

Keith Grover proposes the following substitute bill:

School District Modifications

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Keith Grover

House Sponsor:

LONG TITLE

General Description:

This bill addresses creation of new school districts and the transition process from divided to new school districts.

Highlighted Provisions:

This bill:

- defines terms;
- enacts dates regarding the redistricting of local school board districts after the creation of certain new school districts;
- amends the duties of the Office of the Legislative Auditor General to include receiving and providing certain information during the transition process from divided to new school districts;
- extends, by an additional year, the rights of transferred employees regarding salary and benefits;
- reduces the body of voters whose approval is required to create a new school district to voters within the proposed new school district;
- reduces the threshold for interlocal participants to propose a new school district to a majority of municipalities that are participants in the interlocal agreement;
- amends certain dates regarding election cycles following the creation of a new school district;
- amends certain deadlines for the duties of municipal legislative bodies, county legislative bodies, local school boards, and other entities under certain circumstances after the creation of a new school district;
- enacts provisions regarding the transition from a divided school district to new and reorganized new school districts, including:
 - oversight from the state auditor;

- school district employee and other personnel issues;
- records of the divided school district;
- certain feasibility studies and seismic safety evaluations;
- certain reports and plans regarding the transition and the allocation of funds, property, assets, and liabilities;
- the actual transfer of funds, property, assets, and liabilities;
- retrospectively voiding certain agreements or policies; and
- resolution of disputes between school districts through an agreed upon or appointed arbiter;
- prohibits a government entity from charging a fee for certain requests related to the school district creation and transition processes;
- requires a government entity to send an invoice before requiring payment of past fees before processing a new request; and
- makes technical and conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

This bill provides retrospective operation.

Utah Code Sections Affected:**AMENDS:**

36-12-15 (Effective upon governor's approval), as last amended by Laws of Utah 2024, Third Special Session, Chapter 3

53G-3-102 (Effective upon governor's approval), as last amended by Laws of Utah 2024, Third Special Session, Chapter 3

53G-3-202 (Effective upon governor's approval), as last amended by Laws of Utah 2024, Third Special Session, Chapter 3

53G-3-205 (Effective upon governor's approval), as renumbered and amended by Laws of Utah 2018, Chapter 3

53G-3-301 (Effective upon governor's approval), as last amended by Laws of Utah 2024, Third Special Session, Chapter 3

53G-3-301.1 (Effective upon governor's approval), as last amended by Laws of Utah 2024, Third Special Session, Chapter 3

53G-3-301.3 (Effective upon governor's approval), as last amended by Laws of Utah

2024, Third Special Session, Chapter 3

53G-3-301.4 (Effective upon governor's approval), as last amended by Laws of Utah

2024, Third Special Session, Chapter 3

53G-3-302 (Effective upon governor's approval) (Applies beginning 11/04/24), as last

amended by Laws of Utah 2024, Third Special Session, Chapter 3

53G-3-303 (Effective upon governor's approval), as last amended by Laws of Utah 2024,

Third Special Session, Chapter 3

53G-3-305 (Effective upon governor's approval), as last amended by Laws of Utah 2024,

Third Special Session, Chapter 3

53G-3-307 (Effective upon governor's approval), as last amended by Laws of Utah 2024,

Chapter 526

63G-2-203 (Effective upon governor's approval), as last amended by Laws of Utah 2022,

Chapter 128

67-3-1 (Effective upon governor's approval), as last amended by Laws of Utah 2024,

Chapters 3, 158

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

Section 1. Section **36-12-15** is amended to read:

36-12-15 (Effective upon governor's approval). Office of the Legislative Auditor
General established -- Qualifications -- Powers, functions, and duties -- Reporting --
Criminal penalty -- Employment.

(1) As used in this section:

(a) "Audit action" means an audit, examination, investigation, or review of an entity conducted by the office.

(b) "Entity" means:

(i) a government organization; or

(ii) a receiving organization.

(c) "Government organization" means:

(i) a state branch, department, or agency; or

(ii) a political subdivision, including a county, municipality, special district, special service district, school district, interlocal entity as defined in Section 11-13-103, or any other local government unit.

(d) "Office" means the Office of the Legislative Auditor General.

(e) "Receiving organization" means an organization that receives public funds that is not

97 a government organization.

98 (2) There is created the Office of the Legislative Auditor General as a permanent staff
99 office for the Legislature.

100 (3) The legislative auditor general shall be a licensed certified public accountant or certified
101 internal auditor with at least seven years of experience in the auditing or public
102 accounting profession, or the equivalent, prior to appointment.

103 (4) The legislative auditor general shall appoint and develop a professional staff within
104 budget limitations.

105 (5) The office shall exercise the constitutional authority provided in Utah Constitution,
106 Article VI, Section 33.

107 (6) Under the direction of the legislative auditor general, the office shall:

108 (a) conduct comprehensive and special purpose audits, examinations, investigations, or
109 reviews of entity funds, functions, and accounts;

110 (b) prepare and submit a written report on each audit action to the Audit Subcommittee
111 created in Section 36-12-8 and make the report available to all members of the
112 Legislature within 75 days after the audit action is completed;

113 (c) monitor, conduct a risk assessment of, or audit any efficiency evaluations that the
114 legislative auditor general determines necessary, in accordance with Title 63J,
115 Chapter 1, Part 9, Government Performance Reporting and Efficiency Process, and
116 legislative rule;

117 (d) create, manage, and report to the Audit Subcommittee a list of high risk programs
118 and operations that:

119 (i) threaten public funds or programs;

120 (ii) are vulnerable to inefficiency, waste, fraud, abuse, or mismanagement; or

121 (iii) require transformation;

122 (e) monitor and report to the Audit Subcommittee the health of a government
123 organization's internal audit functions;

124 (f) make recommendations to increase the independence and value added of internal
125 audit functions throughout the state;

126 (g) implement a process to track, monitor, and report whether the subject of an audit has
127 implemented recommendations made in the audit report;

128 (h) establish, train, and maintain individuals within the office to conduct investigations
129 and represent themselves as lawful investigators on behalf of the office;

130 (i) establish policies, procedures, methods, and standards of audit work and

investigations for the office and staff;

(j) prepare and submit each audit and investigative report independent of any influence external of the office, including the content of the report, the conclusions reached in the report, and the manner of disclosing the legislative auditor general's findings;

(k) prepare and submit the annual budget request for the office; and

(l) perform other duties as prescribed by the Legislature.

(7) In conducting an audit action of an entity, the office may include a determination of any or all of the following:

(a) the honesty and integrity of any of the entity's fiscal affairs;

(b) the accuracy and reliability of the entity's internal control systems and specific financial statements and reports;

(c) whether or not the entity's financial controls are adequate and effective to properly record and safeguard the entity's acquisition, custody, use, and accounting of public funds;

(d) whether the entity's administrators have complied with legislative intent;

(e) whether the entity's operations have been conducted in an efficient, effective, and cost efficient manner;

(f) whether the entity's programs have been effective in accomplishing intended objectives; and

(g) whether the entity's management control and information systems are adequate and effective.

(8)(a) If requested by the office, each entity that the legislative auditor general is authorized to audit under Utah Constitution, Article VI, Section 33, or this section shall, notwithstanding any other provision of law except as provided in Subsection (8)(b), provide the office with access to information, materials, or resources the office determines are necessary to conduct an audit, examination, investigation, or review, including:

(i) the following in the possession or custody of the entity in the format identified by the office:

(A) a record, document, and report; and

(B) films, tapes, recordings, and electronically stored information;

(ii) entity personnel; and

(iii) each official or unofficial recording of formal or informal meetings or conversations to which the entity has access.

(b) To the extent compliance would violate federal law, the requirements of Subsection (8)(a) do not apply.

(9)(a) In carrying out the duties provided for in this section and under Utah Constitution, Article VI, Section 33, the legislative auditor general may issue a subpoena to access information, materials, or resources in accordance with Chapter 14, Legislative Subpoena Powers.

(b) The legislative auditor general may issue a subpoena, as described in Subsection (9)(a), to a financial institution or any other entity to obtain information as part of an investigation of fraud, waste, or abuse, including any suspected malfeasance, misfeasance, or nonfeasance involving public funds.

(10) To preserve the professional integrity and independence of the office:

(a) no legislator or public official may urge the appointment of any person to the office; and

(b) the legislative auditor general may not be appointed to serve on any board, authority, commission, or other agency of the state during the legislative auditor general's term as legislative auditor general.

(11)(a) The following records in the custody or control of the legislative auditor general are protected records under Title 63G, Chapter 2, Government Records Access and Management Act:

(i) records and audit work papers that would disclose information relating to allegations of personal misconduct, gross mismanagement, or illegal activity of a past or present governmental employee if the information or allegation cannot be corroborated by the legislative auditor general through other documents or evidence, and the records relating to the allegation are not relied upon by the legislative auditor general in preparing a final audit report;

(ii) records and audit workpapers that would disclose the identity of a person who, during the course of a legislative audit, communicated the existence of:

(A) unethical behavior;

(B) waste of public funds, property, or personnel; or

(C) a violation or suspected violation of a United States, Utah state, or political subdivision law, rule, ordinance, or regulation, if the person disclosed on the condition that the identity of the person be protected;

(iii) before an audit is completed and the final audit report is released, records or drafts circulated to a person who is not an employee or head of an entity for

- 199 review, response, or information;
- 200 (iv) records that would disclose:
- 201 (A) an outline;
- 202 (B) all or part of an audit survey, audit risk assessment plan, or audit program; or
- 203 (C) other procedural documents necessary to fulfill the duties of the office; and
- 204 (v) requests for audits, if disclosure would risk circumvention of an audit.
- 205 (b) The provisions of Subsection (11)(a) do not prohibit the disclosure of records or
- 206 information to a government prosecutor or peace officer if those records or
- 207 information relate to a violation of the law by an entity or entity employee.
- 208 (c) A record, as defined in Section 63G-2-103, created by the office in a closed meeting
- 209 held in accordance with Section 52-4-205:
- 210 (i) is a protected record, as defined in Section 63G-2-103;
- 211 (ii) to the extent the record contains information:
- 212 (A) described in Section 63G-2-302, is a private record; or
- 213 (B) described in Section 63G-2-304, is a controlled record; and
- 214 (iii) may not be reclassified by the office.
- 215 (d) The provisions of this section do not limit the authority otherwise given to the
- 216 legislative auditor general to maintain the private, controlled, or protected record
- 217 status of a shared record in the legislative auditor general's possession or classify a
- 218 document as public, private, controlled, or protected under Title 63G, Chapter 2,
- 219 Government Records Access and Management Act.
- 220 (12) The legislative auditor general shall:
- 221 (a) be available to the Legislature and to the Legislature's committees for consultation on
- 222 matters relevant to areas of the legislative auditor general's professional competence;
- 223 (b) conduct special audits as requested by the Audit Subcommittee;
- 224 (c) report immediately to the Audit Subcommittee any apparent violation of penal
- 225 statutes disclosed by the audit of an entity and furnish to the Audit Subcommittee all
- 226 information relative to the apparent violation;
- 227 (d) report immediately to the Audit Subcommittee any apparent instances of
- 228 malfeasance or nonfeasance by an entity officer or employee disclosed by the audit of
- 229 an entity; and
- 230 (e) make any recommendations to the Audit Subcommittee with respect to the alteration
- 231 or improvement of the accounting system used by an entity.
- 232 (13) If the legislative auditor general conducts an audit of an entity that has previously been

audited and finds that the entity has not implemented a recommendation made by the legislative auditor general in a previous audit report, the legislative auditor general shall report to the Audit Subcommittee that the entity has not implemented the recommendation.

(14) Before each annual general session, the legislative auditor general shall:

(a) prepare an annual report that:

(i) summarizes the audits, examinations, investigations, and reviews conducted by the office since the last annual report; and

(ii) evaluate and report the degree to which an entity that has been the subject of an audit has implemented the audit recommendations;

(b) include in the report any items and recommendations that the legislative auditor general believes the Legislature should consider in the annual general session; and

(c) deliver the report to the Legislature and to the appropriate committees of the Legislature.

(15)(a) If the chief officer of an entity has actual knowledge or reasonable cause to believe that there is misappropriation of the entity's public funds or assets, or another entity officer has actual knowledge or reasonable cause to believe that the chief officer is misappropriating the entity's public funds or assets, the chief officer or, alternatively, the other entity officer, shall immediately notify, in writing:

(i) the office;

(ii) the attorney general, county attorney, or district attorney; and

(iii)(A) for a state government organization, the chief executive officer;

(B) for a political subdivision government organization, the legislative body or governing board; or

(C) for a receiving organization, the governing board or chief executive officer unless the chief executive officer is believed to be misappropriating the funds or assets, in which case the next highest officer of the receiving organization.

(b) As described in Subsection (15)(a), the entity chief officer or, if applicable, another entity officer, is subject to the protections of Title 67, Chapter 21, Utah Protection of Public Employees Act.

(c) If the Office of the Legislative Auditor General receives a notification under Subsection (15)(a) or other information of misappropriation of public funds or assets of an entity, the office shall inform the Audit Subcommittee.

(d) The attorney general, county attorney, or district attorney shall notify, in writing, the

Office of the Legislative Auditor General whether the attorney general, county attorney, or district attorney pursued criminal or civil sanctions in the matter.

(16)(a) An actor commits interference with a legislative audit if the actor uses force, violence, intimidation, or engages in any other unlawful act with a purpose to interfere with:

(i) a legislative audit action; or

(ii) the office's decisions relating to:

(A) the content of the office's report;

(B) the conclusions reached in the office's report; or

(C) the manner of disclosing the results and findings of the office.

(b) A violation of Subsection (16)(a) is a class B misdemeanor.

(17)(a) The office may require any current employee, or any applicant for employment, to submit to a fingerprint-based local, regional, and criminal history background check as an ongoing condition of employment.

(b) An employee or applicant for employment shall provide a completed fingerprint card to the office upon request.

(c) The office shall require that an individual required to submit to a background check under this Subsection (17) also provide a signed waiver on a form provided by the office that meets the requirements of Subsection 53-10-108(4).

(d) For a noncriminal justice background search and registration in accordance with Subsection 53-10-108(13), the office shall submit to the Bureau of Criminal Identification:

(i) the employee's or applicant's personal identifying information and fingerprints for a criminal history search of applicable local, regional, and national databases; and

(ii) a request for all information received as a result of the local, regional, and nationwide background check.

(18) Subject to prioritization of the Legislative Audit Subcommittee, the Office of the Legislative Auditor General shall[-] :

(a) conduct a feasibility study [under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4.] that an entity requests under Title 53G, Chapter 3, Part 3, Creating a New School District; and

(b) accept and maintain submissions for local school boards to have sufficient information to resolve disputes through an agreed upon or appointed arbiter in accordance with Section 53G-3-302.

Section 2. Section **53G-3-102** is amended to read:

53G-3-102 (Effective upon governor's approval). Definitions.

As used in this chapter:

(1) "Allocation date" means:

(a) July 1 of the second calendar year following the local school board election date as described in Section 53G-3-302; or

(b) another date to which the new local school board and reorganized school board agree.

(2) "Creation date" means the date on which voters approve the creation of a new school district under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4.

(3) "Divided school district" means:

(a) an existing school district from which a new school district is created under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4; and

(b) an existing school district from which a reorganized new school district is created.

(4)[(a)] "Feasibility study" means a study:

[(i)] (a) ~~conducted by~~ that one of the following conducts:

[(A)] (i) a school district, municipal legislative body, or interlocal agreement participants ~~before July 1, 2024~~; or

[(B)] (ii) the Office of the Legislative Auditor General, subject to prioritization by the Legislative Audit Subcommittee; and

[(ii)] (b) to determine:

[(A)] (i) the financial viability for a new school district and reorganized new school district that is contained within the boundaries of a divided school district;

[(B)] (ii) the financial impact on a new school district and reorganized new school district that is contained within the boundaries of a divided school district; and

[(C)] (iii) the impact of the tax burden on taxpayers within the boundaries of the proposed new school district.

(5) "Interlocal agreement participant" means a public agency, as that term is defined in Section 11-13-103, that enters into an agreement with one or more other public agencies for the purpose described in and in accordance with Title 11, Chapter 13, Interlocal Cooperation Act.

(6) "Isolated area" means an area that:

(a) is entirely within the boundaries of an existing school district;

(b) is contiguous to the proposed new school district;

(c) has a combined student population of fewer than 5,000 students; and

(d) because of the creation of a new school district from the existing district in which the area is located, would become completely geographically isolated.

(7) "Municipality" means the same as that term is defined in Section 10-1-104.

(8) "New school district" means a school district created under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4.

(9) "Public hearing" means the same as that term is defined in Section 10-9a-103.

~~[(9)]~~ (10) "Reorganized new school district" means the remaining portion of the divided school district after voters approve the creation of a new school district under [~~Subsection~~] Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4[-] , when:

(a) the entire geographical area of the reorganized new school district is not included in a proposal for the new school district; or

(b) the entire geographical area of the reorganized new school district is:

(i) included in a proposal for a new school district that voters do not approve; and

(ii) within the boundaries of an existing district that contains an area that is included in the new district for which voters approve the creation.

Section 3. Section **53G-3-202** is amended to read:

53G-3-202 (Effective upon governor's approval). School districts independent of municipal and county governments -- School district name -- Control of property.

(1)(a) ~~[Each school district shall be controlled by its]~~ Except for the duties described in Section 53G-3-302, each school district is:

(i) under the control of the district's local school board; and~~[-shall be-]~~

(ii) independent of municipal and county governments.

(b) The name of each school district created after May 1, 2000, including a reorganized new school district, shall~~[-]~~ :

(i) comply with Section 17-50-103[-] ; and

(ii) be a name that another school district has not previously chosen and recorded.

(2) The local school board~~[-shall have]~~ :

(a) has direction and control of all school property in the district; and~~[-]~~

(b) may enter into cooperative agreements with other local school boards to provide educational services that best ~~[utilize]~~ use resources for overall operation of the public school system.

(3)(a) On or before 30 days following the day on which the creation of a new school district occurs under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4, and in accordance with Section 67-1a-15, the following shall register a new school district[

shall be registered] as a limited purpose entity[-by]:

(i) the municipal legislative body of the municipality in which the boundaries for the new school district [is] are entirely located; or

(ii) the legislative body of interlocal agreement participants in which the new school district is located.

(b) Each school district shall [~~register and~~] maintain the school district's registration as a limited purpose entity in accordance with Section 67-1a-15.

(c) A school district that fails to comply with Subsections (3)(a) and (b) or Section 67-1a-15 is subject to enforcement by the state auditor in accordance with Section 67-3-1.

Section 4. Section **53G-3-205** is amended to read:

53G-3-205 (Effective upon governor's approval). Rights of transferred employees -- Salary during first two years -- Leave and tenure benefits.

(1) If a school employee is transferred from one district to another because of district consolidation, creation, or restructuring, the employee's salary may not be less, during the first [year] two years after the transfer, than [it] the employee's salary would have been had the transfer not taken place.

(2) The district to which an employee is transferred under Subsection (1) shall credit the employee with all accumulated leave and tenure recognized by the district from which the employee was transferred.

(3) If the district to which an employee is transferred does not have a leave benefit which reasonably corresponds to one the employee seeks to transfer, that district shall compensate the employee for the benefit on the same basis as would have been done had the employee retired.

Section 5. Section **53G-3-301** is amended to read:

53G-3-301 (Effective upon governor's approval). Creation of new school district -- Initiation of process -- Procedures to be followed.

(1) A new school district may be created from one or more existing school districts, as provided in this chapter.

(2) The process to create a new school district may be initiated:

(a) through a citizens' petition in accordance with Section 53G-3-301.1;

(b) at the request of a municipality within the boundaries of the school district in accordance with Section 53G-3-301.3; or

(c) at the request of interlocal agreement participants in accordance with Section

53G-3-301.4.

- (3) ~~[Except as provided in Sections 53G-3-301.3 and 53G-3-301.4, a]~~ A request or petition under Subsection (2) may not form a new school district unless the new school district boundaries and the reorganized new school district boundaries:
- (a) are contiguous;
 - (b) do not create an isolated area, as defined in Section 53G-3-102; and
 - (c) include the entire boundaries of each participant municipality or town, unless the excluded portion of the municipality or town is not within the divided school district.
- (4) For each new school district, each county legislative body shall comply with the notice and plat filing requirements of Section 53G-3-203.
- (5) ~~If a new school district is created[, the new district shall reimburse the reorganized new district's documented costs to study and implement the proposal in proportion to the student population of each school district.]~~ , no later than July 1 of the second year following the inaugural local school board election of the new and reorganized new school districts, each new school district and each reorganized new school district shall reimburse the municipalities in which the school districts are located for any legal or administrative costs the municipality incurs in supporting the creation or reorganization of school districts, including feasibility studies, legal mapping, transition and asset assessments, legal consulting, public communication, and compliance with state requirements.
- (6)(a) On January 1 of the year following the local school board election for new and reorganized new school districts following the division of a school district, the relevant divided district shall provide 1% of the divided district's total WPU funding to the relevant new and reorganized new school districts based on student population, using the most recent October student count.
- (b) Each new school district shall provide 50% of the school district's WPU funding allocation described in Subsection (6)(a) to the reorganized new school district in the year described in Subsection (6)(a).
- (c) On January 1 of the second year following the local school board election for new and reorganized new school districts following the division of a school district, the divided school district shall provide 1% of the divided district's total WPU funding to the relevant new and reorganized new school districts based on student population, using the most recent October student count.
- ~~[(6)]~~ (7) An inadequacy of a feasibility study, as defined in Section 53G-3-102, may not be

the basis of a legal action or other challenge to:

(a) an election for voter approval of the creation of a new school district; or

(b) the creation of the new school district.

~~[(7)]~~ (8) Notwithstanding the creation of a new district as provided in this part:

(a) a new school district and a reorganized new school district may not begin to provide educational services to the area within the new school district and reorganized new school district until July 1 of the second calendar year following the local school board election date as described in Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4; and

(b) the divided school district shall continue, until the time specified in Subsection ~~[(7)(a)]~~ (8)(a), to provide educational services within the entire area covered by the divided school district.

~~[(8)]~~ (9) A new school district and a reorganized new school district shall enter into a shared services agreement that permits students residing in each ~~[new-]~~school district access to attend a school that serves students with disabilities within or outside of each school district boundary:

(a) for up to five years after the day on which the new school district commences educational services;

(b) for actual costs of services provided to students; and

(c) without affecting services provided to other students.

~~[(9)]~~ (10) The process described in Subsection (2)~~[-]~~ :

(a) may not be initiated more than once during any two-year period[-] ; and

(b) may only be initiated within a divided school district in the year of the allocation date.

Section 6. Section **53G-3-301.1** is amended to read:

53G-3-301.1 (Effective upon governor's approval). Creation of a new school district -- Citizens' petition -- Procedures to be followed.

(1) Citizens may file a petition to create a new school district in accordance with this section and Section 53G-3-301.

(2)(a) The county clerk shall ensure that a petition described in Subsection (1) is signed by registered voters residing within the geographical boundaries of the proposed new school district in an amount equal to at least 10% of all votes cast within the geographic boundaries of the proposed new school district for all candidates for president of the United States at the last regular general election at which a president

of the United States was elected.

(b) The sponsors of a petition described in Subsection (1) shall file the petition with the clerk of each county in which any part of the proposed new school district is located.

(c) The petition sponsors shall ensure that the petition described in Subsection (1):

(i) indicates the typed or printed name and current residence address of each voter who signs the petition;

(ii) describes the proposed new school district boundaries; and

(iii) designates up to five signers of the petition as sponsors, designating one as the contact sponsor, with the mailing address and telephone number of each.

(3)(a)(i) A signer of a petition described in Subsection (1) may withdraw or, once withdrawn, reinstate the signer's signature by filing a written statement requesting for withdrawal or reinstatement with the county clerk no later than three business days after the day on which the petition is filed with the county clerk.

(ii) A statement described in Subsection (3)(a)(i) shall comply with the requirements described in Subsection 20A-1-1003(2).

(iii) The county clerk shall use the procedures described in Subsection 20A-1-1003(3) to determine whether to remove or reinstate an individual's signature from a petition after receiving a timely, valid statement.

(b) The county clerk shall use the procedures described in Section 20A-1-1002 to determine whether the petition has been signed by the required number of registered voters residing within the geographical boundaries of the proposed new school district.

(4) Within 14 days after the day on which a petition described in Subsection (1) is filed, the clerk of each county with which the request or petition is filed shall:

(a) determine whether the petition complies with Subsections (2) and (3), as applicable, and Section 53G-3-301; and

(b)(i) if the county clerk determines that the request or petition complies with the applicable requirements:

(A) certify the petition and deliver the certified petition to the county legislative body; and

(B) mail or deliver written notification of the certification to the contact sponsor; or

(ii) if the county clerk determines that the petition fails to comply with any of the applicable requirements, reject the petition and notify the contact sponsor in

- writing of the rejection and reasons for the rejection.
- (5)(a) If the county clerk fails to certify or reject a petition within the time specified in Subsection (4), the petition is considered to be certified.
- (b) If the county clerk rejects a petition, the individual who submitted the petition may amend the petition to correct the deficiencies for which the county clerk rejected the petition and refile the petition.
- (6) Within 10 days after the day on which a county legislative body receives a certified petition as described in Subsection (4) or (5), the county legislative body shall request[~~that the Legislative Audit Subcommittee consider prioritizing~~] a feasibility study[~~, as that term is defined in Section 53G-3-102~~].
- (7)(a) The county legislative body shall:
- (i) provide for a ~~[45-day]~~ 30-day public comment period to begin on the day the county legislative body receives the study under Subsection (6); and
 - (ii) hold at least two public hearings[~~, as defined in Section 10-9a-103,~~] on the study and recommendations.
- (b) Within five business days after the day on which the public comment period ends, the legislative body of each county with which a petition is filed shall vote on the creation of the proposed new school district.
- (c) A county legislative body approves a petition proposing a new school district if a majority of the members of the legislative body vote in favor of the petition.
- (8)(a) Within five business days after the day on which a county legislative body approves a petition proposing a new school district under Subsection (7), the county legislative body shall provide notice of the approval and a copy of the petition to which the approval relates to the county clerk of each county described in Subsection (2)(b).
- (b) If each county described in Subsection (2)(b) approves a petition proposing a new school district, the county clerks of the counties shall submit the proposal for the creation of a new school district to all legal voters in the ~~[existing school district]~~ proposed new school district for approval or rejection at the next regular general election that is at least 65 days after the day on which all of the counties described in Subsection (2)(b) have complied with Subsection (8)(a).
- (c) The new school district proposed in the petition and the reorganized new school district are created if a majority of the voters in the ~~[existing]~~ proposed new school district vote in favor of creating the new school district.

Section 7. Section **53G-3-301.3** is amended to read:

53G-3-301.3 (Effective upon governor's approval). Creation of a new school district -- Request by a municipality -- Procedures to be followed.

(1) A municipality located within the boundaries of a school district may file a request to create a new school district in accordance with this section and Section 53G-3-301.

(2)(a) The municipality shall file the request to create a new school district with the clerk of each county in which any part of the proposed new school district is located.

(b) The filing municipality shall ensure that the request described in Subsection (2)(a):

(i) indicates the typed or printed and current residence address of each governing board member making the request;

(ii) describes the proposed new school district boundaries; and

(iii) designates up to five signers of the request as sponsors, including one as the contact sponsor, with the mailing address and telephone number of each.

(3) Within five business days after the day on which a request described in Subsection (2) is filed, the clerk of each county with which the request is filed shall:

(a) determine whether the request complies with Subsection (2) and Section 53G-3-301; and

(b)(i) if the county clerk determines that the request complies with the applicable requirements:

(A) certify the request and deliver the certified request to the municipality and each county legislative body; and

(B) mail or deliver written notification of the certification to the contact sponsor; or

(ii) if the county clerk determines that the request fails to comply with any of the applicable requirements, reject the request and notify the contact sponsor in writing of the rejection and reasons for the rejection.

(4)(a) If the county clerk fails to certify or reject the request within the time specified in Subsection (3), the request is considered to be certified.

(b) If the county clerk rejects the request, the municipality that submitted the request may amend the request to correct the deficiencies for which the county clerk rejected the request and refile the request.

(5)~~(a)~~ Within 10 days after the day on which a municipal legislative body receives a certification as described in Subsection (3) or (4), a municipal legislative body shall request ~~[that the Legislative Audit Subcommittee consider prioritizing]~~ a feasibility

study~~[-as that term is defined in Section 53G-3-102].~~

~~[(b) For the year 2024, the municipal legislative body may use a feasibility study that the municipal legislative body conducted before July 1, 2024, if:]~~

~~[(i) the feasibility study contains the determinations described in Section 53G-3-102; and]~~

~~[(ii) the municipality receives a report and recommendation regarding the feasibility study in a public meeting.]~~

(6)(a) The municipal legislative body shall:

(i) provide for a 30-day public comment period to begin [-:]

~~[(A)]~~ on the day the study is presented to the municipal legislative body under Subsection (5); ~~[or] and~~

~~[(B) if the municipal legislative body uses a feasibility study described in Subsection (5)(b), on July 1, 2024; and]~~

(ii) hold at least two public hearings~~[-as defined in Section 10-9a-103,]~~ on the study and recommendation.

(b) Within 14 days after the day on which the public comment period ends, the municipal legislative body shall vote on the creation of the proposed new school district.

(c) A municipal legislative body approves a proposal if a majority of the municipal legislative body vote in favor of the proposal.

(d) Within five business days after the day on which the municipal legislative body approves a request proposing the creation of a new school district, the municipal legislative body shall notify the legislative body and the county clerk of each county described in Subsection (2)(a).

(7) The county clerks of the counties described in Subsection (2)(a) shall submit the proposal for the creation of a new school district to all legal voters residing within the proposed new school district boundaries for approval or rejection at the next regular general election that is at least 65 days after the day on which the municipal legislative body complies with Subsection (6)(d).

(8) The new school district described in the request and the reorganized new school district are created if a majority of the voters in the proposed new school district boundaries vote in favor of creating the new school district.

~~[(9) Nothing in this section prevents a municipality from assisting the new school district or reorganized new school district, including by:]~~

607 ~~[(a) entering into a loan agreement with the new school district or reorganized new~~
608 ~~school district; or]~~

609 ~~[(b) assisting the new school district or reorganized new school district in securing a line~~
610 ~~of credit.]~~

611 Section 8. Section **53G-3-301.4** is amended to read:

612 **53G-3-301.4 (Effective upon governor's approval). Creation of a new school**
613 **district -- By interlocal agreement participants -- Procedures to follow.**

614 (1)(a) On or after April 30, 2024, interlocal agreement participants may file a request
615 proposing the creation of a new school district in accordance with this section and
616 Section 53G-3-301.

617 (b) A municipality may not:

618 (i) enter into more than one interlocal agreement for the purpose of submitting for
619 voter approval, in the same election, a proposal to create a new school district
620 under this part; or

621 (ii) participate in a request under this section and submit a request under Section
622 53G-3-301.3 for the same election.

623 (c) A municipality may not withdraw from an interlocal agreement under this part,
624 unless, before August 1 of the year in which the interlocal agreement participants file
625 the request under Subsection (1)(a):

626 (i) the municipality votes, via the legislative body of the municipality, to withdraw
627 from the interlocal agreement; and

628 (ii) a majority of all municipalities that are participants in the interlocal agreement
629 vote to withdraw from the interlocal agreement, via a separate vote of the
630 legislative body of each municipality.

631 (d) If a majority of all municipalities that are participants in the interlocal agreement
632 vote to withdraw from the interlocal agreement under Subsection (1)(a), the request is
633 void and the interlocal agreement participants may not participate in a new or a
634 revised request until the following year.

635 (2)(a) Except as provided in Subsection (3), by a majority vote of each legislative body,
636 the legislative body of a municipality, together with at least one other municipality,
637 may enter into an interlocal agreement in accordance with Title 11, Chapter 13,
638 Interlocal Cooperation Act, for the purpose of submitting for voter approval a
639 measure to create a new school district if the new school district boundaries comply
640 with the requirements of Section 53G-3-301.

(b) A county may only participate in an interlocal agreement under this Subsection (2) for the unincorporated areas of the county.

(c) Boundaries of a new school district created under this section may include:

(i) a portion of one or more existing school districts; and

(ii) a portion of the unincorporated area of a county.

(3)(a) As used in this Subsection (3), "municipality's school district" means the school district that includes all of the municipality in which the isolated area is located except the isolated area~~[-as that term is defined in Section 53G-3-102].~~

(b) Notwithstanding Subsection 53G-3-301(3), a municipality may be a participant in an interlocal agreement under Subsection (2)(a) with respect to some but not all of the area within the municipality's boundaries if:

(i) the portion of the municipality proposed to be included in the new school district would, if not included, become an isolated area upon the creation of the new school district; or

(ii)(A) the portion of the municipality proposed to be included in the new school district is within the boundaries of the same school district that includes the other interlocal agreement participants; and

(B) the portion of the municipality proposed to be excluded from the new school district is within the boundaries of a school district other than the school district that includes the other interlocal agreement participants.

(c)(i) Notwithstanding Subsection 53G-3-301(3), interlocal agreement participants may submit a proposal to the legal voters residing within the proposed new school district boundaries to create a new school district in accordance with an interlocal agreement under Subsection (2)(a), even though the new school district boundaries would create an isolated area, ~~[as that term is defined in Section 53G-3-102,]~~if:

(A) the potential isolated area is contiguous to one or more of the interlocal agreement participants;

(B) the interlocal participants submit a written request to the municipality in which the potential isolated area is located, requesting the municipality to enter into an interlocal agreement under Subsection (2)(a) that proposes to submit for voter approval a proposal to create a new school district that includes the potential isolated area; and

(C) the municipality, to which the interlocal agreement participants submitted a

- 675 request under Subsection (3)(c)(i)(B), did not respond to the written request
676 within 30 days after the day on which the request was submitted.
- 677 (ii) Each municipality receiving a request under Subsection (3)(c)(i) shall hold at
678 least two public hearings to allow input from the public and affected school
679 districts regarding whether the municipality should enter into an interlocal
680 agreement with respect to the potential isolated area.
- 681 (iii) A municipal legislative body approves a proposal to enter into an interlocal
682 agreement with respect to the potential isolated area if a majority of the municipal
683 legislative body votes in favor of the proposal.
- 684 (d)(i) The isolated area described in this Subsection (3) shall, on July 1 of the second
685 calendar year following the local school board general election date described in
686 Section 53G-3-302, become part of the municipality's school district.
- 687 (ii) The divided school district shall continue to provide educational services to the
688 isolated area until July 1 of the second calendar year following the local school
689 board general election date described in Section 53G-3-302.
- 690 (4)(a) Interlocal agreement participants shall file a request described in Subsection (1)
691 with the clerk of each county in which any part of the proposed new school district is
692 located.
- 693 (b) The filing interlocal agreement participants shall ensure that the request described in
694 Subsection (4)(a):
- 695 (i) indicates the typed or printed and current residence address of each governing
696 board member making a request;
- 697 (ii) describes the proposed new school district boundaries; and
- 698 (iii) designates up to five signers of the request as sponsors, including as the contact
699 sponsor, with the mailing address and telephone number of each.
- 700 (5) Within five business days after the day on which a request described in Subsection (4)(a)
701 is filed, the clerk of each county with which the request is filed shall:
- 702 (a) determine whether the request complies with this section and Section 53G-3-301; and
- 703 (b)(i) if the county clerk determines that the request complies with the applicable
704 requirements:
- 705 (A) certify the request and deliver the certified request to the legislative bodies of
706 the interlocal agreement participants; and
- 707 (B) mail or deliver written notification of the certification to the contact sponsor;
- 708 or

- 709 (ii) if the county clerk determines that the request fails to comply with any of the
710 applicable requirements, reject the request and notify the contact sponsor in
711 writing of the rejection and reasons for the rejection.
- 712 (6)(a) If the county clerk fails to certify or reject a request within the time specified in
713 Subsection (5), the request is considered to be certified.
- 714 (b) If the county clerk rejects a request, the interlocal agreement participants that
715 submitted the request may amend the request to correct the deficiencies for which the
716 county clerk rejected the request, and refile the request.
- 717 (7)[(a)] Within 30 days after the day on which the contact sponsor receives certification
718 as described in Subsection (5) or (6), the contact sponsor shall request~~[that the~~
719 ~~Legislative Audit Subcommittee consider prioritizing]~~ a feasibility study~~[-as that~~
720 ~~term is defined in Section 53G-3-102].~~
- 721 ~~[(b) For the year 2024, the interlocal agreement participants may use a feasibility study~~
722 ~~that interlocal agreement participants conducted before July 1, 2024, if:]~~
- 723 ~~[(i) the feasibility study contains the determinations described in Section 53G-3-102;~~
724 ~~and]~~
- 725 ~~[(ii) the legislative bodies of the interlocal agreement participants receive a report and~~
726 ~~recommendation regarding the feasibility study in a public meeting.]~~
- 727 (8)(a) The legislative bodies of the interlocal agreement participants, and each
728 municipality within the geographic boundaries of the proposed new school district,
729 shall:
- 730 (i) provide for a 30-day public comment period to begin ~~[-:]~~
- 731 ~~[(A)]~~ on the day on which the legislative bodies of the interlocal agreement
732 participants receive ~~[the report under]~~ a feasibility study described in
733 Subsection (7); [or] and
- 734 ~~[(B) on July 1, 2024, if the municipal legislative body uses a feasibility study~~
735 ~~described in Subsection (7)(b), regardless of whether the municipal legislative~~
736 ~~body provided all or a portion of a public comment period in relation to the~~
737 ~~feasibility study before July 1, 2024; and]~~
- 738 (ii) ~~[except as provided in Subsection (8)(d),]~~ hold at least two public hearings~~[-, as~~
739 ~~defined in Section 10-9a-103,]~~ on the study and recommendation.
- 740 (b) Within 14 days after the day on which the public comment period ends, the
741 legislative bodies of the interlocal agreement participants shall vote on the creation of
742 the proposed new school district.

(c) The interlocal agreement participants approve a proposal if a majority of ~~[each of]~~ the legislative bodies of municipalities that are participants in the interlocal agreement ~~[participants' members]~~ vote in favor of the proposal.

~~[(d) If the municipal legislative body uses a feasibility study described in Subsection (7)(b), the number of public hearings required under Subsection (8)(a)(ii) is reduced by the number of public hearings the municipal legislative body held on the feasibility study before July 1, 2024.]~~

(9) Within five business days after the day on which the interlocal agreement participants approve a request proposing the creation of a new school district, the interlocal agreement participants shall notify the legislative body and the county clerk of each county described in Subsection (4)(a).

(10)(a) The county clerks of the counties described in Subsection (4)(a) shall submit the proposal for the creation of a new school district to all legal voters residing within the proposed new school district boundaries for approval or rejection at the next regular general election that is at least 65 days after the day on which the interlocal agreement participants comply with Subsection (9).

(b) The new school district described in the request and the reorganized new school district are created if a majority of the voters in the proposed new school district boundaries vote in favor of creating the new school district.

~~[(11) Nothing in this section prevents an interlocal agreement participant from assisting the new school district or reorganized new school district, including by:]~~

~~[(a) entering into a loan agreement with the new school district or reorganized new school district; or]~~

~~[(b) assisting the new school district or reorganized new school district in securing a line of credit.]~~

Section 9. Section **53G-3-302** is amended to read:

53G-3-302 (Effective upon governor's approval) (Applies beginning 11/04/24).

Election of local school board members -- Allocation of assets and liabilities -- Startup costs -- Transfer of title.

(1) As used in this section:

(a) "Associated property" means furniture, equipment, or supplies located in or specifically associated with a physical asset.

(b) "Director" means the individual the municipal legislative body or mayoral board may select under Subsection (3).

(c)(i) "Discretionary asset or liability" means an asset or liability that is not tied to a specific project, school, student, or employee by law or school district accounting practice.

(ii) "Discretionary asset or liability" does not include a physical asset, associated property, a vehicle, an employee, or bonded indebtedness.

(d)(i) "Nondiscretionary asset or liability" means an asset or liability that is tied to a specific project, school, student, or employee by law or school district accounting practice.

(ii) "Nondiscretionary asset or liability" does not include a physical asset, associated property, a vehicle, or bonded indebtedness.

(e) "Physical asset" means a building, land, or water right together with revenue derived from the lease or use of the building, land, or water right.

(f) "Physical liability" means a liability associated with a physical asset.

[~~(1)~~] (2)(a) If voters approve a proposal to create a new school district under this part:

(i) the legislative body of each county where all or a part of the new school district and the reorganized new school district are located shall hold elections, during the year immediately following the year in which the voters approve the proposal or municipal legislative bodies or interlocal agreement participants create a new school district, to elect members to the local school board of the new school district and to the local school board of the reorganized new school district, as follows:

(A) the filing period for a declaration of candidacy [~~will be~~] is the same as the filing period for [a] the next regular or municipal general election for the given year;

(B) the primary election [~~will be~~] is held on the same day as the [~~municipal~~] primary election for the next regular or municipal general election for the given year; and

(C) the general election [~~will be~~] is held on the same day as the [~~municipal~~] next regular or municipal general election for the given year;

(ii) [~~the~~] any new school district and reorganized new school district shall divide the assets and liabilities of the divided school district between the [~~new school district and the reorganized new school district as provided in Subsection (3)]~~ school districts in accordance with Subsection (4) and Section 53G-3-307;

(iii) [~~transferred employees shall be treated~~] any new school district and reorganized

- 811 new school district shall treat the employment of transferred employees from the
 812 divided school district in accordance with Sections 53G-3-205 and 53G-3-308;
- 813 (iv) an individual residing within the boundaries of a new school district or
 814 reorganized new school district at the time the new school district is created may,
 815 for six school years following the creation of the new school district, elect to
 816 enroll in a secondary school located outside the boundaries of the [reorganized
 817 new-]school district if:
- 818 (A) the individual resides within the boundaries of [~~that~~] the secondary school [as
 819 of] on the day before the creation of the new school district[~~-is created~~]; and
- 820 (B) the individual would have been eligible to enroll in [~~that~~] the secondary school [
 821 ~~had~~] if not for the creation of the new school district[~~-not been created~~];
- 822 (v) the [reorganized-]new school district [~~in which the secondary school is located-~~]
 823 shall provide educational services, including, if provided before the creation of the
 824 new school district, busing to each individual making an election under
 825 Subsection [~~(1)(a)(iv)~~] (2)(a)(iv) for each school year for which the individual
 826 makes the election; and
- 827 (vi) within one year following the date on which the new school district begins
 828 providing educational services, the superintendent of each affected school district
 829 shall meet, together with the state superintendent, to determine if further boundary
 830 changes should take place in accordance with Section 53G-3-501.
- 831 (b)(i) The county or municipal legislative bodies that conduct redistricting for the
 832 new school district and the reorganized new school district shall, at the meeting
 833 where the county or municipal legislative bodies adopt the final redistricting
 834 maps, adjust the initial terms of the board members for the new school district and
 835 the reorganized new school district, by lot, so that approximately half of the board
 836 members on each board will have an initial term of three years with the other
 837 members having an initial term of five years.
- 838 [~~(ii) The term of a member of the divided school district local school board~~
 839 ~~terminates on January 1 of the year following the allocation date.~~]
- 840 [~~(iii)~~] (ii) Notwithstanding the existence of the new school district local school board
 841 and the reorganized new school district local school board under Subsection [
 842 ~~(1)(a)(i)~~] (2)(a)(i), the divided school district local school board shall continue to
 843 function and exercise authority as a local school board until the allocation date to
 844 the extent necessary to continue to provide educational services to the entire

- 845 divided school district.
- 846 ~~[(iv)]~~ (iii) An individual may simultaneously serve as or be elected to be a member of
- 847 the local school board of a divided school district and a member of the local
- 848 school board of:
- 849 (A) a new school district; or
- 850 (B) a reorganized new school district.
- 851 (iv) On the allocation date, the divided school district and the associated local school
- 852 board cease to exist.
- 853 (c)(i) Upon certification of the election results for the first election for the members
- 854 of the local school board described in Subsection (2)(a)(i), the newly elected
- 855 members of the local school board for the new school district or reorganized new
- 856 school district may take the oath of office and begin serving.
- 857 (ii) If the term of a member of the local school board of the divided school district
- 858 ends within one year of the allocation date, the member's term shall extend to the
- 859 allocation date.
- 860 (3)(a) Upon creation of a new school district or a reorganized new school district, the
- 861 following shall commence the start-up phase:
- 862 (i) for a new school district or a reorganized new school district located entirely
- 863 within the boundaries of a single municipality, the legislative body of the
- 864 municipality; or
- 865 (ii) for a new school district or reorganized new school district that is not located
- 866 entirely within the boundaries of a single municipality, the legislative bodies of
- 867 the municipalities within which the new school district or reorganized new school
- 868 district is located, through an interlocal agreement.
- 869 (b) Participants to the interlocal agreement described in Subsection (3)(a) shall ensure
- 870 that the interlocal agreement:
- 871 (i) establishes a board composed of the mayors of each municipality; and
- 872 (ii) includes a provision that requires that each municipality represented on the board
- 873 described in Subsection (3)(b)(i) has weighted representation in decision-making
- 874 based on the percentage of the tax value of each municipality within the relevant
- 875 new school district or reorganized new school district as of the creation date.
- 876 (c) Within the later of 45 days of the creation date or 30 days after the effective date of
- 877 this bill, the legislative body described in Subsection (3)(a)(i) or the board described
- 878 in Subsection (3)(b) may:

- 879 (i) to reimburse costs after the creation date:
880 (A) enter into a loan agreement with the new school district or reorganized new
881 school district; or
882 (B) assist the new school district or reorganized new school district in securing a
883 line of credit;
884 (ii) select an individual to serve as the director as described in this section; and
885 (iii) assist the director in establishing a budget.
886 (d) If the municipal legislative body or mayoral board chooses to select a director under
887 Subsection (3)(c), upon selection of the director:
888 (i) the mayoral board described in Subsection (3)(b)(i) dissolves and the interlocal
889 agreement described in Subsection (3)(a) terminates;
890 (ii) the state auditor:
891 (A) shall oversee the director until members of the local school board of the new
892 school district or reorganized new school district appoints a district
893 superintendent;
894 (B) shall enter into a written employment agreement that sets compensation and
895 benefits at an amount not less than the average compensation of a
896 superintendent of a school district of a size that is similar to the relevant new
897 school district or reorganized new school district and that includes a term of
898 employment with the relevant new school district through the allocation date;
899 (C) shall assist the director in establishing a budget; and
900 (D) may terminate the director for malfeasance in office, as that term is defined in
901 Section 63A-14-102, at any time before the local school board election date
902 described in Subsection (2)(a).
903 (e) If the municipal legislative body or mayoral board chooses to select a director under
904 Subsection (3)(c), until the relevant local school board takes office, the director, on
905 behalf of a new school district or a reorganized new school district, has the authority
906 that the municipal legislative body or mayoral board that chooses to select a director
907 grants.
908 (f) If the municipal legislative body or mayoral board chooses to select a director under
909 Subsection (3)(c), the local school board of the new school district or reorganized
910 new school district shall ratify, modify, or rescind any agreement into which the
911 director enters.
912 (g) If the municipal legislative body or mayoral board chooses to select a director under

Subsection (3)(c), when the members of the local school board of the new school district or reorganized new school district begin the members' terms of office:

(i) the state auditor shall transfer oversight and employment of the director to the local school board;

(ii) by mutual agreement, the local school board of the new school district or reorganized new school district may revise the employment agreement of the director and the employees or contractors of the school district; and

(iii) the local school board shall appoint a district superintendent.

(h) Upon appointment of a district superintendent:

(i) the director has no further authority or duties; and

(ii) the director position dissolves.

~~[(2)]~~ (4)(a) The divided school district local school board shall[-] :

(i) within 60 days after the creation date[:]

[(+)] prepare an initial inventory of the divided school district's:

(A) assets, both tangible and intangible, real and personal; and

(B) liabilities;[-and]

[(ii) deliver a copy of the inventory to the Office of the Legislative Auditor General.]

(ii) on or before May 10 of the year following the creation date:

(A) prepare an asset inventory, with records, of the divided school district's assets and the location of each associated property, discretionary asset, nondiscretionary asset, and physical asset; and

(B) prepare an inventory of the divided school district's liabilities, with records, that includes a description of any liability, including an estimate cost to resolve the liability, for each associated property, discretionary asset, nondiscretionary asset, physical asset, and unresolved demands, claims, or suits with an estimated cost to resolve each liability;

(iii) mutually agree with the local school board of each relevant district or the directors for each relevant district to establish a regular schedule for the divided school district local school board to, between the creation date and the allocation date, prepare regular updates including any change in the information required in the inventory and liability reports described in this Subsection (4)(a); and

(iv) deliver the reports described in this Subsection (4)(a) to:

(A) the Office of the Legislative Auditor General; and

(B) each relevant director or the local school board of each relevant new school

- 947 district and reorganized new school district.
- 948 (b) Following the local school board election date described in Subsection ~~[(1)(a)]~~ (2)(a),
- 949 the new school district and reorganized new school district local school boards shall:
- 950 ~~[(i) request a copy of the inventory described in Subsection (2)(a) from the Office of~~
- 951 ~~the Legislative Auditor General;]~~
- 952 ~~[(ii)]~~ (i) in cooperation with the local school board of each new school district and
- 953 reorganized new school district, determine the allocation of the divided school
- 954 district's assets and, except for indebtedness under Section 53G-3-307, liabilities
- 955 of the new school district and reorganized new school district in accordance with
- 956 Subsection ~~[(3)]~~ (5);
- 957 ~~[(iii)]~~ (ii) prepare a written report detailing the allocation under Subsection ~~[(2)(b)(ii);~~
- 958 and] (4)(b)(i);
- 959 (iii) prepare a written report of the disposition of assets and liabilities upon which the
- 960 local school boards could not agree; and
- 961 (iv) deliver a copy of the written report to the Office of the Legislative Auditor
- 962 General and the local school board of the divided school district~~[local board]~~.
- 963 (c) The new school district and reorganized new school district local boards shall
- 964 determine the allocation under Subsection ~~[(2)(b)]~~ (4)(b) and deliver the report
- 965 required under Subsection ~~[(2)(b)]~~ (4)(b) on or before July 1 of the year following the
- 966 school board election date described in Subsection (2)(a), unless that deadline is
- 967 extended by mutual agreement of the local school boards of the new school district
- 968 and reorganized new school district~~[local boards]~~.
- 969 ~~[(3)]~~ (5)~~[(a) As used in this Subsection (3):]~~
- 970 ~~[(i) "Associated property" means furniture, equipment, or supplies located in or~~
- 971 ~~specifically associated with a physical asset.]~~
- 972 ~~[(ii)(A) "Discretionary asset or liability" means, except as provided in Subsection~~
- 973 ~~(3)(a)(ii)(B), an asset or liability that is not tied to a specific project, school,~~
- 974 ~~student, or employee by law or school district accounting practice.]~~
- 975 ~~[(B) "Discretionary asset or liability" does not include a physical asset, associated~~
- 976 ~~property, a vehicle, or bonded indebtedness.]~~
- 977 ~~[(iii)(A) "Nondiscretionary asset or liability" means, except as provided in~~
- 978 ~~Subsection (3)(a)(iii)(B), an asset or liability that is tied to a specific project,~~
- 979 ~~school, student, or employee by law or school district accounting practice.]~~
- 980 ~~[(B) "Nondiscretionary asset or liability" does not include a physical asset,~~

981 associated property, a vehicle, or bonded indebtedness.]

982 [(iv) "Physical asset" means a building, land, or water right together with revenue
983 derived from the lease or use of the building, land, or water right.]

984 [(b)] (a) Except as provided under Subsection [(3)(e)] (5)(b), the new school district and
985 reorganized new school district local school boards shall allocate all assets and
986 liabilities the divided school district owns on the allocation date, both tangible and
987 intangible, real and personal[-as follows] , allocating:

988 (i) a physical asset, physical liability, and associated property asset [~~shall be allocated~~]
989 to the school district in which the physical asset is located;

990 (ii) a discretionary asset or liability [~~shall be allocated~~]between the new school
991 district and reorganized new school district in proportion to the student population
992 of the school districts;

993 (iii) vehicles used for pupil transportation[~~shall be allocated~~]:

994 (A) according to the transportation needs of schools, as measured by the number
995 and assortment of vehicles used to serve eligible state supported transportation
996 routes serving schools within the new school district and the reorganized new
997 school district; and

998 (B) in a manner that gives each school district a fleet of vehicles for pupil
999 transportation that is equivalent in terms of age, condition, and variety of
1000 carrying capacities; and

1001 (iv) other vehicles[~~shall be allocated~~]:

1002 (A) in proportion to the student population of the school districts; and

1003 (B) in a manner that gives each district a fleet of vehicles that is similar in terms
1004 of age, condition, and carrying capacities.

1005 [(e)] (b) By mutual agreement, the new school district and reorganized new school
1006 district local school boards may allocate an asset or liability in a manner different
1007 than the allocation method specified in Subsection [(3)(b)] (5)(a).

1008 [(4)] (6)[(a) As used in this Subsection (4):]

1009 [(i) "New school district startup costs" means the costs and expenses incurred by a
1010 new school district in order to prepare to begin providing educational services on
1011 July 1 of the second calendar year following the local school board election date
1012 described in Subsection (1)(a)(i).]

1013 [(ii) "Reorganized new school district startup costs" means the costs and expenses
1014 that a reorganized new school district incurs to make necessary adjustments to

1015 deal with the impacts resulting from the creation of the new school district and to
1016 prepare to provide educational services within the reorganized new school district
1017 once the new school district begins providing educational services within the new
1018 school district.]

1019 [(b) On or before January 1 of the year following the new local school board election
1020 date described in Subsection (1)(a)(i), the divided school district shall make the
1021 unassigned reserve funds from the divided school district's general fund available for
1022 the use of the reorganized new school district and the new school district in
1023 proportion to the student enrollment of each new school district.]

1024 [(c) The divided school district may make additional funds available for the use of the
1025 reorganized new school district and the new school district beyond the amount
1026 specified in Subsection (4)(b) through an interlocal agreement.]

1027 [(d) The following may access and spend money made available under Subsection (4)(b):]

1028 [(i) the reorganized new school district local school board; and]

1029 [(ii) the new school district local school board.]

1030 [(e) The new school district and the reorganized new school district may use the money
1031 made available under Subsection (4)(b) to pay for the new school district and
1032 reorganized new school district startup costs.]

1033 (a)(i) After the creation date, the local school board of the divided district may issue
1034 one or more lease revenue bonds, in accordance with Section 11-14-103, through
1035 an interlocal agreement that:

1036 (A) records the date, terms, and amount of the lease revenue bond the divided
1037 school district provides;

1038 (B) designates the new school district or reorganized new school district that is the
1039 recipient of the bond proceeds as the local political subdivision receiving the
1040 bond proceeds;

1041 (C) obligates the new school district or reorganized new school district receiving
1042 the bond proceeds to repay the bond;

1043 (D) prohibits the bond from inclusion in the outstanding bond indebtedness of the
1044 divided school district, in accordance with Section 53G-3-307; and

1045 (E) provides that the divided school district makes the bond payments until the
1046 allocation date and that the amounts the divided school district be allocated to
1047 the new school district or reorganized new school district receiving the bond
1048 proceeds in accordance with this section.

- 1049 (ii) This Subsection (6)(a) applies retrospectively to a lease revenue bond that a
1050 divided school district issued after November 4, 2024.
- 1051 (b)(i) After the creation date, the local school board of the divided school district may
1052 issue a general obligation bond for a local political subdivision that is specific to a
1053 new school district or a reorganized new school district within the divided school
1054 district, in accordance with Section 11-14-103.
- 1055 (ii) The local school board shall ensure that the resolution submitting the question of
1056 the issuance of the bond by the divided school district, in accordance with Section
1057 11-14-201:
- 1058 (A) designates the new school district or reorganized new school district that is the
1059 recipient of the bond proceeds as the local political subdivision receiving the
1060 bond proceeds;
- 1061 (B) obligates the local political subdivision receiving the bond proceeds to repay
1062 the bond;
- 1063 (C) prohibits the bond from inclusion in the outstanding bonded indebtedness of
1064 the divided school district, in accordance with Section 53G-3-307;
- 1065 (D) provides that the divided school district may not issue the bond unless the
1066 majority of the qualified voters of the divided school district who vote on the
1067 bond proposition approve the issuance of the bond; and
- 1068 (E) provides that the divided school district is responsible for the bond payments
1069 until the allocation date and that the amounts the divided school district paid be
1070 allocated to the local political subdivision receiving the bond proceeds under
1071 Section 53G-3-302.
- 1072 (iii) This Subsection (6)(b) applies retrospectively to a general obligation bond that a
1073 divided school district issued after November 4, 2024.
- 1074 (c) The following may access and spend funds made available under Subsections
1075 53G-3-301.3(9) and 53G-3-301.4(11) and under this Subsection (6):
- 1076 (i) for each reorganized new school district, the director, if the director is authorized
1077 under Subsection (3) to access and spend funds, and the local school board; and
- 1078 (ii) for each new school district, the director, if the director is authorized under
1079 Subsection (3) to access and spend funds, and the local school board.
- 1080 [(5)] (7)(a) The divided school district shall transfer title or, if applicable, partial title of
1081 property to the new school district and the reorganized new school district in
1082 accordance with the allocation of property as stated in the report under Subsection [

1083 ~~(2)(b)(iii)] (4)(b)(ii).~~

1084 (b) The divided school district shall complete each transfer of title or, if applicable,
1085 partial title to real property and vehicles on or before one calendar year from the date
1086 of the local school board election date described in Subsection ~~[(1)(a)(i)] (2)(a),~~
1087 except as that date is changed by the mutual agreement of:

1088 (i) the local school board of the divided school district;

1089 (ii) the local school board of the reorganized new school district; and

1090 (iii) the local school board of the new school district.

1091 (c) The divided school district shall complete the transfer of all property not included in
1092 Subsection ~~[(5)(b)] (7)(b)~~ on or before November 1 of the ~~[-calendar]~~ year following
1093 the local school board election date described in Subsection ~~[(1)(a)(i)] (2)(a).~~

1094 ~~[(6)] (d)~~ Except as provided in this Subsection [(5)] (7), a divided school district may not
1095 transfer or agree to transfer title to district property beginning on the ~~[day the new~~
1096 ~~school district or reorganized new school district is created]~~ creation date, without the
1097 prior consent of:

1098 (i) before the election of local school boards for the new or reorganized new school
1099 district:

1100 ~~[(a)] (A)~~ the legislative body of the municipality in which the boundaries for the
1101 new school district or reorganized new school district are entirely located; or

1102 ~~[(b)] (B)~~ the legislative bodies of all interlocal agreement participants in which the
1103 boundaries of the new school district or reorganized new school district are
1104 located~~[-]~~ ; or

1105 (ii) after the election of local school boards for the new or reorganized new school
1106 district, the director or the local school board of the school district where the
1107 physical property is located.

1108 (e)(i) A divided district may:

1109 (A) sell property associated with a career and technical education program; and

1110 (B) use proceeds from a sale described in this Subsection (7)(e) to fund the
1111 following year's career and technical education program project.

1112 (ii) A divided district shall distribute any proceeds from a sale described in this
1113 Subsection (7)(e) two years after the inaugural election of local school board
1114 members for the new and reorganized new school districts based on student
1115 population.

1116 (8)(a) Each director, if a director is authorized under Subsection (3)(c), shall:

- 1117 (i) issue the following written reports:
- 1118 (A) an asset and liability report that includes a proposed allocation of assets and
- 1119 liabilities, as described in Subsection (8)(b); and
- 1120 (B) a local school assessment report, as described in Subsection (8)(c);
- 1121 (ii) complete the reports in cooperation with any other relevant director;
- 1122 (iii) on or before February 15 of the year following the local school board election
- 1123 date, as described in Subsection (2)(a), present a copy of each report to the local
- 1124 school board of each new school district and reorganized new school district; and
- 1125 (iv) deliver a copy of each report to the Office of the Legislative Auditor General.
- 1126 (b) Each director, if a director is authorized under Subsection (3)(c), shall ensure that an
- 1127 asset and liability report includes:
- 1128 (i) the location of, a description of, and applicable records for:
- 1129 (A) each physical asset;
- 1130 (B) each associated property;
- 1131 (C) each non-discretionary asset or liability;
- 1132 (D) each discretionary asset or liability;
- 1133 (E) each vehicle within the divided school district, as described in Subsection
- 1134 (5)(a)(iii);
- 1135 (F) each interlocal agreement between the divided school district and other
- 1136 governmental entities;
- 1137 (G) each vendor agreement for the divided school district;
- 1138 (H) each employment or other agreement involving compensation, benefits,
- 1139 bonuses, or severance of the divided school district;
- 1140 (I) all known and unresolved claims, rights, or causes of action or liabilities that a
- 1141 party has made or asserted against the divided school district, including each
- 1142 unresolved Title IX claim;
- 1143 (J) the policies and procedures of the divided school district and the district's local
- 1144 school board, including school and student safety plans;
- 1145 (K) the divided school district's policies and practices regarding personnel,
- 1146 including salary schedules, benefits, and COBRA administration; and
- 1147 (L) any other item or record the director deems necessary;
- 1148 (ii) any cooperative agreements between each new local school board and other local
- 1149 school boards to provide educational services to use resources for the overall
- 1150 operation of the public school system, as described in Section 53G-3-202;

- 1151 (iii) a valuation from an independent third party, whom the director selects, of:
1152 (A) each discretionary asset or liability; and
1153 (B) each bus and vehicle within the divided school district;
1154 (iv) a proposed allocation of the:
1155 (A) divided school district's assets and liabilities;
1156 (B) divided school district's outstanding bonded indebtedness, as described in
1157 Section 53G-3-307;
1158 (C) divided school district's outstanding and ongoing legal liabilities;
1159 (D) COBRA and other legal obligations related to employees of the divided
1160 school district;
1161 (E) retirement funds for employees of the divided school district;
1162 (F) disposition of bonds the divided school district approved but did not issue
1163 before the creation of the new school district or reorganized new school district
1164 based primarily on the representation made to the voters at the time of the bond
1165 election as described in Section 53G-3-307;
1166 (G) vehicles as described in Subsection (5)(a);
1167 (H) funds in any related divided school district foundation;
1168 (I) funds of the divided school district; and
1169 (J) any other remaining assets or liability of the divided school district; and
1170 (v) an overview of the disposition of assets and liabilities upon which the directors
1171 could not agree.
1172 (c) Each director, if a director is authorized under Subsection (3)(c), shall ensure that a
1173 local school assessment report includes the records for each school within the divided
1174 school district, including:
1175 (i) a list of each school containing the school's address and description;
1176 (ii) a list of employees who are currently assigned to each school within the divided
1177 school district, including employment description, compensation, and any
1178 promised employment incentives;
1179 (iii) a list of all employment or other agreements involving compensation, benefits,
1180 bonuses, or severance for each person assigned to each school within the divided
1181 school district;
1182 (iv) the grades, classes, and courses that each school provides, including specialty
1183 classes;
1184 (v) the estimated number of students in each class in each school; and

- 1185 (vi) any other item or record the director deems necessary.
- 1186 (d) On or before June 1 of the year following the creation date, the divided school
1187 district shall provide records associated with each report described in this section to
1188 the director, if a director is authorized under Subsection (3)(c), for each new school
1189 district and reorganized new school district.
- 1190 (9)(a)(i) On July 1 of the second year following the local school board election date
1191 described in Subsection (2)(a), the new school district or the reorganized new
1192 school district that receives title to the physical asset of the divided school district
1193 main office that existed at the creation date shall become the successor district to
1194 the records of the divided school district, unless the local school boards of any
1195 relevant new school district and reorganized new school district agree to a chosen
1196 successor district.
- 1197 (ii) As described in Subsection 63G-2-206(1)(a), the successor district shall serve as a
1198 repository of archives for purposes of historical preservation, administrative
1199 maintenance, or destruction of all the divided school district's books, accounts,
1200 and records.
- 1201 (iii) After the allocation date, each new school district or reorganized new school
1202 district within the divided school district may access the records of the divided
1203 school district through an interlocal agreement and without cost.
- 1204 (b)(i) A director, a new school district, or a reorganized new school district that
1205 makes a request for records of the divided school district, except for records
1206 described in Subsection (8), shall make a written request to the superintendent of
1207 the divided school district.
- 1208 (ii) After receiving a request for a record under Subsection (9)(b)(i), the divided
1209 school district shall, as soon as reasonably possible but no later than 10 business
1210 days after receiving the request unless the parties mutually agree on a different
1211 date:
- 1212 (A) approve the request and provide a copy of the record in each format the
1213 divided school district possesses; or
- 1214 (B) if the divided school district or the divided school district's successor does not
1215 maintain the requested record, notify the requester of the lack of the record and
1216 provide, if known, the name and address of the governmental entity that
1217 maintains the record.
- 1218 (10)(a) Upon the creation date, a divided school district may not, except by mutual

agreement of the local school boards or directors of the new school district and reorganized new school district:

(i) destroy a school district record;

(ii) enter into any employment agreement without including a statement providing that the contract does not bind any new school district or reorganized new school district;

(iii) pay any severance or bonuses, issue a retirement package, or provide buy-out compensation to any employee unless under a written agreement or policy that was executed before the creation date; or

(iv) increase compensation, other than a yearly cost-of-living adjustment for any school district employee.

(b) Notwithstanding Subsection 53G-4-402(24), upon the creation of a new school district or a reorganized new school district, a divided school district may not close a school or program, except with the consent of the local school board of the new school district or reorganized new school district once the members of the local school board take the oath of office.

(c) Any agreement or policy contrary to this Subsection (10) is void, including retrospective operation to any agreement or policy that a divided school district created after November 4, 2024.

(11) The newly elected local school boards of any new school district, any reorganized new school district, by December 15 in the year following the local school board election for the new and reorganized new school districts, shall establish a transition plan with the local school board of the divided school district.

(12) Unless otherwise specified in this section, the following bear all costs and expenses to create a new school district or a reorganized new school district and to comply with this section:

(a) for costs that a new school district incurs, the new school district;

(b) for costs that a reorganized new school district incurs, the reorganized new school district;

(c) for costs that a divided school district incurs, the divided school district; and

(d) for actual expenses a municipality or interlocal agreement participants incur to a third party after the creation date, the relevant school district associated with the municipality or the interlocal agreement participants.

(13)(a) A mutually agreed upon arbiter shall resolve any disagreements between local

1253 school boards of the divided school district, any new school district, and any
1254 reorganized new school district.

1255 (b) If the local school boards do not agree on an arbiter, the state board shall appoint an
1256 arbiter.

1257 (c) The Office of the Legislative Auditor General shall provide information the office
1258 receives under this part to local school boards and the arbiter described in this
1259 Subsection (13) during the dispute resolution process.

1260 (14)(a) An actor commits interference with a director if the actor uses force, violence,
1261 intimidation, or engages in any other unlawful act with a purpose to interfere with the
1262 director's duties.

1263 (b) A violation of Subsection (14)(a) is a class B misdemeanor.

1264 Section 10. Section **53G-3-303** is amended to read:

1265 **53G-3-303 (Effective upon governor's approval). New school district property**
1266 **tax -- Limitations.**

1267 (1) A new school district, created under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4,
1268 and a reorganized new school district may not impose a property tax before the fiscal
1269 year in which the new school district and reorganized new school district assume
1270 responsibility for providing student instruction.

1271 (2)(a) If at the time a new school district created in accordance with Section 53G-3-301.1,
1272 53G-3-301.3, or 53G-3-301.4[,] assumes responsibility for student instruction any
1273 portion of the territory within the new school district was subject to a levy [~~pursuant~~
1274 ~~to~~] under Section 53F-8-301, the new school district's local school board may:

1275 (i) discontinue the levy for the new school district;

1276 (ii) impose a levy on the new school district as provided in Section 53F-8-301; or

1277 (iii) impose the levy on the new school district, subject to Subsection (2)(b).

1278 (b) If the new school district's local school board applies a levy to the new school district
1279 in accordance with Subsection (2)(a)(iii), the levy may not exceed the maximum
1280 duration or rate authorized by the voters of the divided school district at the time of
1281 the vote to create the new school district or that resulted in the creation of the
1282 reorganized new school district.

1283 Section 11. Section **53G-3-305** is amended to read:

1284 **53G-3-305 (Effective upon governor's approval). Redistricting -- Local school**
1285 **board membership.**

1286 (1) Upon the creation of a new school district or a reorganized new school district in

accordance with Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4, the applicable legislative body shall redistrict the affected school districts in accordance with Section 20A-14-201.

- (2) Except as provided in Section 53G-3-302, local school board membership in the affected school districts ~~[shall be determined under]~~ is subject to Title 20A, Chapter 14, Part 2, Election of Members of Local Boards of Education.

Section 12. Section **53G-3-307** is amended to read:

53G-3-307 (Effective upon governor's approval). Tax to pay for indebtedness of divided school district.

- (1) As used in ~~[Subsections (2) and (3)]~~ this section, "outstanding bonded indebtedness" means, except for a lease revenue bond or a general obligation bond described in Subsection 53G-3-302(6), debt owed for a general obligation bond or lease revenue bond ~~[issued by]~~ that the divided school district issues:

- (a) before the creation of the new school district; or
- (b) in accordance with a mutual agreement of the local school boards of the reorganized new school district and the new school district under Subsection (4).

- (2) If the creation date of a new school district ~~[is created]~~ occurs on or after May 10, 2011, property within the new school district and the reorganized new school district is subject to the levy of a tax to pay the divided school district's outstanding bonded indebtedness as provided in Subsection (3).

- (3)(a) Except as provided in Subsection (3)(b), the local school board of the new school district and the local school board of the reorganized new school district shall impose a tax levy at a rate that:

- (i) generates from the combined districts the amount of revenue required each year to meet the outstanding bonded indebtedness of the divided school district; and
- (ii) is based on the yearly adjusted assessed value of the new school district and reorganized new school district as the State Tax Commission determines.

- (b) A local school board of a new school district may abate a property tax ~~[required to be imposed under]~~ that Subsection (3)(a) requires the board to impose to the extent the new school district has money available to pay to the reorganized new school district the amount of revenue that ~~[would be generated]~~ the tax rate described in Subsection (3)(a) would generate within the new school district ~~[from the tax rate specified in Subsection (3)(a)].~~

- (4)(a) The local school boards of the new school district and the reorganized new school

district shall determine, by mutual agreement, the disposition of bonds ~~[approved but not issued by]~~ the divided school district approved but did not issue before the creation of the new school district and reorganized new school district based primarily on the representation made to the voters at the time of the bond election.

(b) Before the local school boards make a determination~~[is made]~~ under Subsection (4)(a), a reorganized new school district may not issue the approved and unissued bonds ~~[approved but not issued before the creation of the new school district and reorganized new school district]~~ described in Subsection (4)(a) if property in the new school district would be subject to the levy of a tax to pay the bonds.

Section 13. Section **63G-2-203** is amended to read:

63G-2-203 (Effective upon governor's approval). Fees.

(1)(a) Subject to Subsection (5), a governmental entity may charge a reasonable fee to cover the governmental entity's actual cost of providing a record.

(b) A fee under Subsection (1)(a) shall be approved by the governmental entity's executive officer.

(2)(a) When a governmental entity compiles a record in a form other than that normally maintained by the governmental entity, the actual costs under this section may include the following:

- (i) the cost of staff time for compiling, formatting, manipulating, packaging, summarizing, or tailoring the record either into an organization or media to meet the person's request;
- (ii) the cost of staff time for search, retrieval, and other direct administrative costs for complying with a request; and
- (iii) in the case of fees for a record that is the result of computer output other than word processing, the actual incremental cost of providing the electronic services and products together with a reasonable portion of the costs associated with formatting or interfacing the information for particular users, and the administrative costs as set forth in Subsections (2)(a)(i) and (ii).

(b) An hourly charge under Subsection (2)(a) may not exceed the salary of the lowest paid employee who, in the discretion of the custodian of records, has the necessary skill and training to perform the request.

(3)(a) Fees shall be established as provided in this Subsection (3).

(b) A governmental entity with fees established by the Legislature:

- (i) shall establish the fees defined in Subsection (2), or other actual costs associated

- 1355 with this section through the budget process; and
- 1356 (ii) may use the procedures of Section 63J-1-504 to set fees until the Legislature
- 1357 establishes fees through the budget process.
- 1358 (c) Political subdivisions shall establish fees by ordinance or written formal policy
- 1359 adopted by the governing body.
- 1360 (d) The judiciary shall establish fees by rules of the judicial council.
- 1361 (4) A governmental entity may fulfill a record request without charge and is encouraged to
- 1362 do so if it determines that:
- 1363 (a) releasing the record primarily benefits the public rather than a person;
- 1364 (b) the individual requesting the record is the subject of the record, or an individual
- 1365 specified in Subsection 63G-2-202(1) or (2); or
- 1366 (c) the requester's legal rights are directly implicated by the information in the record,
- 1367 and the requester is impecunious.
- 1368 (5)(a) As used in this Subsection (5), "media representative":
- 1369 (i) means a person who requests a record to obtain information for a story or report
- 1370 for publication or broadcast to the general public; and
- 1371 (ii) does not include a person who requests a record to obtain information for a blog,
- 1372 podcast, social media account, or other means of mass communication generally
- 1373 available to a member of the public.
- 1374 (b) A governmental entity may not charge a fee for:
- 1375 (i) reviewing a record to determine whether it is subject to disclosure, except as
- 1376 permitted by Subsection (2)(a)(ii);
- 1377 (ii) inspecting a record; or
- 1378 (iii) the first quarter hour of staff time spent in responding to a request under Section
- 1379 63G-2-204.
- 1380 (c) Notwithstanding Subsection (5)(b)(iii), a governmental entity is not prevented from
- 1381 charging a fee for the first quarter hour of staff time spent in responding to a request
- 1382 under Section 63G-2-204 if the person who submits the request:
- 1383 (i) is not a Utah media representative; and
- 1384 (ii) previously submitted a separate request within the 10-day period immediately
- 1385 before the date of the request to which the governmental entity is responding.
- 1386 (6)(a) A person who believes that there has been an unreasonable denial of a fee waiver
- 1387 under Subsection (4) may appeal the denial in the same manner as a person appeals
- 1388 when inspection of a public record is denied under Section 63G-2-205.

- 1389 (b) The adjudicative body hearing the appeal:
- 1390 (i) shall review the fee waiver de novo, but shall review and consider the
- 1391 governmental entity's denial of the fee waiver and any determination under
- 1392 Subsection (4); and
- 1393 (ii) has the same authority when a fee waiver or reduction is denied as it has when the
- 1394 inspection of a public record is denied.
- 1395 (7)(a) All fees received under this section by a governmental entity subject to Subsection
- 1396 (3)(b) shall be retained by the governmental entity as a dedicated credit.
- 1397 (b) Those funds shall be used to recover the actual cost and expenses incurred by the
- 1398 governmental entity in providing the requested record or record series.
- 1399 (8)(a) A governmental entity may require payment of past fees and future estimated fees
- 1400 before beginning to process a request if:
- 1401 (i) fees are expected to exceed \$50; or
- 1402 (ii) after the government entity has sent an invoice, the requester has not paid fees
- 1403 from a previous [requests] request.
- 1404 (b) Any prepaid amount in excess of fees due shall be returned to the requester.
- 1405 (9) This section does not alter, repeal, or reduce fees established by other statutes or
- 1406 legislative acts.
- 1407 (10)(a) Notwithstanding Subsection (3)(c), fees for voter registration records shall be set
- 1408 as provided in this Subsection (10).
- 1409 (b) The lieutenant governor shall:
- 1410 (i) after consultation with county clerks, establish uniform fees for voter registration
- 1411 and voter history records that meet the requirements of this section; and
- 1412 (ii) obtain legislative approval of those fees by following the procedures and
- 1413 requirements of Section 63J-1-504.
- 1414 Section 14. Section **67-3-1** is amended to read:
- 1415 **67-3-1 (Effective upon governor's approval). Functions and duties.**
- 1416 (1)(a) The state auditor is the auditor of public accounts and is independent of any
- 1417 executive or administrative officers of the state.
- 1418 (b) The state auditor is not limited in the selection of personnel or in the determination
- 1419 of the reasonable and necessary expenses of the state auditor's office.
- 1420 (2) The state auditor shall examine and certify annually in respect to each fiscal year,
- 1421 financial statements showing:
- 1422 (a) the condition of the state's finances;

- 1423 (b) the revenues received or accrued;
1424 (c) expenditures paid or accrued;
1425 (d) the amount of unexpended or unencumbered balances of the appropriations to the
1426 agencies, departments, divisions, commissions, and institutions; and
1427 (e) the cash balances of the funds in the custody of the state treasurer.
- 1428 (3)(a) The state auditor shall:
- 1429 (i) audit each permanent fund, each special fund, the General Fund, and the accounts
1430 of any department of state government or any independent agency or public
1431 corporation as the law requires, as the auditor determines is necessary, or upon
1432 request of the governor or the Legislature;
- 1433 (ii) perform the audits in accordance with generally accepted auditing standards and
1434 other auditing procedures as promulgated by recognized authoritative bodies; and
1435 (iii) as the auditor determines is necessary, conduct the audits to determine:
- 1436 (A) honesty and integrity in fiscal affairs;
1437 (B) accuracy and reliability of financial statements;
1438 (C) effectiveness and adequacy of financial controls; and
1439 (D) compliance with the law.
- 1440 (b) If any state entity receives federal funding, the state auditor shall ensure that the
1441 audit is performed in accordance with federal audit requirements.
- 1442 (c)(i) The costs of the federal compliance portion of the audit may be paid from an
1443 appropriation to the state auditor from the General Fund.
- 1444 (ii) If an appropriation is not provided, or if the federal government does not
1445 specifically provide for payment of audit costs, the costs of the federal compliance
1446 portions of the audit shall be allocated on the basis of the percentage that each
1447 state entity's federal funding bears to the total federal funds received by the state.
- 1448 (iii) The allocation shall be adjusted to reflect any reduced audit time required to
1449 audit funds passed through the state to local governments and to reflect any
1450 reduction in audit time obtained through the use of internal auditors working
1451 under the direction of the state auditor.
- 1452 (4)(a) Except as provided in Subsection (4)(b), the state auditor shall, in addition to
1453 financial audits, and as the auditor determines is necessary, conduct performance and
1454 special purpose audits, examinations, and reviews of any entity that receives public
1455 funds, including a determination of any or all of the following:
- 1456 (i) the honesty and integrity of all the entity's fiscal affairs;

- 1457 (ii) whether the entity's administrators have faithfully complied with legislative intent;
1458 (iii) whether the entity's operations have been conducted in an efficient, effective, and
1459 cost-efficient manner;
- 1460 (iv) whether the entity's programs have been effective in accomplishing the intended
1461 objectives; and
- 1462 (v) whether the entity's management, control, and information systems are adequate,
1463 effective, and secure.
- 1464 (b) The auditor may not conduct performance and special purpose audits, examinations,
1465 and reviews of any entity that receives public funds if the entity:
- 1466 (i) has an elected auditor; and
- 1467 (ii) has, within the entity's last budget year, had the entity's financial statements or
1468 performance formally reviewed by another outside auditor.
- 1469 (5) The state auditor:
- 1470 (a) shall administer any oath or affirmation necessary to the performance of the duties of
1471 the auditor's office; and
- 1472 (b) may:
- 1473 (i) subpoena witnesses and documents, whether electronic or otherwise; and
- 1474 (ii) examine into any matter that the auditor considers necessary.
- 1475 (6) The state auditor may require all persons who have had the disposition or management
1476 of any property of this state or its political subdivisions to submit statements regarding
1477 the property at the time and in the form that the auditor requires.
- 1478 (7) The state auditor shall:
- 1479 (a) except where otherwise provided by law, institute suits in Salt Lake County in
1480 relation to the assessment, collection, and payment of revenues against:
- 1481 (i) persons who by any means have become entrusted with public money or property
1482 and have failed to pay over or deliver the money or property; and
- 1483 (ii) all debtors of the state;
- 1484 (b) collect and pay into the state treasury all fees received by the state auditor;
- 1485 (c) perform the duties of a member of all boards of which the state auditor is a member
1486 by the constitution or laws of the state, and any other duties that are prescribed by the
1487 constitution and by law;
- 1488 (d) stop the payment of the salary of any state official or state employee who:
- 1489 (i) refuses to settle accounts or provide required statements about the custody and
1490 disposition of public funds or other state property;

- 1491 (ii) refuses, neglects, or ignores the instruction of the state auditor or any controlling
1492 board or department head with respect to the manner of keeping prescribed
1493 accounts or funds; or
- 1494 (iii) fails to correct any delinquencies, improper procedures, and errors brought to the
1495 official's or employee's attention;
- 1496 (e) establish accounting systems, methods, and forms for public accounts in all taxing or
1497 fee-assessing units of the state in the interest of uniformity, efficiency, and economy;
- 1498 (f) superintend the contractual auditing of all state accounts;
- 1499 (g) subject to Subsection (8)(a), withhold state allocated funds or the disbursement of
1500 property taxes from a state or local taxing or fee-assessing unit, if necessary, to
1501 ensure that officials and employees in those taxing units comply with state laws and
1502 procedures in the budgeting, expenditures, and financial reporting of public funds;
- 1503 (h) subject to Subsection (9), withhold the disbursement of tax money from any county,
1504 if necessary, to ensure that officials and employees in the county comply with
1505 Section 59-2-303.1; and
- 1506 (i) withhold state allocated funds or the disbursement of property taxes from a local
1507 government entity or a limited purpose entity, as those terms are defined in Section
1508 67-1a-15 if the state auditor finds the withholding necessary to ensure that the entity
1509 registers and maintains the entity's registration with the lieutenant governor, in
1510 accordance with Section 67-1a-15.
- 1511 (8)(a) Except as otherwise provided by law, the state auditor may not withhold funds
1512 under Subsection (7)(g) until a state or local taxing or fee-assessing unit has received
1513 formal written notice of noncompliance from the auditor and has been given 60 days
1514 to make the specified corrections.
- 1515 (b) If, after receiving notice under Subsection (8)(a), a state or independent local
1516 fee-assessing unit that exclusively assesses fees has not made corrections to comply
1517 with state laws and procedures in the budgeting, expenditures, and financial reporting
1518 of public funds, the state auditor:
- 1519 (i) shall provide a recommended timeline for corrective actions;
- 1520 (ii) may prohibit the state or local fee-assessing unit from accessing money held by
1521 the state; and
- 1522 (iii) may prohibit a state or local fee-assessing unit from accessing money held in an
1523 account of a financial institution by filing an action in a court with jurisdiction
1524 under Title 78A, Judiciary and Judicial Administration, requesting an order of the

- 1525 court to prohibit a financial institution from providing the fee-assessing unit
1526 access to an account.
- 1527 (c) The state auditor shall remove a limitation on accessing funds under Subsection
1528 (8)(b) upon compliance with state laws and procedures in the budgeting,
1529 expenditures, and financial reporting of public funds.
- 1530 (d) If a local taxing or fee-assessing unit has not adopted a budget in compliance with
1531 state law, the state auditor:
- 1532 (i) shall provide notice to the taxing or fee-assessing unit of the unit's failure to
1533 comply;
- 1534 (ii) may prohibit the taxing or fee-assessing unit from accessing money held by the
1535 state; and
- 1536 (iii) may prohibit a taxing or fee-assessing unit from accessing money held in an
1537 account of a financial institution by:
- 1538 (A) contacting the taxing or fee-assessing unit's financial institution and
1539 requesting that the institution prohibit access to the account; or
- 1540 (B) filing an action in a court with jurisdiction under Title 78A, Judiciary and
1541 Judicial Administration, requesting an order of the court to prohibit a financial
1542 institution from providing the taxing or fee-assessing unit access to an account.
- 1543 (e) If the local taxing or fee-assessing unit adopts a budget in compliance with state law,
1544 the state auditor shall eliminate a limitation on accessing funds described in
1545 Subsection (8)(d).
- 1546 (9) The state auditor may not withhold funds under Subsection (7)(h) until a county has
1547 received formal written notice of noncompliance from the auditor and has been given 60
1548 days to make the specified corrections.
- 1549 (10)(a) The state auditor may not withhold funds under Subsection (7)(i) until the state
1550 auditor receives a notice of non-registration, as that term is defined in Section
1551 67-1a-15.
- 1552 (b) If the state auditor receives a notice of non-registration, the state auditor may
1553 prohibit the local government entity or limited purpose entity, as those terms are
1554 defined in Section 67-1a-15, from accessing:
- 1555 (i) money held by the state; and
- 1556 (ii) money held in an account of a financial institution by:
- 1557 (A) contacting the entity's financial institution and requesting that the institution
1558 prohibit access to the account; or

- 1559 (B) filing an action in a court with jurisdiction under Title 78A, Judiciary and
1560 Judicial Administration, requesting an order of the court to prohibit a financial
1561 institution from providing the entity access to an account.
- 1562 (c) The state auditor shall remove the prohibition on accessing funds described in
1563 Subsection (10)(b) if the state auditor received a notice of registration, as that term is
1564 defined in Section 67-1a-15, from the lieutenant governor.
- 1565 (11) Notwithstanding Subsection (7)(g), (7)(h), (7)(i), (8)(b), (8)(d), or (10)(b), the state
1566 auditor:
- 1567 (a) shall authorize a disbursement by a local government entity or limited purpose entity,
1568 as those terms are defined in Section 67-1a-15, or a state or local taxing or
1569 fee-assessing unit if the disbursement is necessary to:
- 1570 (i) avoid a major disruption in the operations of the local government entity, limited
1571 purpose entity, or state or local taxing or fee-assessing unit; or
1572 (ii) meet debt service obligations; and
- 1573 (b) may authorize a disbursement by a local government entity, limited purpose entity,
1574 or state or local taxing or fee-assessing unit as the state auditor determines is
1575 appropriate.
- 1576 (12)(a) The state auditor may seek relief under the Utah Rules of Civil Procedure to take
1577 temporary custody of public funds if an action is necessary to protect public funds
1578 from being improperly diverted from their intended public purpose.
- 1579 (b) If the state auditor seeks relief under Subsection (12)(a):
- 1580 (i) the state auditor is not required to exhaust the procedures in Subsection (7) or (8);
1581 and
- 1582 (ii) the state treasurer may hold the public funds in accordance with Section 67-4-1 if
1583 a court orders the public funds to be protected from improper diversion from their
1584 public purpose.
- 1585 (13) The state auditor shall:
- 1586 (a) establish audit guidelines and procedures for audits of local mental health and
1587 substance abuse authorities and their contract providers, conducted pursuant to Title
1588 17, Chapter 43, Part 2, Local Substance Abuse Authorities, Title 17, Chapter 43, Part
1589 3, Local Mental Health Authorities, Title 26B, Chapter 5, Health Care - Substance
1590 Use and Mental Health, and Title 51, Chapter 2a, Accounting Reports from Political
1591 Subdivisions, Interlocal Organizations, and Other Local Entities Act; and
- 1592 (b) ensure that those guidelines and procedures provide assurances to the state that:

- 1593 (i) state and federal funds appropriated to local mental health authorities are used for
1594 mental health purposes;
- 1595 (ii) a private provider under an annual or otherwise ongoing contract to provide
1596 comprehensive mental health programs or services for a local mental health
1597 authority is in compliance with state and local contract requirements and state and
1598 federal law;
- 1599 (iii) state and federal funds appropriated to local substance abuse authorities are used
1600 for substance abuse programs and services; and
- 1601 (iv) a private provider under an annual or otherwise ongoing contract to provide
1602 comprehensive substance abuse programs or services for a local substance abuse
1603 authority is in compliance with state and local contract requirements, and state and
1604 federal law.
- 1605 (14)(a) The state auditor may, in accordance with the auditor's responsibilities for
1606 political subdivisions of the state as provided in Title 51, Chapter 2a, Accounting
1607 Reports from Political Subdivisions, Interlocal Organizations, and Other Local
1608 Entities Act, initiate audits or investigations of any political subdivision that are
1609 necessary to determine honesty and integrity in fiscal affairs, accuracy and reliability
1610 of financial statements, effectiveness, and adequacy of financial controls and
1611 compliance with the law.
- 1612 (b) If the state auditor receives notice under Subsection 11-41-104(7) from the
1613 Governor's Office of Economic Opportunity on or after July 1, 2024, the state auditor
1614 may initiate an audit or investigation of the public entity subject to the notice to
1615 determine compliance with Section 11-41-103.
- 1616 (15)(a) The state auditor may not audit work that the state auditor performed before
1617 becoming state auditor.
- 1618 (b) If the state auditor has previously been a responsible official in state government
1619 whose work has not yet been audited, the Legislature shall:
- 1620 (i) designate how that work shall be audited; and
- 1621 (ii) provide additional funding for those audits, if necessary.
- 1622 (16) The state auditor shall:
- 1623 (a) with the assistance, advice, and recommendations of an advisory committee
1624 appointed by the state auditor from among special district boards of trustees, officers,
1625 and employees and special service district boards, officers, and employees:
- 1626 (i) prepare a Uniform Accounting Manual for Special Districts that:

- (A) prescribes a uniform system of accounting and uniform budgeting and reporting procedures for special districts under Title 17B, Limited Purpose Local Government Entities - Special Districts, and special service districts under Title 17D, Chapter 1, Special Service District Act;
- (B) conforms with generally accepted accounting principles; and
- (C) prescribes reasonable exceptions and modifications for smaller districts to the uniform system of accounting, budgeting, and reporting;
- (ii) maintain the manual under this Subsection (16)(a) so that the manual continues to reflect generally accepted accounting principles;
- (iii) conduct a continuing review and modification of procedures in order to improve them;
- (iv) prepare and supply each district with suitable budget and reporting forms; and
- (v)(A) prepare instructional materials, conduct training programs, and render other services considered necessary to assist special districts and special service districts in implementing the uniform accounting, budgeting, and reporting procedures; and
- (B) ensure that any training described in Subsection (16)(a)(v)(A) complies with Title 63G, Chapter 22, State Training and Certification Requirements; and
- (b) continually analyze and evaluate the accounting, budgeting, and reporting practices and experiences of specific special districts and special service districts selected by the state auditor and make the information available to all districts.
- (17)(a) The following records in the custody or control of the state auditor are protected records under Title 63G, Chapter 2, Government Records Access and Management Act:
- (i) records that would disclose information relating to allegations of personal misconduct, gross mismanagement, or illegal activity of a past or present governmental employee if the information or allegation cannot be corroborated by the state auditor through other documents or evidence, and the records relating to the allegation are not relied upon by the state auditor in preparing a final audit report;
- (ii) records and audit workpapers to the extent the workpapers would disclose the identity of an individual who during the course of an audit, communicated the existence of any waste of public funds, property, or manpower, or a violation or suspected violation of a law, rule, or regulation adopted under the laws of this

- 1661 state, a political subdivision of the state, or any recognized entity of the United
1662 States, if the information was disclosed on the condition that the identity of the
1663 individual be protected;
- 1664 (iii) before an audit is completed and the final audit report is released, records or
1665 drafts circulated to an individual who is not an employee or head of a
1666 governmental entity for the individual's response or information;
- 1667 (iv) records that would disclose an outline or part of any audit survey plans or audit
1668 program; and
- 1669 (v) requests for audits, if disclosure would risk circumvention of an audit.
- 1670 (b) The provisions of Subsections (17)(a)(i), (ii), and (iii) do not prohibit the disclosure
1671 of records or information that relate to a violation of the law by a governmental entity
1672 or employee to a government prosecutor or peace officer.
- 1673 (c) The provisions of this Subsection (17) do not limit the authority otherwise given to
1674 the state auditor to classify a document as public, private, controlled, or protected
1675 under Title 63G, Chapter 2, Government Records Access and Management Act.
- 1676 (d)(i) As used in this Subsection (17)(d), "record dispute" means a dispute between
1677 the state auditor and the subject of an audit performed by the state auditor as to
1678 whether the state auditor may release a record, as defined in Section 63G-2-103,
1679 to the public that the state auditor gained access to in the course of the state
1680 auditor's audit but which the subject of the audit claims is not subject to disclosure
1681 under Title 63G, Chapter 2, Government Records Access and Management Act.
- 1682 (ii) The state auditor may submit a record dispute to the State Records Committee,
1683 created in Section 63G-2-501, for a determination of whether the state auditor
1684 may, in conjunction with the state auditor's release of an audit report, release to
1685 the public the record that is the subject of the record dispute.
- 1686 (iii) The state auditor or the subject of the audit may seek judicial review of a State
1687 Records Committee determination under Subsection (17)(d)(ii), as provided in
1688 Section 63G-2-404.
- 1689 (18) If the state auditor conducts an audit of an entity that the state auditor has previously
1690 audited and finds that the entity has not implemented a recommendation made by the
1691 state auditor in a previous audit, the state auditor shall notify the Legislative
1692 Management Committee through the Legislative Management Committee's audit
1693 subcommittee that the entity has not implemented that recommendation.
- 1694 (19) The state auditor shall, with the advice and consent of the Senate, appoint the state

1695 privacy officer described in Section 67-3-13.

1696 (20) Except as provided in Subsection (21), the state auditor shall report, or ensure that
1697 another government entity reports, on the financial, operational, and performance
1698 metrics for the state system of higher education and the state system of public education,
1699 including metrics in relation to students, programs, and schools within those systems.

1700 (21)(a) Notwithstanding Subsection (20), the state auditor shall conduct regular audits of:

1701 (i) the scholarship granting organization for the Carson Smith Opportunity
1702 Scholarship Program, created in Section 53E-7-402;

1703 (ii) the State Board of Education for the Carson Smith Scholarship Program, created
1704 in Section 53F-4-302; and

1705 (iii) the scholarship program manager for the Utah Fits All Scholarship Program,
1706 created in Section 53F-6-402, including an analysis of the cost effectiveness of the
1707 program, taking into consideration the amount of the scholarship and the amount
1708 of state and local funds dedicated on a per-student basis within the traditional
1709 public education system.

1710 (b) Nothing in this subsection limits or impairs the authority of the State Board of
1711 Education to administer the programs described in Subsection (21)(a).

1712 (22) The state auditor shall, based on the information posted by the Office of Legislative
1713 Research and General Counsel under Subsection 36-12-12.1(2), for each policy, track
1714 and post the following information on the state auditor's website:

1715 (a) the information posted under Subsections 36-12-12.1(2)(a) through (e);

1716 (b) an indication regarding whether the policy is timely adopted, adopted late, or not
1717 adopted;

1718 (c) an indication regarding whether the policy complies with the requirements
1719 established by law for the policy; and

1720 (d) a link to the policy.

1721 (23)(a) A legislator may request that the state auditor conduct an inquiry to determine
1722 whether a government entity, government official, or government employee has
1723 complied with a legal obligation directly imposed, by statute, on the government
1724 entity, government official, or government employee.

1725 (b) The state auditor may, upon receiving a request under Subsection (23)(a), conduct
1726 the inquiry requested.

1727 (c) If the state auditor conducts the inquiry described in Subsection (23)(b), the state
1728 auditor shall post the results of the inquiry on the state auditor's website.

1729 (d) The state auditor may limit the inquiry described in this Subsection (23) to a simple
1730 determination, without conducting an audit, regarding whether the obligation was
1731 fulfilled.

1732 (24) The state auditor shall:

1733 (a) ensure compliance with Title 63G, Chapter 31, Distinctions on the Basis of Sex, in
1734 accordance with Section 63G-31-401; and

1735 (b) report to the Legislative Management Committee, upon request, regarding the state
1736 auditor's actions under this Subsection (24).

1737 (25) The state auditor shall report compliance with Sections 67-27-107, 67-27-108, and
1738 67-27-109 by:

1739 (a) establishing a process to receive and audit each alleged violation; and

1740 (b) reporting to the Legislative Management Committee, upon request, regarding the
1741 state auditor's findings and recommendations under this Subsection (25).

1742 (26) The state auditor shall employ and oversee a director, if a director is authorized under
1743 Subsection 53G-3-302(3)(c), for the commencement of a new school district or
1744 reorganized new school district in accordance with Section 53G-3-302.

1745 Section 15. **Effective Date.**

1746 (1) Except as provided in Subsection (2), this bill takes effect on May 7, 2025; or

1747 (2) if approved by two-thirds of all members elected to each house:

1748 (a) upon approval by the governor;

1749 (b) without the governor's signature, the day following the constitutional time limit of
1750 Utah Constitution, Article VII, Section 8; or

1751 (c) in the case of a veto, the date of veto override.

1752 Section 16. **Retrospective operation.**

1753 Section 53G-3-302 has retrospective operation to November 4, 2024.