

Norman K Thurston proposes the following substitute bill:

Income Tax Revenue Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K Thurston

Senate Sponsor: Daniel McCay

LONG TITLE

General Description:

This bill modifies provisions relating to state income tax revenue.

Highlighted Provisions:

This bill:

- defines terms;
- requires the State Tax Commission, the Office of the Legislative Fiscal Analyst, and the Governor's Office of Planning and Budget to annually determine by consensus whether federal tax law changes will likely result in a material increase in state income tax revenue;
- requires the State Tax Commission to submit a report to the Revenue and Taxation Interim Committee if a determination is made by consensus that federal tax law changes will likely result in a material increase in state income tax revenue;
- authorizes the Revenue and Taxation Interim Committee, upon receiving a report, to recommend legislative action for the next general session to negate the material increase in state income tax revenue;
- requires the State Tax Commission to submit a report to the Division of Finance following the general session if a determination is made by consensus that a material increase in state income tax revenue is still expected;
- creates the Income Tax Surplus Restricted Account (account);
- specifies purposes for which revenue deposited into the account may be used; and
- requires the Division of Finance, upon receiving a report, to deposit the estimated amount of the material increase in state income tax revenue into the account.

Money Appropriated in this Bill:

None

Other Special Clauses:

29 This bill provides a special effective date.

30 **Utah Code Sections Affected:**

31 ENACTS:

32 **59-1-103**, Utah Code Annotated 1953

33 **59-1-214**, Utah Code Annotated 1953

34

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

36 Section 1. Section **59-1-103** is enacted to read:

37 **59-1-103 . Income Tax Surplus Restricted Account.**

38 (1) As used in this section:

39 (a) "Account" means the Income Tax Surplus Restricted Account created in Subsection

40 (2).

41 (b) "Material increase in state income tax revenue" means the same as that term is

42 defined in Section 59-1-214.

43 (2) There is created within the Income Tax Fund a restricted account known as the "Income
44 Tax Surplus Restricted Account."

45 (3) The account shall be funded by the revenue deposited into the account in accordance
46 with Subsection (5).

47 (4)(a) The account shall earn interest.

48 (b) The interest described in Subsection (4)(a) shall be deposited into the account.

49 (5) After receiving from the commission an electronic report under Subsection

50 59-1-214(6)(b) indicating the likelihood of a material increase in state income tax

51 revenue, the Division of Finance shall, at the end of the fiscal year for which the

52 material increase in state income tax revenue is expected, deposit into the account an

53 amount of income tax revenue that is equal to the estimate of the amount of the material

54 increase in state income tax revenue specified in the report.

55 (6) Upon appropriation, the money in the account may be used for the purposes specified

56 by the Legislature in accordance with Utah Constitution, Article X, Section 1.

57 Section 2. Section **59-1-214** is enacted to read:

58 **59-1-214 . Reporting on federal tax law changes expected to result in a material**

59 **increase in state income tax revenue.**

60 (1) As used in this section:

61 (a) "Federal tax law change" means any modification to the Internal Revenue Code

62 approved by Congress.

63 (b) "Material increase in state income tax revenue" means a net increase in revenue the
64 state is expected to receive from the income taxes imposed under this title for a fiscal
65 year, as compared to the latest consensus revenue estimates adopted by the Executive
66 Appropriations Committee, that is equal to or greater than .5% of the revenue the
67 state received from the income taxes imposed under this title for the preceding fiscal
68 year.

69 (c) "Specified entities" means the commission, the Office of the Legislative Fiscal
70 Analyst, and the Governor's Office of Planning and Budget.

71 (2) The specified entities shall annually determine by consensus whether federal tax law
72 changes will likely result in a material increase in state income tax revenue for:

73 (a) the next fiscal year; and

74 (b) the first taxable year in which the federal tax law change takes effect.

75 (3) In determining whether federal tax law changes will likely result in a material increase
76 in state income tax revenue under Subsection (2), the specified entities may consider:

77 (a) federal tax law changes enacted in any taxable year;

78 (b) legislative action to increase or offset increases in state income tax revenue; and

79 (c) any other factors the specified entities determine to be relevant.

80 (4)(a) The commission shall submit to the Revenue and Taxation Interim Committee an
81 electronic report on or before October 1 of each year in which the specified entities
82 predict a material increase in state income tax revenue by consensus under
83 Subsection (2).

84 (b) The report described in Subsection (4)(a) shall include:

85 (i) a description of each federal tax law change expected to result in a material
86 increase in state income tax revenue for the next fiscal year; and

87 (ii) an estimate of the amount of the material increase in state income tax revenue that
88 the state is expected to receive for the next fiscal year as a result of the federal tax
89 law changes described under Subsection (4)(b)(i), based on consensus between the
90 specified entities.

91 (5) Upon receiving the report described in Subsection (4)(a), the Revenue and Taxation
92 Interim Committee shall:

93 (a) review the information provided in the report; and

94 (b) if the Revenue and Taxation Interim Committee decides to recommend legislative
95 action to the Legislature in order to negate the material increase in state income tax
96 revenue predicted for the next fiscal year, prepare legislation for consideration in the

97 next annual general session.

98 (6)(a) If the commission submits a report under Subsection (4), the specified entities
99 shall, following the Legislature's next annual general session, determine by consensus
100 whether legislative action taken during the annual general session negates the
101 specified entities' initial prediction of a material increase in state income tax revenue
102 for the next fiscal year.

103 (b)(i) If the specified entities determine by consensus under Subsection (6)(a) that
104 legislative action taken during the annual general session does not negate the
105 specified entities' initial prediction of a material increase in state income tax
106 revenue for the next fiscal year, the commission shall submit to the Division of
107 Finance an electronic report on or before the June 1 following the annual general
108 session.

109 (ii) The report described in this Subsection (6)(b) shall include the information
110 required by Subsection (4)(b)(ii).

111 **Section 3. Effective Date.**

112 This bill takes effect on July 1, 2025.