

Frequently Asked Questions

- What is Proposition 6?

ANSWER: Proposition 6 is a 1996 constitutional amendment that established the definition of Utah’s “public education system” for purposes of authorizing expenditures of the available interest from the State School Fund and revenues from the Uniform School Fund in support of the public education system. It also specified that the revenues from income tax or intangible property tax are to be used for the support of the higher education system in addition to the public education system.

- What is SJR9?

ANSWER: SJR9: Proposal to Amend Utah Constitution – Use of Tax Revenue, is a Senate Joint Resolution sponsored by Senator McCay during the 2020 Legislative session. This resolution directed the Lt. Governor to place on the ballot a measure that, if passed, would expand the use of the income tax to include children and individuals with a disability as well as public education and higher education. SJR9 initiated Amendment G during the 2020 general election.

- Who supported SJR9?

ANSWER: SJR9 was supported by Utah State Board of Education, Utah School Boards Association, Utah School Superintendents Association, Utah Association of Public Charter Schools, Utah Public Employees Association, Utah Education Association, Utah PTA, and Utah Taxpayers Association.

- What does HB357 do?

ANSWER: HB357: Public Education Funding Stabilization created a statutory framework that required legislators to prioritize inflation and growth. It also created the Economic Stabilization Restricted Account.

- The passage of SJR9 was expected to provide more flexibility to the state budget for how many years?

ANSWER: The Legislative Fiscal Analyst predicted that SJR9 would provide budgetary flexibility for the state for up to 10 years. However, during the 2021 legislative session, the legislature appropriated all of the forecasted funds. In 2022, legislative leadership began conversations with educational leaders to remove the earmark.

- What does SJR10 propose?

ANSWER: SJR10: Proposal to Amend Utah Constitution – Income Tax directs the Lt. Governor to place an initiative on the ballot that would remove the earmark on the income tax. The ballot initiative takes the statutory framework from HB357 and adds it to the Constitution.



- What is HB394?

ANSWER: HB394: Hold Harmless for Public Education Enrollment Decline was sponsored by Representative K. Peterson in the 2023 Legislative Session. The enactment of this bill is contingent upon the passage of the constitutional amendment. If the earmark is removed, HS394 would maintain the WPU funding during enrolment decreases for five years with a sunset review for a potential five-year extension.

- Is there WPU tied to the passage of the constitutional amendment?

ANSWER: At the end of the 2023 Legislative Session, 2% WPU was set aside to be distributed to LEAs contingent upon the passage of the constitutional amendment.

- How does the Economic Stabilization Account work?

ANSWER: Ongoing income tax revenue is deposited into the Economic Stabilization Restricted account for use by the legislature for a statutorily defined insufficient funding for public education. In years when sufficient funding is available, the account may be used to fund one-time, public education projects. Each year, 15% of new income tax revenue growth is deposited into the restricted account until it reaches a maximum of 11% of the Uniform School Fund appropriation.

- What does conditional support for SJR10 mean?

ANSWER: Our conditional support will focus on state policies and statutes that support: a plan to increase funding for public education beyond inflationary increases; an increased emphasis on local control and flexibility for local Board of education; reduction in administrative demands; elimination of unfunded mandates; reasonable tax rate policies; and other items of importance to the public education community.

- What is the budget structural imbalance that legislative leadership is worried about?

ANSWER: Legislative leadership has expressed concern that in the long run General Fund revenue growth will be insufficient to fund the increasing and ongoing needs of state government services. Compounding the insufficient General Fund revenue is the recent history of surplus funds from income tax. Legislative leadership intends to remove the income tax earmark to better manage the revenue sources with the fiscal needs of the State.

- How does the funding framework in the constitutional amendment actually work and is it protected?

ANSWER: The constitutional framework requires several funding elements to be maintained before income tax revenue can be used to fund other state needs. The specific provisions of what and how much are listed in UCA 53F-2-208 and 53F-9-204. The constitutional amendment will neither change the particulars of the statutes nor preserve them.