

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

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

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 subsection, "cost for the guarantee" 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 the Legislature shall annually appropriate an amount that is the greater of:

77 (A) the cost for the guarantee for the upcoming fiscal year; or

78 (B) the amount appropriated for the cost for the guarantee for the current fiscal year.

79 (iii) From an appropriation described in Subsection (2)(d)(ii)(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) 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.