

**Senator L. Steven Poulton** proposes to substitute the following bill:

**PROPERTY TAX - GOVERNING BODY APPROVAL**

2000 GENERAL SESSION

STATE OF UTAH

**Sponsor: L. Steven Poulton**

AN ACT RELATING TO THE PROPERTY TAX ACT; REQUIRING A TAXING ENTITY TO OBTAIN APPROVAL FROM A CERTAIN PERCENTAGE OF THE TAXING ENTITY'S LEGISLATIVE BODY TO IMPOSE A TAX RATE THAT EXCEEDS THE CERTIFIED TAX RATE; DELETING OBSOLETE LANGUAGE; MAKING TECHNICAL CHANGES; AND PROVIDING FOR RETROSPECTIVE OPERATION.

This act affects sections of Utah Code Annotated 1953 as follows:

AMENDS:

**59-2-924**, as last amended by Chapter 353, Laws of Utah 1999

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

Section 1. Section **59-2-924** is amended to read:

**59-2-924. Report of valuation of property to county auditor and commission -- Transmittal by auditor to governing bodies -- Certified tax rate -- Adoption of tentative budget.**

(1) (a) Before June 1 of each year, the county assessor of each county shall deliver to the county auditor and the commission the following statements:

(i) a statement containing the aggregate valuation of all taxable property in each taxing entity; and

(ii) a statement containing the taxable value of any additional personal property estimated by the county assessor to be subject to taxation in the current year.

(b) The county auditor shall, on or before June 8, transmit to the governing body of each taxing entity:

- 26 (i) the statements described in Subsections (1)(a)(i) and (ii);
- 27 (ii) an estimate of the revenue from personal property;
- 28 (iii) the certified tax rate; and
- 29 (iv) all forms necessary to submit a tax levy request.
- 30 (2) (a) (i) The "certified tax rate" means a tax rate that will provide the same ad valorem
- 31 property tax revenues for a taxing entity as were collected by that taxing entity for the prior year.
- 32 (ii) For purposes of this Subsection (2), "ad valorem property tax revenues" do not include:
- 33 (A) collections from redemptions;
- 34 (B) interest; and
- 35 (C) penalties.
- 36 (iii) Except as provided in Subsection (2)(a)(iv), the certified tax rate shall be calculated
- 37 by dividing the ad valorem property tax revenues collected for the prior year by the taxing entity
- 38 by the taxable value established in accordance with Section 59-2-913.
- 39 (iv) The certified tax rates for the taxing entities described in this Subsection (2)(a)(iv)
- 40 shall be calculated as follows:
- 41 (A) except as provided in Subsection (2)(a)(iv)(B), for new taxing entities the certified tax
- 42 rate is zero;
- 43 (B) for each municipality incorporated on or after July 1, 1996, the certified tax rate is:
- 44 (I) in a county of the first, second, or third class, the levy imposed for municipal-type
- 45 services under Sections 17-34-1 and 17-36-9; and
- 46 (II) in a county of the fourth, fifth, or sixth class, the levy imposed for general county
- 47 purposes and such other levies imposed solely for the municipal-type services identified in Section
- 48 17-34-2 and Subsection 17-36-3(22); and
- 49 (C) for debt service voted on by the public, the certified tax rate shall be the actual levy
- 50 imposed by that section, except that the certified tax rates for the following levies shall be
- 51 calculated in accordance with Section 59-2-913 and this section:
- 52 (I) school leeways provided for under Sections 11-2-7, 53A-16-110, 53A-17a-125,
- 53 53A-17a-127, 53A-17a-134, 53A-17a-143, 53A-17a-145, and 53A-21-103; and
- 54 (II) levies to pay for the costs of state legislative mandates or judicial or administrative
- 55 orders under Section 59-2-906.3.
- 56 (v) A judgment levy imposed under Section 59-2-1328 or Section 59-2-1330 shall be

57 established at that rate which is sufficient to generate only the revenue required to satisfy the  
58 known, unpaid judgments. The ad valorem property tax revenue generated by the judgment levy  
59 shall not be considered in establishing the taxing entity's aggregate certified tax rate.

60 (b) (i) For the purpose of calculating the certified tax rate, the county auditor shall use the  
61 taxable value of property on the assessment roll.

62 (ii) For purposes of Subsection (2)(b)(i), the taxable value of property on the assessment  
63 roll does not include new growth as defined in Subsection (2)(b)(iii).

64 (iii) "New growth" means:

65 (A) the difference between the increase in taxable value of the taxing entity from the  
66 previous calendar year to the current year; minus

67 (B) the amount of increase to locally assessed real property taxable values resulting from  
68 factoring, reappraisal, or any other adjustments.

69 (c) Beginning January 1, 1997, if a taxing entity receives increased revenues from uniform  
70 fees on tangible personal property under Section 59-2-404, 59-2-405, or 59-2-405.1 as a result of  
71 any county imposing a sales and use tax under Title 59, Chapter 12, Part 11, County Option Sales  
72 and Use Tax, the taxing entity shall decrease its certified tax rate to offset the increased revenues.

73 (d) (i) Beginning July 1, 1997, if a county has imposed a sales and use tax under Title 59,  
74 Chapter 12, Part 11, County Option Sales and Use Tax, the county's certified tax rate shall be:

75 (A) decreased on a one-time basis by the amount of the estimated sales tax revenue to be  
76 distributed to the county under Subsection 59-12-1102(3); and

77 (B) increased by the amount necessary to offset the county's reduction in revenue from  
78 uniform fees on tangible personal property under Section 59-2-404, 59-2-405, or 59-2-405.1 as a  
79 result of the decrease in the certified tax rate under Subsection (2)(d)(i)(A).

80 (ii) The commission shall determine estimates of sales tax distributions for purposes of  
81 Subsection (2)(d)(i).

82 [~~(e) For the calendar year beginning on January 1, 1998, and ending December 31, 1998,~~  
83 ~~a taxing entity's certified tax rate shall be increased by the amount necessary to offset the decrease~~  
84 ~~in revenues from uniform fees on tangible personal property under Section 59-2-405 as a result of~~  
85 ~~the decrease in uniform fees on tangible personal property under Section 59-2-405 enacted by the~~  
86 ~~Legislature during the 1997 Annual General Session.]~~

87 [(f)] (e) Beginning January 1, 1998, if a municipality has imposed an additional resort

88 communities sales tax under Section 59-12-402, the municipality's certified tax rate shall be  
89 decreased on a one-time basis by the amount necessary to offset the first 12 months of estimated  
90 revenue from the additional resort communities sales tax imposed under Section 59-12-402.

91 ~~[(g) For the calendar year beginning on January 1, 1999, and ending on December 31,~~  
92 ~~1999, a taxing entity's certified tax rate shall be adjusted by the amount necessary to offset the~~  
93 ~~adjustment in revenues from uniform fees on tangible personal property under Section 59-2-405.1~~  
94 ~~as a result of the adjustment in uniform fees on tangible personal property under Section~~  
95 ~~59-2-405.1 enacted by the Legislature during the 1998 Annual General Session.]~~

96 (3) (a) On or before June 22, each taxing entity shall annually adopt a tentative budget.

97 (b) If the taxing entity intends to exceed the certified tax rate, it shall notify the county  
98 auditor of:

99 (i) its intent to exceed the certified tax rate; and

100 (ii) the amount by which it proposes to exceed the certified tax rate.

101 (c) The county auditor shall notify all property owners of any intent to exceed the certified  
102 tax rate in accordance with ~~[Subsection]~~ Section 59-2-919~~[(2)]~~.

103 (4) (a) The taxable value for the base year under Subsection 17A-2-1247(2)(a) or  
104 17A-2-1202(2), as the case may be, shall be reduced for any year to the extent necessary to provide  
105 a redevelopment agency established under Title 17A, Chapter 2, Part 12, Utah Neighborhood  
106 Development Act, with approximately the same amount of money the agency would have received  
107 without a reduction in the county's certified tax rate if:

108 (i) in that year there is a decrease in the certified tax rate under Subsection (2)(c) or  
109 (2)(d)(i);

110 (ii) the amount of the decrease is more than 20% of the county's certified tax rate of the  
111 previous year; and

112 (iii) the decrease results in a reduction of the amount to be paid to the agency under  
113 Section 17A-2-1247 or 17A-2-1247.5.

114 (b) The taxable value of the base year under Subsection 17A-2-1247(2)(a) or  
115 17A-2-1202(2), as the case may be, shall be increased in any year to the extent necessary to  
116 provide a redevelopment agency with approximately the same amount of money as the agency  
117 would have received without an increase in the certified tax rate that year if:

118 (i) in that year the taxable value for the base year under Subsection 17A-2-1247(2) or

119 17A-2-1202(2) is reduced due to a decrease in the certified tax rate under Subsection (2)(c) or  
120 (2)(d)(i); and

121 (ii) the certified tax rate of a city, school district, or special district increases independent  
122 of the adjustment to the taxable value of the base year.

123 (c) Notwithstanding a decrease in the certified tax rate under Subsection (2)(c) or (2)(d)(i),  
124 the amount of money allocated and, when collected, paid each year to a redevelopment agency  
125 established under Title 17A, Chapter 2, Part 12, Utah Neighborhood Development Act, for the  
126 payment of bonds or other contract indebtedness, but not for administrative costs, may not be less  
127 than that amount would have been without a decrease in the certified tax rate under Subsection  
128 (2)(c) or (2)(d)(i).

129 (5) (a) Except as provided in [Subsections] Subsection (5)(d) through (f)(b), for [the]  
130 calendar [year] years beginning on or after January 1, [1998] 2000, [and ending December 31,  
131 1998,] to impose a tax rate that exceeds the certified tax rate established in Subsection (2)[,];

132 (i) a taxing entity with a legislative body of three members shall obtain approval to impose  
133 the tax rate from two-thirds or more of the members of the taxing entity's legislative body; and

134 (ii) a taxing entity other than a taxing entity described in Subsection 5(a)(i) shall obtain  
135 approval [for the] to impose the tax [increase by a majority vote of] rate from 70% or more of  
136 the[:] members of the taxing entity's legislative body.

137 ~~[(i) governing body; and]~~

138 ~~[(ii) people as provided in Subsection (5)(b).]~~

139 ~~[(b) To obtain voter approval for a tax increase under Subsection (5)(a), a taxing entity~~  
140 ~~shall:]~~

141 ~~[(i) hold an election on the fourth Tuesday in June; and]~~

142 ~~[(ii) conduct the election according to the procedures and requirements of Title 20A,~~  
143 ~~Election Code, governing local elections.]~~

144 ~~[(c) A] (b) Notwithstanding Subsection (5)(a), a tax rate imposed by a taxing entity under~~  
145 ~~[this] Subsection (5)(a) may not exceed the maximum levy permitted by law under Section~~  
146 ~~59-2-908.~~

147 ~~[(d) Notwithstanding Subsection (5)(a), a school district is not required to obtain voter~~  
148 ~~approval under this Subsection (5) to impose a tax rate that exceeds the certified tax rate:]~~

149 ~~[(i) under Section 53A-17a-135, if the Legislature increases the minimum basic tax rate~~

150 under Section ~~53A-17a-135;~~  
151           ~~[(ii) under Section 53A-21-103;]~~  
152           ~~[(iii) under Section 53A-16-111;]~~  
153           ~~[(iv) if, on or after January 1, 1997, but on or before December 31, 1997, the school~~  
154 ~~district obtained voter approval to impose the tax rate; or]~~  
155           ~~[(v) if, on or after January 1, 1998, the school district obtains voter approval to impose~~  
156 ~~the tax rate under a statutory provision, other than the provisions of this section, requiring voter~~  
157 ~~approval to impose the tax rate.]~~  
158           ~~[(e) Notwithstanding Subsection (5)(a), a municipality is not required to obtain voter~~  
159 ~~approval under this Subsection (5) to impose a tax rate that exceeds the certified tax rate if:]~~  
160           ~~[(i) the municipality meets the requirements of Sections 59-2-918 and 59-2-919; and]~~  
161           ~~[(ii) in adopting the resolution required under Section 59-2-919, the municipal legislative~~  
162 ~~body obtains approval to impose the tax rate by two-thirds of all members of the municipal~~  
163 ~~legislative body.]~~  
164           ~~[(f) Notwithstanding Subsection (5)(a), a county or municipality is not required to obtain~~  
165 ~~voter approval under this Subsection (5) to impose a tax rate under Section 17A-2-1322 that~~  
166 ~~exceeds the certified tax rate calculated for a special service district established under Title 17A,~~  
167 ~~Chapter 2, Part 13, Utah Special Service District Act, if the county or municipality obtained voter~~  
168 ~~approval to impose a tax on property within the special service district:]~~  
169           ~~[(i) under Section 17A-2-1322; and]~~  
170           ~~[(ii) on or after June 1, 1996 .]~~  
171           Section 2. **Retrospective operation.**  
172           This act has retrospective operation to January 1, 2000.