

State of Arizona
House of Representatives
Fifty-second Legislature
Second Regular Session
2016

CHAPTER 364
HOUSE BILL 2481

AN ACT

AMENDING SECTIONS 15-906 AND 15-943.01, ARIZONA REVISED STATUTES; REPEALING SECTION 15-943.03, ARIZONA REVISED STATUTES; AMENDING SECTIONS 15-980, 15-991, 15-992, 15-1024 AND 15-1028, ARIZONA REVISED STATUTES; RELATING TO SCHOOL FINANCE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-906, Arizona Revised Statutes, is amended to
3 read:

4 15-906. Procedure for payment of levy fund liabilities payable
5 on June 30; lapsing of levy funds with balance for
6 reduction of taxes

7 A. Annually on or before June 30, each school district shall prepare
8 for all levy funds a list of liabilities for goods received or services
9 rendered on or before June 30 ~~which~~ THAT will not be paid by June 30 of the
10 current fiscal year.

11 B. Each school district having levy fund liabilities payable on June
12 30 shall file an advice of encumbrance with the county school superintendent
13 on or before July 18, in the manner and ~~upon~~ ON a form to be prescribed in
14 the uniform system of financial records. The county school superintendent
15 shall encumber amounts that are included in ~~year-to-date~~ YEAR-TO-DATE
16 expenditures not to exceed the budget and that are available to pay the
17 liabilities pursuant to section 15-304. ~~Any cash balances remaining in the~~
18 ~~maintenance and operation, the unrestricted capital outlay and the adjacent~~
19 ~~ways funds after encumbrances on June 30 of the current year that will be~~
20 ~~budgeted in the unrestricted capital outlay fund in the following fiscal year~~
21 ~~pursuant to section 15-947, subsection D shall be used for reduction of~~
22 ~~school district taxes for the budget year.~~

23 C. The county school superintendent may draw warrants against the
24 obligated in contract amounts pursuant to subsection B of this section for a
25 period of sixty days immediately following the close of the fiscal year.

26 D. After expiration of the period of sixty days immediately following
27 the close of each fiscal year, the remaining obligated in contract balance
28 shall lapse and no further payments from the maintenance and operation,
29 unrestricted capital outlay and adjacent ways funds shall be made on any
30 claim for expenditures of the prior fiscal year.

31 E. School districts that are subject to section 15-914.01 shall adhere
32 to the duties described in section 15-304 for the purposes of this section.

33 Sec. 2. Section 15-943.01, Arizona Revised Statutes, is amended to
34 read:

35 15-943.01. Maintenance and operation budget balance: definition

36 A. The governing board of a school district may budget any budget
37 balance in the maintenance and operation section of the budget, as provided
38 in section 15-903, from the current fiscal year for use in the maintenance
39 and operation section of the budget in the budget year. The amount ~~which~~
40 THAT may be budgeted as the budget balance carryforward in any one fiscal
41 year ~~shall not exceed four per cent of the school district's revenue control~~
42 ~~limit, as provided in section 15-947, subsection A, for the current year and~~
43 shall not include any budget balance attributable to any reduction in the
44 district's general budget limit, including reductions for items ~~which~~ THAT
45 are exempt from the revenue control limit and for which expenditures are
46 limited to a designated purpose such as ~~excess insurance costs or excess~~

1 ~~utility costs~~ MONIES LEVIED PURSUANT TO SECTION 15-910, SUBSECTION G or for
2 the bond issues portion of the cost of tuition. The amount budgeted as the
3 budget balance carryforward is specifically exempt from the revenue control
4 limit.

5 B. If the actual amount of the allowable budget balance carryforward
6 is less than the amount budgeted for the budget balance carryforward, the
7 governing board shall adjust the general budget limit and expenditures before
8 May 15 based on the actual allowable budget balance carryforward. If the
9 actual amount of the allowable budget balance carryforward is more than the
10 amount budgeted for the budget balance carryforward, the governing board may
11 adjust its budget before May 15 based on the actual amount of the allowable
12 fund balance carryforward. Not later than May 18, the budget as revised
13 shall be submitted electronically to the superintendent of public
14 instruction.

15 C. If the governing board is eligible to budget for a budget balance
16 carryforward as provided in subsection A of this section, the governing board
17 may transfer an amount from the district's ending cash balance of the
18 maintenance and operations fund to the school opening fund. ~~The maximum~~
19 ~~amount that may be transferred is the lesser of the district's ending cash~~
20 ~~balance in the maintenance and operations fund or the amount the district is~~
21 ~~eligible to budget as a budget balance carryforward.~~ The school opening fund
22 is a cash controlled fund as provided in section 15-905, subsection N, and
23 may only be expended for the additional maintenance and operations expenses
24 incurred in the first year of operation of a new school within the school
25 district. The monies in the school opening fund are not subject to
26 reversion, except that at the end of five years of no activity in the fund,
27 any remaining monies shall be reverted to the maintenance and operations
28 fund. Any monies so reverted may be considered additional budget balance for
29 that fiscal year.

30 D. If a governing board transfers monies as provided in subsection C
31 of this section, the amount so transferred in a fiscal year shall be
32 subtracted from the amount the district would otherwise be eligible to budget
33 for that fiscal year as provided in subsection A of this section. The
34 difference, if any, is the maximum amount that may be budgeted for that
35 fiscal year as a budget balance carryforward.

36 E. For the purposes of this section, "budget balance" means the
37 difference between actual and budgeted expenditures.

38 Sec. 3. Repeal

39 Section 15-943.03, Arizona Revised Statutes, is repealed.

40 Sec. 4. Section 15-980, Arizona Revised Statutes, is amended to read:

41 15-980. Uncollected property tax; property tax loss;
42 supplemental state aid

43 A. A school district is eligible for supplemental state aid pursuant
44 to this section if a county treasurer certifies to ~~a~~ THE school district
45 after January 1 that, in the treasurer's reasonable belief, more than ~~twenty~~
46 ~~per cent~~ TEN PERCENT of the primary property tax revenues that the school

1 district is entitled by law to receive pursuant to section 42-18052 will not
2 be remitted to the district due to one of the following circumstances:

3 1. Property tax delinquencies.

4 2. A loss of property tax revenue resulting from a decrease in
5 assessed valuation due to a natural disaster such as fire or flood.

6 B. On receiving a certificate pursuant to subsection A of this
7 section, the school district may apply to the department of education for
8 supplemental state aid. The application shall include the county treasurer's
9 certified estimate of the total amount of uncollected primary property taxes
10 or the amount of lost property tax revenue for the school district for the
11 tax year payable in the current fiscal year.

12 C. Within forty-five days after receiving a complete and correct
13 application, the state board of education shall pay to the school district
14 from amounts appropriated for state aid the amount determined in subsection B
15 of this section. The department of education shall notify the county
16 treasurer and the county school superintendent of the amount and the date of
17 the payment of the supplemental state aid. Supplemental state aid paid under
18 this section shall be excluded from the calculation made pursuant to section
19 15-973, subsection C.

20 D. The superintendent of a school district that receives supplemental
21 state aid due to delinquent property taxes pursuant to subsection A,
22 paragraph 1 of this section shall report to the department of education
23 between May 5 and May 25 the actual amount of primary property taxes that was
24 not collected and remitted to the district during the current fiscal year,
25 based on information from the county treasurer. If the amount of
26 supplemental state aid paid pursuant to subsection C of this section exceeds
27 the actual amount of the uncollected primary property taxes that the district
28 is entitled to receive, the state board of education shall deduct the
29 difference between the amount of supplemental state aid paid and the amount
30 of the uncollected primary property taxes from the June 15 and, if necessary,
31 subsequent apportionments of state aid pursuant to section 15-973,
32 subsection B.

33 E. Beginning on June 1 after the payment of supplemental state aid,
34 the county school superintendent shall report quarterly to the department of
35 education the amount of any payments of delinquent primary property taxes
36 received by the district during the previous quarter with respect to a tax
37 year for which the supplemental state aid was paid and not previously
38 deducted from state aid pursuant to subsection D of this section. The
39 department shall deduct the amount reported from the next apportionment of
40 state aid to the district pursuant to section 15-973, subsection B until the
41 supplemental state aid is repaid. If the district does not receive any
42 apportionment pursuant to section 15-973, subsection B, the department shall
43 direct the school district superintendent to pay that amount to the state
44 treasurer for deposit in the state general fund.

45 F. A school district that receives supplemental state aid due to loss
46 of assessed valuation pursuant to subsection A, paragraph 2 of this section

1 may receive supplemental state aid for up to three fiscal years. The amount
2 of supplemental state aid shall be reduced each year by one-third and any
3 increased property tax revenue due to higher assessed valuation.

4 Sec. 5. Section 15-991, Arizona Revised Statutes, is amended to read:

5 15-991. Annual estimate by county school superintendent of
6 monies for ensuing year; review and approval by
7 property tax oversight commission

8 A. The county school superintendent shall recompute the equalization
9 assistance for education for each school district pursuant to section 15-971,
10 subsection A and compute the additional amount to be levied pursuant to
11 section 15-992, subsection B using the property values provided by the county
12 assessor under section 42-17052. The county school superintendent must
13 certify in writing to the property tax oversight commission on or before July
14 25 of each year the amount of equalization assistance for education and the
15 amount to be levied for each school district from the primary property tax
16 pursuant to section 15-992.

17 B. The county school superintendent must prepare and file with the
18 governing board of each school district in the county and the property tax
19 oversight commission on or before July 25 of each year a written estimate of
20 the amount of monies required by each school district for the ensuing school
21 year based on the proposed budget adopted by each school district governing
22 board. The estimate shall contain:

23 1. A statement of the student count of each school district.

24 2. The total amount to be received for the year by each school
25 district from the county school fund and the special county school reserve
26 fund.

27 ~~3. The projected ending cash balance from the previous year adjusted~~
28 ~~for encumbrances and payables for each school district as provided by the~~
29 ~~school district and as certified by the president of the school district~~
30 ~~governing board. A governing board may delegate to a superintendent, head~~
31 ~~teacher or business manager the authority to certify the projected cash~~
32 ~~balance.~~

33 ~~4.~~ 3. The anticipated interest earnings for each school district.

34 ~~5.~~ 4. Revenues equal to the amount included in the adopted budget for
35 the maintenance and operation section of the budget permitted by section
36 15-947, subsection C, paragraph 2, subdivision (a), items (ii), (iii), (iv),
37 (v) and (vi) and subdivision (c). The county school superintendent shall
38 ~~subtract from each school district's budgeted expenditures the total amount~~
39 ~~of estimated revenues including the projected ending cash balance from the~~
40 ~~previous year adjusted for encumbrances and payables in order to~~ estimate the
41 additional amounts needed for each school district from the primary property
42 tax and the secondary property tax. The county school superintendent shall
43 certify such amounts to the board of supervisors and the property tax
44 oversight commission in writing at the time of filing the estimate. When
45 estimating the additional amount needed from the primary property tax for a
46 school district that is not eligible for any equalization assistance as

1 provided in section 15-971, the county school superintendent shall include
2 the school district governing board's estimate of the increase in the revenue
3 control limit as prescribed by section 15-948 for the applicable year, except
4 that the percentage increase in average daily membership used to compute the
5 estimated increase in the revenue control limit may not exceed the average of
6 the percentage increase in average daily membership in the three years before
7 the year for which the estimate is made.

8 ~~6-~~ 5. The calculation of the amount to be levied as prescribed by
9 section 15-992 using the values provided by the county assessor under section
10 42-17052.

11 C. The property tax oversight commission must review the primary
12 property tax calculations filed under subsection B, paragraph ~~6-~~ 5 of this
13 section.

14 D. The county school superintendent must file in writing with the
15 county board of supervisors and the property tax oversight commission on or
16 before the third Monday in August of each year the amount that is required to
17 be levied for each school district from both the primary property tax
18 prescribed by section 15-992 and the secondary property tax.

19 E. On or before September 1, the governing board of a school district
20 shall file with the county school superintendent an estimate of the amount of
21 title VIII of the elementary and secondary education act of 1965 monies it is
22 eligible to receive during the current year. On or before June 1, the
23 governing board shall file with the county school superintendent and the
24 superintendent of public instruction a statement of the actual amount of
25 title VIII of the elementary and secondary education act of 1965 monies it
26 received during the current year. This subsection does not apply to
27 accommodation schools.

28 F. The department may collect any other similar or related information
29 from school districts that the department may determine is necessary to carry
30 out the purposes of this section.

31 Sec. 6. Section 15-992, Arizona Revised Statutes, is amended to read:
32 15-992. School district tax levy; additional tax in districts
33 ineligible for equalization assistance; definition

34 A. The board of supervisors of each county ~~shall annually~~, at the time
35 of levying other taxes, **SHALL ANNUALLY** levy school district taxes on the
36 property in any school district in which additional amounts are required,
37 which shall be at rates ~~sufficient to provide the additional amounts~~
38 **PRESCRIBED IN THIS SECTION**. No delinquency factor for estimated uncollected
39 taxes may be included in the computation of the primary tax rate for school
40 district taxes. No local property taxes may be levied for any deficit in the
41 classroom site fund. The taxes shall be added to and collected in the same
42 manner as other county taxes on the property within the school district. The
43 amount of the school district taxes levied ~~upon~~ **ON** the property in a
44 particular school district shall be paid into the school fund of ~~such~~ **THAT**
45 school district.

- 1 B. At the same time of levying taxes as provided in subsection A of
2 this section, the county board of supervisors shall annually levy an
3 additional tax in each school district that is not eligible for equalization
4 assistance as provided in section 15-971 in an amount determined as follows:
5 1. Determine the levy that would be produced by fifty ~~per-cent~~ PERCENT
6 of the applicable qualifying tax rate, prescribed in section 15-971,
7 subsection B, per one hundred dollars assessed valuation.
8 2. Subtract the amount determined in section 15-971, subsection A from
9 the levy determined in paragraph 1 of this subsection. This difference is
10 the additional amount levied or collected as voluntary contributions pursuant
11 to title 48, chapter 1, article 8, except that if the difference is zero or
12 is a negative number, there shall be no levy.
13 C. Monies collected pursuant to subsection B of this section shall be
14 transmitted to the state treasurer for deposit in the state general fund to
15 aid in school financial assistance.
16 D. The additional tax prescribed in subsection B of this section is
17 considered to be primary property tax for purposes of section 15-972,
18 subsection B, except that this state is not required to make the payments
19 prescribed in section 15-972, subsection H for these reductions in taxes.
20 E. THE TAX LEVY PRESCRIBED IN SUBSECTION A OF THIS SECTION SHALL BE A
21 RATE EQUAL TO THE QUALIFYING TAX RATE PRESCRIBED IN SECTION 15-971,
22 SUBSECTION B, PARAGRAPH 2 OR A RATE THAT EQUALS THE SCHOOL DISTRICT SUPPORT
23 LEVEL PRESCRIBED IN SECTION 15-947 SUBTRACTED BY ANY AMOUNT RECEIVED PURSUANT
24 TO SECTION 15-905, SUBSECTIONS K, O AND P PER ONE HUNDRED DOLLARS OF ASSESSED
25 VALUATION USED FOR PRIMARY PROPERTY TAXES, WHICHEVER IS LESS.
26 F. AT THE TIME OF LEVYING TAXES AS PROVIDED IN SUBSECTION E OF THIS
27 SECTION, THE COUNTY SCHOOL SUPERINTENDENT SHALL ANNUALLY VALIDATE ANY
28 ADDITIONAL PRIMARY SCHOOL DISTRICT TAX LEVY AMOUNT REQUESTS FROM EACH SCHOOL
29 DISTRICT AND LEVY THE SUM OF THE FOLLOWING AMOUNTS:
30 1. A RATE THAT WOULD RESULT IN A LEVY THAT EQUALS THE DIFFERENCE
31 BETWEEN THE TRANSPORTATION REVENUE CONTROL LIMIT AS DETERMINED IN SECTION
32 15-946 AND THE TRANSPORTATION SUPPORT LEVEL AS DETERMINED IN SECTION 15-945.
33 2. A RATE THAT WOULD RESULT IN A LEVY THAT EQUALS ANY AMOUNT PURSUANT
34 TO SECTION 15-910.
35 3. A RATE THAT WOULD RESULT IN A LEVY THAT EQUALS ANY AMOUNT FOR
36 TUITION LOSS AS DETERMINED IN SECTION 15-954.
37 4. A RATE THAT WOULD RESULT IN A LEVY THAT EQUALS ANY AMOUNT FOR THE
38 SMALL SCHOOL ADJUSTMENT AS DETERMINED IN SECTION 15-949.
39 5. A RATE THAT WOULD RESULT IN A LEVY THAT EQUALS ANY AMOUNT FOR
40 LIABILITIES IN EXCESS OF THE SCHOOL DISTRICT BUDGET PURSUANT TO SECTION
41 15-907.
42 6. A RATE THAT WOULD RESULT IN A LEVY THAT EQUALS ANY AMOUNT FOR
43 ADJACENT WAYS PURSUANT TO SECTION 15-995.
44 7. A RATE THAT WOULD RESULT IN A LEVY THAT EQUALS THE AMOUNT NOT
45 CAPTURED BY THE QUALIFYING TAX RATE AS A RESULT OF PROPERTY SUBJECT TO THE

1 GOVERNMENT PROPERTY LEASE EXCISE TAX PURSUANT TO TITLE 42, CHAPTER 6, ARTICLE
2 5 AS CALCULATED IN SECTION 15-971, SUBSECTION B, PARAGRAPH 2.

3 8. FOLLOWING THE RECOMMENDATION OF THE COUNTY SCHOOL SUPERINTENDENT
4 AND ON APPROVAL BY THE COUNTY BOARD OF SUPERVISORS, FOR A SCHOOL DISTRICT
5 THAT IS NOT ELIGIBLE FOR STATE AID, A RATE THAT WOULD RESULT IN A LEVY THAT
6 EQUALS ANY LEGAL AMOUNT NOT LEVIED IN THE CURRENT YEAR AS A RESULT OF
7 UNDERESTIMATED AVERAGE DAILY MEMBERSHIP IN THE CURRENT YEAR OR AS A RESULT OF
8 A JUDGMENT IN ACCORDANCE WITH SECTION 42-16213.

9 9. FOLLOWING THE RECOMMENDATION OF THE COUNTY TREASURER TO THE COUNTY
10 SCHOOL SUPERINTENDENT AND ON APPROVAL BY THE COUNTY BOARD OF SUPERVISORS, A
11 RATE THAT WOULD RESULT IN A LEVY THAT EQUALS ANY LEGAL AMOUNT THAT CORRECTS
12 AN OUTSTANDING CASH DEFICIT FROM THE CLOSE OF THE CURRENT FISCAL YEAR.

13 ~~E.~~ G. For the purposes of this section, "assessed valuation" includes
14 the values used to determine voluntary contributions collected pursuant to
15 title 9, chapter 4, article 3 and title 48, chapter 1, article 8.

16 Sec. 7. Section 15-1024, Arizona Revised Statutes, is amended to read:

17 15-1024. Interest on bonds; sale; disposition of proceeds;
18 definition

19 A. The bonds shall bear interest, payable semiannually at the rate or
20 rates set by the accepted bid, which shall not exceed the maximum rate of
21 interest set forth in the resolution calling the election. The bonds may be
22 made payable at such place within the United States as the governing board of
23 the school district directs and shall be sold in the manner prescribed by the
24 governing board of the school district for not less than par.

25 B. The proceeds of the sale of the bonds shall be deposited in the
26 county treasury to the credit of the bond building fund of the school
27 district. Such deposits may be drawn out for the purposes authorized by this
28 article as other school monies are drawn. If a balance remains in the bond
29 building fund after the acquisition or construction of facilities is
30 completed for which the bonds were issued and ~~upon~~ ON written request of the
31 governing board:

32 1. If the school district has outstanding bonded indebtedness, the
33 balance remaining in the bond building fund shall be transferred to the debt
34 service fund of the district.

35 2. If the district has no outstanding bonded indebtedness, the balance
36 remaining in the bond building fund shall be ~~transferred to the general fund~~
37 ~~of the district~~ USED FOR REDUCTION OF SCHOOL DISTRICT TAXES.

38 C. When bonds are sold and the proceeds are not required to be used
39 for a period of ten days or more, such proceeds may be invested as provided
40 by section 15-1025, subsection B. All monies earned as interest or otherwise
41 derived from the investment of the proceeds of the sale of the bonds shall be
42 credited to the debt service fund, except that ~~upon~~ ON the request of the
43 district, the monies earned as interest shall be deposited to the bond
44 building fund if federal laws or rules require the interest to be used for
45 capital expenditures or the monies earned as interest shall be credited to
46 the bond building fund if the voters authorized such use of the monies in a

1 separate question at the bond election. The separate question shall inform
2 the voters that the monies will be credited to the debt service fund, and may
3 therefore reduce the amount of the secondary property tax, if the measure
4 authorizing the monies to be credited to the bond building fund does not
5 pass.

6 D. The amount of net premium associated with a bond issue may not
7 exceed the greater of:

- 8 1. Five ~~per cent~~ PERCENT of the par value of the bond issue.
- 9 2. One hundred thousand dollars.

10 E. Costs incurred in issuing the bonds may be paid from the net
11 premium associated with a bond issue. Any net premium not used to pay the
12 costs incurred in issuing the bonds shall be deposited in a debt service fund
13 and used only to pay interest on the bonds.

14 F. For the purposes of this section, "net premium" means the
15 difference between the par amount of the bond issue and the bond issue price
16 determined pursuant to United States treasury regulations.

17 Sec. 8. Section 15-1028, Arizona Revised Statutes, is amended to read:
18 15-1028. Disposition of surplus tax monies

19 A. If a bond issue and interest thereon have been fully paid and a
20 balance remains in the debt service fund from taxes collected for payment of
21 the bonds and interest, the balance may be applied on the payment of other
22 outstanding bonded indebtedness of the school district payable from the levy
23 of taxes on property within the school district in which the excess tax
24 monies were collected, or if there is no outstanding bonded indebtedness, the
25 balance remaining in or accruing to the debt service fund ~~shall, upon~~ ON
26 written request of the governing board of the school district, ~~SHALL be~~
27 ~~transferred to the general fund of the school district~~ USED FOR REDUCTION OF
28 SCHOOL DISTRICT TAXES.

29 B. When a school bond issue and interest thereon have been fully paid
30 and a tax levy has thereafter been made ~~upon~~ ON and taxes collected from
31 property the situs of which is in a school district other than the original
32 school district for which the levy was made, such taxes shall belong to the
33 school district from which they were collected, and the county treasurer
34 shall credit such taxes to the general school fund of the school district.
35 The taxes may be expended by the governing board of the school district as
36 other monies in its general school fund are expended.

APPROVED BY THE GOVERNOR MAY 19, 2016.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 19, 2016.