

H.B. 365

Taxation Notification Requirements

House Amendments

Amendment 3

February 25, 2026 03:30 PM

Representative **Thomas W. Peterson** proposes the following amendments:

1. *Line 10 through 17:*

- 10 to levy a property tax rate that exceeds the certified tax rate, and the approximate
11 amount of the revenue increase and purpose of the revenue increase, before the fiscal
12 year taxing entity begins the budgeting process;
13 → { ~~limits the fiscal year taxing entity's tax rate to a rate that will not generate more than~~
14 ~~the~~
14 ~~revenue increase amount stated in the notice;~~ }
15 →prohibits the State Tax Commission from certifying a fiscal year taxing entity's proposed
16 property tax increase if the fiscal year taxing entity fails to meet the notice requirement;
17 and

2. *Line 40 through 46:*

- 40 (2) If the budget hearing is held in conjunction with a tax increase hearing, the notice
41 required in Subsection (1)(b):
42 (a) may be combined with the notice required under [~~Section 59-2-919~~]Subsection
43 59-2-919(3) or { ~~(4)(a)(iii)~~ } ~~(4)(c)~~; and
44 (b) shall be published in accordance with the advertisement provisions of Section
45 59-2-919.
46 (3) Proof that notice was given in accordance with Subsection (1)(b), or (2) is prima facie

3. *Line 58 through 64:*

- 58 (2) If the budget hearing is held in conjunction with a tax increase hearing, the notice
59 required in Subsection (1)(b):
60 (a) may be combined with the notice required under [~~Section 59-2-919~~]Subsection
61 59-2-919(3) or { ~~(4)(a)(iii)~~ } ~~(4)(c)~~; and
62 (b) shall be published in accordance with the advertisement provisions of Section
63 59-2-919.
64 (3) If the budget hearing is to be held in conjunction with a fee increase hearing, the notice

4. *Line 243 through 253:*

- 243 (i) data for the current calendar year; and
244 (ii) the amount of additional ad valorem tax revenue stated in accordance with this

245 section.

246 (4) ~~{(a)}~~ Except as provided in ~~{f}~~ **Subsection** ~~{Subsections (4)(b) and}~~ (5), a fiscal year
 247 taxing

247 entity may levy a tax rate that exceeds the fiscal year taxing entity's certified tax rate
 248 if the fiscal year taxing entity:

249 ~~{(a)}~~ ~~{(i)}~~ ~~(a)~~ ~~[provides notice by meeting the advertisement requirements of Subsections (6)~~
 250 ~~and (7) before the fiscal year taxing entity conducts the public meeting at which~~
 251 ~~the fiscal year taxing entity's annual budget is adopted; and] on or before~~ ~~{April}~~ ~~May~~ 1 of
 252 ~~the year in which a fiscal year taxing entity intends to levy a tax rate that exceeds~~
 253 ~~the fiscal year taxing entity's certified tax rate, publishes a notice that provides the~~

5. *Line 254 through 271:*

254 fiscal year taxing entity's name and the approximate dollar amount of and purpose
 255 for the additional ad valorem tax revenue that the fiscal year taxing entity intends
 256 to collect:

257 ~~{(A)}~~ ~~(i)~~ electronically in accordance with Section 45-1-101; and

258 ~~{(B)}~~ ~~(ii)~~ as a class A notice under Section ~~Ĥ~~ → [~~{63G-30-102Ĥ}~~] ~~63G-30-102~~ ← ~~Ĥ~~ ;

259 ~~{(b)}~~ ~~{(ii)}~~ ~~(b)~~ conducts a public hearing in accordance with Subsections (8) and (9) before
 260 the fiscal year taxing entity's annual budget is adopted; and

261 ~~{(iii)}~~ ~~(c)~~ provides notice for the public hearing described in Subsection ~~{(4)(a)(ii)}~~ ~~(4)(b)~~ by
 262 meeting the advertisement requirements of Subsections (6) and (7).

263 ~~{(b)}~~ ~~(i)~~ **A fiscal year taxing entity may not impose a rate that would generate more than**
 264 **{ the additional ad valorem property tax revenue that the fiscal year entity states in }**
 265 **{ the notice described in Subsection (4)(a)(i). }**

266 ~~{(ii)}~~ **A fiscal year taxing entity may impose a rate that would generate less than the**
 267 **{ additional ad valorem property tax revenue that the fiscal year entity states in the }**
 268 **{ notice described in Subsection (4)(a)(i). }**

269 (5) (a) A taxing entity is not required to meet the notice or public hearing requirements of
 270 Subsection (3) or (4) if the taxing entity is expressly exempted by law from
 271 complying with the requirements of this section.

6. *Line 279 through 285:*

279 year; and

280 (B) sets a budget during the current fiscal year of less than \$20,000 of ad valorem
 281 tax revenue.

282 (6) (a) Before holding the public hearing described in Subsection (3)(a)(v) or ~~{f}~~ ~~(4)(b)~~ ~~{f}~~

283 ~~(4)(a)(ii)~~ , a taxing entity proposing a tax rate increase under this section shall publish
284 an advertisement regarding the proposed tax increase:
285 (i) electronically in accordance with Section 45-1-101; and

7. *Line 286 through 292:*

286 (ii) as a class A notice under Section 63G-30-102.
287 (b) The advertisement described in Subsection (6)(a) shall:
288 (i) be published for at least 14 days before the day on which the taxing entity
289 conducts the public hearing described in Subsection (3)(a)(v) or {f} (4)(b) ~~{(4)(a)(ii)}~~ ;
290 and
291 (ii) substantially be in the following form and content:
292 "NOTICE OF PROPOSED TAX INCREASE

8. *Line 327 through 337:*

327 direct notice.
328 (8) (a) (i) On or before June 1, a fiscal year taxing entity shall notify the commission
329 and the county auditor of the date, time, and place of the public hearing described
330 in Subsection {f} (4)(b) ~~{(4)(a)(ii)}~~ .
331 (ii) On or before October 1 of the current calendar year, a calendar year taxing entity
332 shall notify the commission and the county auditor of the date, time, and place of
333 the public hearing described in Subsection (3)(a)(v).
334 (b) (i) A public hearing described in Subsection (3)(a)(v) or {f} (4)(b) ~~{(4)(a)(ii)}~~ shall be:
335 (A) open to the public;
336 (B) held at a meeting of the taxing entity with no items on the agenda other than
337 discussion and action on the taxing entity's intent to levy a tax rate that exceeds

9. *Line 341 through 347:*

341 (C) available for individuals to attend or participate either in person or remotely
342 through electronic means.
343 (ii) The governing body of a taxing entity conducting a public hearing described in
344 Subsection (3)(a)(v) or {f} (4)(b) ~~{(4)(a)(ii)}~~ shall:
345 (A) state the dollar amount of additional ad valorem tax revenue that would be
346 generated each year by the proposed increase in the certified tax rate;
347 (B) explain the reasons for the proposed tax increase, including the taxing entity's

10. *Line 354 through 378:*

354 testimony within reasonable time limits and without unreasonable restriction

355 on the number of individuals allowed to make public comment.

356 (c) (i) Except as provided in Subsection (8)(c)(ii), a taxing entity may not schedule a
357 public hearing described in Subsection (3)(a)(v) or {f} (4)(b) {1(4)(a)(ii)} at the same
358 time as the public hearing of another overlapping taxing entity in the same county.

359 (ii) The taxing entities in which the power to set tax levies is vested in the same
360 governing board or authority may consolidate the public hearings described in
361 Subsection (3)(a)(v) or {f} (4)(b) {1(4)(a)(ii)} into one public hearing.

362 (d) The county auditor shall resolve any conflict in public hearing dates and times after
363 consultation with each affected taxing entity.

364 (e) (i) A taxing entity shall hold a public hearing described in Subsection (3)(a)(v) or {f}
365 (4)(b) {1(4)(a)(ii)} beginning at or after 6 p.m.

366 (ii) If a taxing entity holds a public meeting for the purpose of addressing general
367 business of the taxing entity on the same date as a public hearing described in
368 Subsection (3)(a)(v) or {f} (4)(b) {1(4)(a)(ii)}, the public meeting addressing general
369 business items shall conclude before the beginning of the public hearing described
370 in Subsection (3)(a)(v) or {f} (4)(b) {1(4)(a)(ii)} .

371 (f) (i) Except as provided in Subsection (8)(f)(ii), a taxing entity may not hold the
372 public hearing described in Subsection (3)(a)(v) or {f} (4)(b) {1(4)(a)(ii)} on the same
373 date as another public hearing of the taxing entity.

374 (ii) A taxing entity may hold the following hearings on the same date as a public
375 hearing described in Subsection (3)(a)(v) or {f} (4)(b) {1(4)(a)(ii)} :

376 (A) a budget hearing;

377 (B) if the taxing entity is a special district or a special service district, a fee
378 hearing described in Section 17B-1-643;

11. *Line 381 through 388:*

381 (D) if the taxing entity is a city, an enterprise fund hearing described in Section
382 10-6-135.5.

383 (9) (a) If a taxing entity does not make a final decision on budgeting additional ad
384 valorem tax revenue at a public hearing described in Subsection (3)(a)(v) or {f} (4)(b) {1
385 (4)(a)(ii)} , the taxing entity shall:

386 (i) announce at that public hearing the scheduled time and place of the next public
387 meeting at which the taxing entity will consider budgeting the additional ad
388 valorem tax revenue; and

12. *Line 401 through 410:*

401 a report of the auditor's findings to the commission.

402 (c) The commission may not certify a tax rate that exceeds a taxing entity's certified tax
403 rate if, on or before September 15 of the year in which the taxing entity is required to
404 hold the public hearing described in Subsection (3)(a)(v) or ~~{F}~~ **(4)(b)** ~~{(4)(a)(ii)}~~, the
405 commission determines that the taxing entity has failed to meet:

406 (i) the requirements of Subsection (8); and

407 (ii) for a fiscal year taxing entity, the requirements of Subsection ~~{(4)(a)(i)}~~ **(4)(a)**.

408 (11) For a fiscal year within a truth-in-taxation exemption period, a taxing entity may adopt
409 a budget that is equal to or less than the base year budgeted revenue without complying
410 with this section.

13. *Line 435 through 439:*

435 (4) A political subdivision that levies an annual property tax under Subsection (1)(a) to pay
436 the portion of any claim, settlement, or judgment that exceeds \$3,000,000:

437 (a) shall comply with the notice and public hearing requirements under ~~[Section~~
438 ~~59-2-919]~~Subsections ~~{59-2-919(4)(a)(ii)}~~ **59-2-919(4)(b)** and ~~{(4)(a)(iii)}~~ **(c)**; and

439 (b) may levy the annual property tax until the bonds' maturity dates expire.