more taxing entities.

1571 (42) "Taxing entity" means any county, city, town, school district, special taxing  
1572 district, local district under Title 17B, Limited Purpose Local Government Entities - Local  
1573 Districts, or other political subdivision of the state with the authority to levy a tax on property.

1574 (43) (a) "Tax roll" means a permanent record of the taxes charged on property, as

1575 extended on the assessment roll, and may be maintained on the same record or records as the  
1576 assessment roll or may be maintained on a separate record properly indexed to the assessment  
1577 roll.

1578 (b) "Tax roll" includes tax books, tax lists, and other similar materials.

1579 Section 21. Section **63I-2-211** is amended to read:

1580 **63I-2-211. Repeal dates -- Title 11.**

1581 (1) (a) Subsections 11-13-302(2)(a)(i) and (2)(b)(i), the language that states "or  
1582 53A-17a-135.5, as applicable" is repealed July 1, 2023.

1583 (2) Section 11-13-310, the language that states "or 53A-17a-135.5, as applicable," is  
1584 repealed July 1, 2023.

1585 (3) Title 11, Chapter 53, Residential Property Reimbursement, is repealed on January  
1586 1, 2020.

1587 Section 22. Section **63I-2-253** is amended to read:

1588 **63I-2-253. Repeal dates -- Titles 53, 53A, and 53B.**

1589 (1) Section 53A-1-403.5 is repealed July 1, 2017.

1590 (2) Section 53A-1-411 is repealed July 1, 2017.

1591 (3) Section 53A-1-709 is repealed July 1, 2020.

1592 (4) Subsection 53A-1a-513(4) is repealed July 1, 2017.

1593 (5) Section 53A-1a-513.5 is repealed July 1, 2017.

1594 (6) Title 53A, Chapter 1a, Part 10, UPSTART, is repealed July 1, 2019.

1595 (7) Subsection 53A-2-118.4 (1)(c)(i), the language that states "or 53A-17a-135.5, as  
1596 applicable" is repealed July 1, 2023.

1597 [~~7~~] (8) Title 53A, Chapter 8a, Part 8, Peer Assistance and Review Pilot Program, is  
1598 repealed July 1, 2017.

1599 (9) Subsection 53A-17a-103(2)(a)(i), the language that states "or 53A-17a-135.5, as  
1600 applicable" is repealed July 1, 2023.

1601 (10) Subsections 53A-17a-105(4) and (5), the language that states "or 53A-17a-135.5,  
1602 as applicable," is repealed July 1, 2023.

1603 (11) Subsection 53A-17a-135(1)(b) is repealed July 1, 2023.

1604 (12) Subsection 53A-17a-135.1(3), the language that states "or 53A-17a-135.5, as  
1605 applicable" is repealed July 1, 2023.

1606 (13) Section 53A-17a-135.5 is repealed July 1, 2023.

1607 (14) Section 53A-17a-135.6 is repealed July 1, 2023.

1608 (15) Subsection 53A-17a-143(1), the language that states "or 53A-17a-135.5, as  
1609 applicable" is repealed July 1, 2023.

1610 [~~(8)~~] (16) Sections 53A-24-601 and 53A-24-602 are repealed January 1, 2018.

1611 [~~(9)~~] (17) (a) Subsections 53B-2a-103(2) and (4) are repealed July 1, 2019.

1612 (b) When repealing Subsections 53B-2a-103(2) and (4), the Office of Legislative  
1613 Research and General Counsel shall, in addition to its authority under Subsection 36-12-12(3),  
1614 make necessary changes to subsection numbering and cross references.

1615 [~~(10)~~] (18) Title 53B, Chapter 18, Part 14, Uintah Basin Air Quality Research Project,  
1616 is repealed July 1, 2023.

1617 (19) On July 1, 2023, when making changes in this section, the Office of Legislative  
1618 Research and General Counsel shall:

1619 (a) in addition to its authority under Subsection 36-12-12(3), make corrections  
1620 necessary to ensure that sections and subsections identified in this section are complete  
1621 sentences and accurately reflect the office's perception of the Legislature's intent; and

1622 (b) identify the text of the affected sections and subsections based upon the section and  
1623 subsection numbers used in this bill.

1624 Section 23. Section **63I-2-259** is amended to read:

1625 **63I-2-259. Repeal dates -- Title 59.**

1626 (1) Subsection 59-2-102(8)(a)(i), the language that states "or 53A-17a-135.5, as  
1627 applicable" is repealed July 1, 2023.

1628 [~~(1)~~] (2) Subsection 59-2-919(10) is repealed December 31, 2015.

1629 [~~(2)~~] (3) Subsection 59-2-919.1(4) is repealed December 31, 2015.

1630 [~~(3)~~] (4) Subsection 59-2-1007(14) is repealed on December 31, 2018.

1631 Section 24. **Effective date.**

1632 This bill takes effect on January 1, 2018.

1633 Section 25. **Revisor instructions.**

1634 The Legislature intends that the Office of Legislative Research and General Counsel, in  
1635 preparing the Utah Code database for publication, replace the language in Subsection  
1636 63I-2-253(19)(b) from "this bill" to the bill's designated chapter number in the Laws of Utah.