

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

**LOCAL EDUCATION LEVY STATE GUARANTEE**

**AMENDMENTS**

2020 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Lincoln Fillmore**

House Sponsor: Bradley G. Last

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**LONG TITLE**

**General Description:**

This bill provides for an increase in the guaranteed amount per guaranteed local levy increment in certain circumstances.

**Highlighted Provisions:**

This bill:

- ▶ provides for an increase in the guaranteed amount per guaranteed local levy increment in certain circumstances; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**53F-2-601**, as last amended by Laws of Utah 2019, Chapter 186

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



26 Section 1. Section 53F-2-601 is amended to read:

27 **53F-2-601. State guaranteed local levy increments -- Appropriation to increase**  
28 **number of guaranteed local levy increments -- No effect of change of minimum basic tax**  
29 **rate -- Voted and board local levy funding balance -- Use of guaranteed local levy**  
30 **increment funds.**

31 (1) As used in this section:

32 (a) "Board local levy" means a local levy described in Section 53F-8-302.

33 (b) "Guaranteed local levy increment" means a local levy increment guaranteed by the  
34 state:

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

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

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

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

39 (A) the amount appropriated for the guaranteed local levy increments in a fiscal year;

40 and

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

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

45 (e) "Voted local levy" means a local levy described in Section 53F-8-301.

46 (2) (a) (i) In addition to the revenue collected from the imposition of a voted local levy  
47 or a board local levy, the state shall guarantee that a school district receives, subject to  
48 Subsections (2)(b)(ii)(C) and (3)(a), for each guaranteed local levy increment, an amount  
49 sufficient to guarantee for a fiscal year that begins on July 1, 2018, \$43.10 per weighted pupil  
50 unit.

51 (ii) Except as provided in Subsection (2)(b)(ii), the number of local levy increments  
52 that are subject to the guarantee amount described in Subsection (2)(a)(i) are:

53 (A) for a board local levy, the first four local levy increments a local school board  
54 imposes under the board local levy; and

55 (B) for a voted local levy, the first 16 local levy increments a local school board  
56 imposes under the voted local levy.

57 (b) (i) Subject to future budget constraints and Subsection (2)(c), the Legislature shall  
 58 annually appropriate money from the Local Levy Growth Account established in Section  
 59 [53F-9-305](#) for purposes described in Subsection (2)(b)(ii).

60 (ii) The state board shall, for a fiscal year beginning on or after July 1, 2018, and  
 61 subject to Subsection (2)(c), allocate funds appropriated under Subsection (2)(b)(i) in the  
 62 following order of priority by increasing:

63 (A) by up to four increments the number of voted local levy guaranteed local levy  
 64 increments above 16;

65 (B) by up to 16 increments the number of board local levy guaranteed local levy  
 66 increments above four; and

67 (C) the guaranteed amount described in Subsection (2)(a)(i).

68 (c) The number of guaranteed local levy increments under this Subsection (2) for a  
 69 school district may not exceed 20 guaranteed local levy increments, regardless of whether the  
 70 guaranteed local levy increments are from the imposition of a voted local levy, a board local  
 71 levy, or a combination of the two.

72 (d) (i) As used in this ~~Ĥ→~~ **[subsection] Subsection (2)(d) ←Ĥ**, "cost for the guarantee"  
 72a means the total cost for the  
 73 guarantee described in this section, excluding the cost of the adjustments described in  
 74 Subsection (2)(b)(ii).

75 (ii) In addition to an appropriation for the adjustment described in Subsection (2)(b)(ii),  
 76 ~~Ĥ→~~ **[the Legislature shall annually appropriate an amount that is the greater of:**  
 77 ~~——(A) if ←Ĥ the ←Ĥ state ←Ĥ cost for the guarantee for the upcoming fiscal year ←Ĥ ; or~~  
 78 ~~——(B) is less than ←Ĥ the amount appropriated for the cost for the guarantee for the current~~  
 78a ~~fiscal year ←Ĥ ;], the Legislature may appropriate an additional amount to fund all or part of~~  
 78b ~~the difference. ←Ĥ~~

79 (iii) ~~Ĥ→~~ **[From] The state board shall allocate ←Ĥ an appropriation described in**  
 79a ~~Subsection (2)(d)(ii) ←Ĥ [(B), the state board shall~~  
 80 ~~allocate an amount equal to the difference between the amounts described in Subsections~~  
 81 ~~(2)(d)(ii)(A) and (B)] ←Ĥ to increase the guarantee amount for each guaranteed local levy~~  
 82 ~~increment.~~

83 (3) (a) The guarantee described in Subsection (2)(a)(i) is indexed each year to the value  
 84 of the weighted pupil unit by making the value of the guarantee equal to .011962 times the  
 85 value of the prior year's weighted pupil unit.

86 (b) The guarantee shall increase by .0005 times the value of the prior year's weighted  
 87 pupil unit for each year subject to the Legislature appropriating funds for an increase in the

88 guarantee.

89 (4) (a) The amount of state guarantee money that a school district would otherwise be  
90 entitled to receive under this section may not be reduced for the sole reason that the school  
91 district's board local levy or voted local levy is reduced as a consequence of changes in the  
92 certified tax rate under Section 59-2-924 pursuant to changes in property valuation.

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

95 (5) The guarantee provided under this section does not apply to the portion of a voted  
96 local levy rate that exceeds the voted local levy rate that was in effect for the previous fiscal  
97 year, unless an increase in the voted local levy rate was authorized in an election conducted on  
98 or after July 1 of the previous fiscal year and before December 2 of the previous fiscal year.

99 (6) (a) If a voted and board local levy funding balance exists for the prior fiscal year,  
100 the state board shall:

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

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

105 (b) The state board shall report action taken under Subsection (6)(a) to the Office of the  
106 Legislative Fiscal Analyst and the Governor's Office of Management and Budget.

107 (7) A local school board of a school district that receives funds described in this section  
108 shall budget and expend the funds for public education purposes.