

26 This bill provides a special effective date.

27 **Utah Code Sections Affected:**

28 AMENDS:

29 **53F-8-303**, as last amended by Laws of Utah 2018, Chapters 281, 288, 456 and  
30 renumbered and amended by Laws of Utah 2018, Chapter 2

31 **53F-9-201**, as last amended by Laws of Utah 2019, Chapter 191

32 **53F-9-204**, as renumbered and amended by Laws of Utah 2018, Chapter 2

33 **59-7-532**, as last amended by Laws of Utah 2007, Chapter 122

34 **59-10-544**, as last amended by Laws of Utah 2009, Chapter 212

35 ENACTS:

36 **53F-2-208**, Utah Code Annotated 1953

37 **53F-9-201.1**, Utah Code Annotated 1953

38 REPEALS:

39 **53F-9-202**, as last amended by Laws of Utah 2019, Chapter 186

40

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

42 Section 1. Section **53F-2-208** is enacted to read:

43 **53F-2-208. Cost of adjustments for growth and inflation.**

44 (1) In accordance with Subsection (2), the Legislature shall annually determine:

45 (a) the estimated state cost of adjusting for inflation in the next fiscal year, based on a  
46 rolling five-year average ending in the current fiscal year, ongoing state tax fund appropriations  
47 to the following programs:

48 (i) education for youth in custody, described in Section [53E-3-503](#);

49 (ii) the Basic Program, described in Title 53F, Chapter 2, Part 3, Basic Program

50 (Weighted Pupil Units), except for charter school administration described in Section

51 [53F-2-306](#);

52 (iii) the Adult Education Program, described in Section [53F-2-401](#);

52a **§→ (iv) state support of pupil transportation, described in Section [53F-4-402](#); ←§**

53 **§→ ~~(iv)~~ (v) ←§** the Enhancement for Accelerated Students Program, described in Section

54 [53F-2-408](#);

55 **§→ ~~(v)~~ (vi) ←§** the Concurrent Enrollment Program, described in Section [53F-2-409](#);

56 **§→ ~~(vi)~~ (vii) ←§** the Enhancement for At-Risk Students Program, described in Section

56a [53F-2-410](#);

57 and

58 ~~§~~ ~~(vii)~~ (viii) ~~←§~~ Centennial Scholarships, described in Section [53F-2-501](#); and

59 (b) the estimated state cost of adjusting for enrollment growth, in the next fiscal year,  
60 the current fiscal year's ongoing state tax fund appropriations to the following programs:

61 (i) a program described in Subsection (1)(a), including charter school administration  
62 described in Section [53F-2-306](#);

63 (ii) educator salary adjustments, described in Section [53F-2-405](#);

64 (iii) the Teacher Salary Supplement Program, described in Section [53F-2-504](#);

65 (iv) the Voted and Board Local Levy Guarantee programs, described in Section  
66 [53F-2-601](#); and

67 (v) charter school local replacement funding, described in Section [53F-2-702](#).

68 (2) (a) In or before December each year, the Executive Appropriations Committee shall  
69 determine:

70 (i) the cost of the inflation adjustment described in Subsection (1)(a); and

71 (ii) the cost of the enrollment growth adjustment described in Subsection (1)(b).

72 (b) The Executive Appropriations Committee shall make the determinations described  
73 in Subsection (2)(a) based on recommendations developed by the Office of the Legislative  
74 Fiscal Analyst, in consultation with the state board and the Governor's Office of Management  
75 and Budget.

76 Section 2. Section **53F-8-303** is amended to read:

77 **53F-8-303. Capital local levy.**

78 (1) As used in this section:

79 (a) "Cost of the basic program" means the cost of the programs described in Title 53F,  
80 Chapter 2, Part 3, Basic Program (Weighted Pupil Units) in a school district.

81 (b) "Low-revenue year" means a fiscal year for which the Legislature appropriates  
82 ongoing funding from the Public Education Economic Stabilization Restricted Account under  
83 Subsection [53F-9-204\(3\)\(b\)](#).

84 [(+)] (2) Subject to the other requirements of this section, a local school board may  
85 levy a tax to fund the school district's:

86 (a) capital projects; [or]

87 (b) technology programs or projects[-]; or

181 the Uniform School Fund, and, subject to Subsection 53F-9-204(3), the Public Education  
 182 Economic Stabilization Restricted Account, in an amount that is greater than or equal to \$→ the  
 182a sum of ←\$ :

- 183 (a) the ongoing Education Fund and Uniform School Fund appropriations to the  
 184 Minimum School Program in the current fiscal year; and  
 185 (b) subject to Subsection 53F-9-204(3)(b), enrollment growth and inflation estimates.  
 186 (3) The total annual amount deposited into the Uniform School Fund, including the  
 187 deposits through the distributions described in Sections 59-7-532 and 59-10-544, for a given  
 188 fiscal year may not exceed the amount appropriated from the Uniform School Fund for that  
 189 fiscal year.

190 Section 5. Section 53F-9-204 is amended to read:

191 **53F-9-204. Public Education Economic Stabilization Restricted Account.**

192 (1) There is created within the Uniform School Fund a restricted account known as the  
 193 "~~[Growth in Student Population]~~ Public Education Economic Stabilization Restricted  
 194 Account."

195 (2) (a) ~~[The]~~ Except as provided in Subsection (2)(b), the account shall be funded from  
 196 the following revenue sources:

197 ~~[(a) any voluntary contributions received to help alleviate the anticipated surge in~~  
 198 ~~student growth in public elementary and secondary schools during the early part of the 21st~~  
 199 ~~Century; and]~~

200 ~~[(b) appropriations made to the fund by the Legislature.]~~

201 ~~[(3) The account shall be used to help school districts meet the challenges created by~~  
 202 ~~anticipated significant increases in student growth in the state's public schools.]~~

203 (i) 15% of the difference between, as determined by the Office of the Legislative Fiscal  
 204 Analyst:

205 (A) the estimated amount of ongoing Education Fund and Uniform School Fund  
 206 revenue available for the Legislature to appropriate for the next fiscal year; and

207 (B) the amount of ongoing appropriations from the Education Fund and Uniform  
 208 School Fund in the current fiscal year; and

209 (ii) other appropriations as the Legislature may designate.

210 (b) If the appropriation described in Subsection (2)(a) would cause the ongoing  
 211 appropriations to the account to exceed 11% of Uniform School Fund appropriations described

212 in Section 53F-9-201.1 for the same fiscal year, the Legislature shall appropriate only those  
 213 funds necessary to ensure that the ongoing appropriations to the account equal 11% of Uniform  
 214 School Fund appropriations for that fiscal year.

215 (3) Subject to the availability of ongoing appropriations to the account, in accordance  
 216 with Utah Constitution, Article X, Section 5, Subsection (4), the ongoing appropriation to the  
 217 account shall be used to fund:

218 (a) except for a year described in Subsection (3)(b), one-time appropriations to the  
 219 public education system; and

220 (b) the Minimum School Program for a year in which Education Fund revenue and  
 221 Uniform School Fund revenue are insufficient to fund:

222 (i) ongoing appropriations to the public education system; and

223 (ii) enrollment growth and inflation estimates, as defined in Section 53F-9-201.1.

224 (4) (a) The account shall earn interest.

225 (b) All interest earned on account money shall be deposited in the account.

226 (5) On or before December 31, 2023, and every three years thereafter, the Office of the  
 227 Legislative Fiscal Analyst shall:

228 (a) review the percentages described in Subsections ~~§~~→ [(1)] (2) ←~~§~~ (a)(i) and ~~§~~→ [(1)]

228a (2) ←~~§~~ (b); and

229 (b) recommend to the Executive Appropriations Subcommittee any changes based on  
 230 the review described in Subsection (5)(a).

231 Section 6. Section 59-7-532 is amended to read:

232 **59-7-532. Revenue received by commission -- Deposit with state treasurer --**

233 **Distribution or crediting to Education Fund -- Refund claim payments.**

234 (1) (a) [~~AH~~] The commission shall deposit at least quarterly all revenue collected or  
 235 received by the commission under this chapter [~~shall be deposited daily~~] with the state  
 236 treasurer. [~~Such revenue~~]

237 (b) The commission shall, subject to the refund provisions of this section, [~~shall be~~  
 238 periodically distributed or credited] distribute or credit, at least quarterly and based on a pro  
 239 rata share of Education Fund and Uniform School Fund appropriations for the current fiscal  
 240 year, the revenue described in Subsection (1)(a) to:

241 (i) the Education Fund[-]; and

242 (ii) the Uniform School Fund in accordance with Section 53F-9-201.1.