

1                    **Utah Taxpayer Oversight of Government Spending Amendments**

2026 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Tiara Auxier**

Senate Sponsor:

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2  
3 **LONG TITLE**

4 **General Description:**

5        This bill establishes taxpayer oversight of government spending.

6 **Highlighted Provisions:**

7        This bill:

8            ▶ establishes taxpayer oversight of government spending as required by a proposed  
9 amendment to the Utah Constitution, including:

10            • requiring voters to approve an increase in state or local government revenue through  
11 most taxes or government debt;

12            • limiting the amount of revenue a government entity may spend in a fiscal year unless  
13 voters approve increased spending;

14            • eliminating automatic increases to taxes; and

15            • requiring a refund of excess revenue to taxpayers;

16            ▶ repeals provisions requiring residential property to be assessed using any method other  
17 than the sales comparison approach;

18            ▶ modifies elections provisions to accommodate voting requirements;

19            ▶ exempts business personal property that is not subject to a uniform fee from property tax;

20            ▶ makes technical and conforming changes; and

21            ▶ makes these changes contingent upon passage of a proposed constitutional amendment.

22 **Money Appropriated in this Bill:**

23        None

24 **Other Special Clauses:**

25        This bill provides a special effective date.

26 **Utah Code Sections Affected:**

27 **AMENDS:**

28        **10-5-102.5 (Contingently Effective 01/01/27)**, as enacted by Laws of Utah 2014,

29        Chapters 176, 253 and 377 and last amended by Coordination Clause, Laws of Utah 2014,

30        Chapter 253

31 **10-5-109 (Contingently Effective 01/01/27)**, as last amended by Laws of Utah 2019,  
32 Chapter 322

33 **10-5-112 (Contingently Effective 01/01/27)**, as last amended by Laws of Utah 2021,  
34 Chapter 434

35 **10-5-113 (Contingently Effective 01/01/27)**, as last amended by Laws of Utah 2021,  
36 Chapter 52

37 **10-6-106 (Contingently Effective 01/01/27)**, as last amended by Laws of Utah 2019,  
38 Chapter 136

39 **10-6-116 (Contingently Effective 01/01/27)**, as last amended by Laws of Utah 2021,  
40 Chapter 52

41 **10-6-118 (Contingently Effective 01/01/27)**, as last amended by Laws of Utah 2019,  
42 Chapter 322

43 **10-6-133 (Effective 01/01/27)**, as last amended by Laws of Utah 2021, Chapter 434

44 **10-6-135 (Contingently Effective 01/01/27)**, as last amended by Laws of Utah 2019,  
45 Chapter 322

46 **10-6-136 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, Chapter 354

47 **11-13-509 (Effective 01/01/27)**, as last amended by Laws of Utah 2023, Chapter 435

48 **11-13-514 (Effective 01/01/27)**, as enacted by Laws of Utah 2015, Chapter 265

49 **17-63-101 (Effective 01/01/27)**, as renumbered and amended by Laws of Utah 2025,  
50 First Special Session, Chapter 13

51 **17-63-305 (Effective 01/01/27)**, as renumbered and amended by Laws of Utah 2025,  
52 First Special Session, Chapter 13

53 **17-63-306 (Effective 01/01/27)**, as renumbered and amended by Laws of Utah 2025,  
54 First Special Session, Chapter 13

55 **17B-1-609 (Effective 01/01/27)**, as last amended by Laws of Utah 2023, Chapters 15, 435

56 **17B-1-614 (Effective 01/01/27)**, as last amended by Laws of Utah 2023, Chapter 15

57 **17B-1-627 (Effective 01/01/27)**, as last amended by Laws of Utah 2023, Chapter 15

58 **17B-1-629 (Effective 01/01/27)**, as last amended by Laws of Utah 2023, Chapter 15

59 **17B-2a-608 (Effective 01/01/27)**, as last amended by Laws of Utah 2017, Chapter 112

60 **17B-2a-705 (Effective 01/01/27)**, as last amended by Laws of Utah 2023, Chapter 435

61 **17B-2a-1009 (Effective 01/01/27)**, as last amended by Laws of Utah 2017, Chapters 112,  
62 418

63 **17C-1-1002 (Effective 01/01/27)**, as enacted by Laws of Utah 2021, Chapter 214

64 **17C-1-1005 (Effective 01/01/27)**, as enacted by Laws of Utah 2021, Chapter 214

65        **17D-1-105 (Effective 01/01/27)**, as enacted by Laws of Utah 2008, Chapter 360  
66        **17D-3-107 (Effective 01/01/27)**, as last amended by Laws of Utah 2021, Chapter 84  
67        **17D-4-301 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, Chapter 347  
68        **20A-1-203 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, First Special  
69        Session, Chapter 16  
70        **20A-1-204 (Effective 01/01/27)**, as last amended by Laws of Utah 2022, Chapter 170  
71        **20A-3a-202 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, Chapters 381,  
72        448  
73        **20A-3a-702 (Effective 01/01/27)**, as renumbered and amended by Laws of Utah 2020,  
74        Chapter 31  
75        **20A-5-400.5 (Effective 01/01/27)**, as last amended by Laws of Utah 2023, Chapter 15  
76        **20A-7-101 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, First Special  
77        Session, Chapter 16  
78        **20A-7-103 (Effective 01/01/27) (Contingently Superseded 01/01/27)**, as last amended by  
79        Laws of Utah 2025, Chapter 448  
80        **20A-7-103 (Contingently Effective 01/01/27)**, as last amended by Laws of Utah 2025,  
81        Chapter 492  
82        **20A-7-601 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, First Special  
83        Session, Chapter 15  
84        **20A-7-607 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, First Special  
85        Session, Chapter 16  
86        **20A-7-702 (Effective 01/01/27)**, as last amended by Laws of Utah 2024, Chapter 465  
87        **20A-7-703.1 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, Chapter 448  
88        **53F-8-201 (Effective 01/01/27)**, as last amended by Laws of Utah 2019, Chapter 186  
89        **53F-8-301 (Effective 01/01/27)**, as renumbered and amended by Laws of Utah 2018,  
90        Chapter 2  
91        **53F-8-302 (Effective 01/01/27)**, as last amended by Laws of Utah 2018, Chapter 456 and  
92        renumbered and amended by Laws of Utah 2018, Chapter 2  
93        **53G-3-304 (Effective 01/01/27)**, as last amended by Laws of Utah 2024, Chapter 526  
94        **53G-7-303 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, First Special  
95        Session, Chapter 16  
96        **53G-7-306 (Effective 01/01/27)**, as last amended by Laws of Utah 2021, Chapter 214  
97        **59-2-102 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, Chapter 234  
98        **59-2-103 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, Chapter 234

99           **59-2-103.5 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, Chapter 234  
100           **59-2-110 (Effective 01/01/27)**, as enacted by Laws of Utah 2020, Chapter 105  
101           **59-2-306 (Effective 01/01/27)**, as last amended by Laws of Utah 2024, Chapter 315  
102           **59-2-307 (Effective 01/01/27)**, as last amended by Laws of Utah 2022, Chapter 239  
103           **59-2-909 (Effective 01/01/27)**, as last amended by Laws of Utah 1993, Chapter 227  
104           **59-2-911 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, First Special  
105           Session, Chapter 17  
106           **59-2-912 (Effective 01/01/27)**, as last amended by Laws of Utah 2013, Chapter 183  
107           **59-2-913 (Effective 01/01/27)**, as last amended by Laws of Utah 2018, Chapter 368  
108           **59-2-918.5 (Effective 01/01/27)**, as last amended by Laws of Utah 2024, Chapter 246  
109           **59-2-919 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, First Special  
110           Session, Chapter 17  
111           **59-2-919.1 [~~(Effective 07/01/26)~~] (Effective 01/01/27)**, as last amended by Laws of Utah  
112           2025, Chapter 518  
113           **59-2-920 (Effective 01/01/27)**, as last amended by Laws of Utah 2019, Chapter 322  
114           **59-2-921 (Effective 01/01/27)**, as last amended by Laws of Utah 2009, Chapter 204  
115           **59-2-924 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, First Special  
116           Session, Chapter 15  
117           **59-2-924.2 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, Chapter 29  
118           **59-2-1004 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, Chapter 337  
119           **59-2-1006 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, Chapter 172  
120           **59-2-1330 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, Chapter 172  
121           **59-2-1602 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, Chapters 337,  
122           484  
123           **59-12-703 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, First Special  
124           Session, Chapter 17  
125           **59-12-704 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, Chapter 290  
126           **59-12-1402 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, Chapters 290,  
127           399  
128           **59-12-1403 (Effective 01/01/27)**, as last amended by Laws of Utah 2011, Chapters 309,  
129           416  
130           **59-12-2208 (Effective 01/01/27)**, as last amended by Laws of Utah 2023, Chapter 435  
131           **59-12-2213 (Effective 01/01/27)**, as last amended by Laws of Utah 2011, Chapter 223  
132           **59-12-2214 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, Chapter 29

133 **59-12-2215 (Effective 01/01/27)**, as last amended by Laws of Utah 2020, Chapter 377  
 134 **59-12-2216 (Effective 01/01/27)**, as last amended by Laws of Utah 2024, Chapter 501  
 135 **59-12-2218 (Effective 01/01/27)**, as last amended by Laws of Utah 2019, Chapter 479  
 136 **59-12-2219 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, Chapter 400  
 137 **59-12-2220 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, First Special  
 138 Session, Chapter 15  
 139 **59-12-2402 (Effective 01/01/27)**, as enacted by Laws of Utah 2025, First Special  
 140 Session, Chapter 12  
 141 **59-13-201 (Effective 01/01/27)**, as last amended by Laws of Utah 2023, Chapter 464  
 142 **59-13-301 (Effective 01/01/27)**, as last amended by Laws of Utah 2019, Chapter 479  
 143 **63G-7-704 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, First Special  
 144 Session, Chapter 17  
 145 **72-2-121.1 (Effective 01/01/27)**, as last amended by Laws of Utah 2019, Chapter 479

## ENACTS:

146  
 147 **11-72-101 (Effective 01/01/27)**, Utah Code Annotated 1953  
 148 **11-72-102 (Effective 01/01/27)**, Utah Code Annotated 1953  
 149 **11-72-103 (Effective 01/01/27)**, Utah Code Annotated 1953  
 150 **17-63-810 (Contingently Effective 01/01/27)**, Utah Code Annotated 1953  
 151 **17B-1-646 (Effective 01/01/27)**, Utah Code Annotated 1953  
 152 **20A-7-901 (Effective 01/01/27)**, Utah Code Annotated 1953  
 153 **20A-7-902 (Contingently Effective 01/01/27)**, Utah Code Annotated 1953  
 154 **20A-7-903 (Contingently Effective 01/01/27)**, Utah Code Annotated 1953  
 155 **20A-7-904 (Effective 01/01/27)**, Utah Code Annotated 1953  
 156 **53G-7-310 (Effective 01/01/27)**, Utah Code Annotated 1953  
 157 **59-1-1901 (Contingently Effective 01/01/27)**, Utah Code Annotated 1953  
 158 **59-1-1902 (Contingently Effective 01/01/27)**, Utah Code Annotated 1953  
 159 **59-1-1903 (Contingently Effective 01/01/27)**, Utah Code Annotated 1953  
 160 **59-1-1904 (Contingently Effective 01/01/27)**, Utah Code Annotated 1953  
 161 **59-1-1905 (Contingently Effective 01/01/27)**, Utah Code Annotated 1953  
 162 **59-1-1906 (Contingently Effective 01/01/27)**, Utah Code Annotated 1953  
 163 **59-1-1907 (Contingently Effective 01/01/27)**, Utah Code Annotated 1953  
 164 **59-1-1908 (Contingently Effective 01/01/27)**, Utah Code Annotated 1953

## REPEALS AND REENACTS:

165  
 166 **59-2-1115 (Effective 01/01/27)**, as last amended by Laws of Utah 2022, Chapters 41,

167 275 and 293

168 RENUMBERS AND AMENDS:

169 **20A-7-905 (Effective 01/01/27)**, (Renumbered from 59-1-1604, as last amended by  
170 Laws of Utah 2016, Chapter 53)

171 **20A-7-906 (Effective 01/01/27)**, (Renumbered from 59-1-1605, as last amended by  
172 Laws of Utah 2016, Chapter 53)

173 REPEALS:

174 **20A-7-609.5 (Contingently Effective 01/01/27)**, as last amended by Laws of Utah 2025,  
175 Chapters 381, 448

176 **20A-7-613 (Contingently Effective 01/01/27)**, as last amended by Laws of Utah 2025,  
177 Chapter 448

178 **53F-8-402 (Effective 01/01/27)**, as last amended by Laws of Utah 2019, Chapter 186

179 **59-1-1602 (Effective 01/01/27)**, as enacted by Laws of Utah 2014, Chapter 356

180 **59-1-1603 (Effective 01/01/27)**, as enacted by Laws of Utah 2014, Chapter 356

181 **59-2-301.3 (Contingently Effective 01/01/27)**, as last amended by Laws of Utah 2022,  
182 Chapter 267

183 **59-2-301.8 (Contingently Effective 01/01/27)**, as enacted by Laws of Utah 2020, Chapter  
184 86

185 **59-2-306.5 (Effective 01/01/27)**, as last amended by Laws of Utah 2024, Chapter 315

186 **59-2-402 (Effective 01/01/27)**, as last amended by Laws of Utah 2007, Chapter 210

187 **59-2-918.6 (Effective 01/01/27)**, as last amended by Laws of Utah 2018, Chapter 415

188 **59-2-919.2 (Effective 01/01/27)**, as last amended by Laws of Utah 2025, Chapter 337

189 **59-2-922 (Effective 01/01/27)**, as last amended by Laws of Utah 2009, Chapter 204

190 **59-2-923 (Effective 01/01/27)**, as last amended by Laws of Utah 2009, Chapter 204

191 **59-12-2212.1 (Effective 01/01/27)**, as enacted by Laws of Utah 2010, Chapter 263

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

194 Section 1. Section **10-5-102.5** is amended to read:

195 **10-5-102.5 (Contingently Effective 01/01/27). Definitions.**

196 As used in this chapter:

197 (1) "Enterprise fund" means a fund as defined by the Governmental Accounting Standards  
198 Board that is used by a municipality to report an activity for which a fee is charged to  
199 users for goods or services.

200 (2) "Fund" [is-as] means the same as that term is defined by the Governmental Accounting

201 Standards Board as reflected in the Uniform Accounting Manual for All Local  
 202 Governments prepared by the Office of the [~~Utah~~]State Auditor.

203 (3) "General fund" [~~is as~~] means the same as that term is defined by the Governmental  
 204 Accounting Standards Board as reflected in the Uniform Accounting Manual for All  
 205 Local Governments prepared by the Office of the [~~Utah~~]State Auditor.

206 (4) "Interfund loan" means a loan of cash from one fund to another, subject to future  
 207 repayment.

208 (5) "Total political subdivision revenue" means the same as that term is defined in Section  
 209 59-1-1902.

210 [~~(5)~~] (6) "Town general fund" means the general fund used by a town.

211 [~~(6)~~] (7) "Utility" means a utility owned by a town, in whole or in part, that provides  
 212 electricity, gas, water, or sewer, or any combination of them.

213 Section 2. Section **10-5-109** is amended to read:

214 **10-5-109 (Contingently Effective 01/01/27). Adoption of budgets -- Filing.**

215 (1) Before June 30 of each year, [~~or September 1 in the case of a property tax increase~~  
 216 ~~under Sections 59-2-919 through 59-2-923,~~]the council shall by resolution or ordinance  
 217 adopt a budget for the ensuing fiscal year for each fund for which this chapter requires a  
 218 budget[~~is required under this chapter~~].

219 (2) The final budget may not exceed the town's fiscal year spending limit described in  
 220 Section 59-1-1904.

221 [~~(2)~~] (3) The council shall file a copy of the final budget for each fund with the state auditor  
 222 within 30 days after [~~adoption~~] the day on which the council adopts the budget for the  
 223 fund.

224 Section 3. Section **10-5-112** is amended to read:

225 **10-5-112 (Contingently Effective 01/01/27). Property tax levy set by ordinance --**  
 226 **Maximum -- Certification.**

227 (1)(a) [~~Not later than~~] Before June 22 of each year, [~~or September 1 in the case of a~~  
 228 property tax increase under Sections 59-2-919 through 59-2-923,]the council, at a  
 229 regular meeting or special meeting called for that purpose, shall by ordinance or  
 230 resolution set the real and personal property tax levy for town purposes[~~, but the levy~~  
 231 ~~may be set at an appropriate later date with the approval of the State Tax Commission~~].

232 (b) Notwithstanding Subsection (1)(a), the council may set the levy at an appropriate  
 233 later date with the approval of the State Tax Commission.

234 (2) The combined levies for each town, for all purposes in any year, excluding the

235 retirement of general obligation bonds and the payment of any interest, and taxes  
 236 expressly authorized by law to be levied in addition, may not exceed .007 per dollar of  
 237 taxable value of taxable property.

238 (3) The town clerk shall certify the ordinance or resolution setting the levy to the county  
 239 auditor, or auditors, if the town is located in more than one county, not later than June 22  
 240 of each year.

241 (4) For the first fiscal year after the year in which a county imposes a levy under Section  
 242 11-46-104, a town shall reduce the levy imposed under this section for general tax  
 243 purposes by the amount necessary to offset the revenue described in Subsection  
 244 11-46-104(5)(c)(iii).

245 Section 4. Section **10-5-113** is amended to read:

246 **10-5-113 (Contingently Effective 01/01/27). Accumulation of retained earnings**  
 247 **or fund balance -- Limit as to general fund -- Reserve for capital improvements.**

248 (1) A town may accumulate retained earnings or fund balances, as appropriate, in any fund.

249 (2) The accumulation of a fund balance in the town general fund may not exceed 100% of  
 250 the total revenue of the town general fund for the current fiscal period.

251 (3)(a) The town council may appropriate, in a budget year, [~~appropriate~~] from estimated  
 252 revenue or excess fund balance in the town general fund to a reserve for capital  
 253 improvements:

254 (i) for the purpose of financing future specified capital improvements; and

255 (ii) in accordance with a formal long-range capital plan adopted by the governing  
 256 body.

257 (b) The reserves described in Subsection (3)(a) may accumulate from year to year in a  
 258 capital improvements fund until the accumulated total is sufficient to permit  
 259 economical expenditure for the specified purposes.

260 (4)(a) In accordance with Utah Constitution, Article XIII, Section 9, and except as  
 261 provided in Title 20A, Chapter 7, Part 9, Tax Increase Voting Requirements, the  
 262 town council shall refund revenue that exceeds the town's fiscal year spending limit  
 263 to taxpayers.

264 (b) The preferred form of refund is a property tax rate reduction, but the town council  
 265 shall determine the form of refund, at the lowest cost and by any reasonable method.

266 (c)(i) A refund of tax revenue other than a property tax revenue need not be  
 267 proportional if tax payments are impractical to identify or return.

268 (ii) A refund of property tax revenue shall be proportional.

269 (d)(i) Except as provided in Subsection (4)(d)(ii), the town council shall make a  
 270 refund during the next fiscal year.

271 (ii) The town council may reserve the revenue that exceeds the town's fiscal year  
 272 spending limit for one additional fiscal year if the cost of administration, as  
 273 determined by the town council, exceeds the amount of refunds.

274 Section 5. Section **10-6-106** is amended to read:

275 **10-6-106 (Contingently Effective 01/01/27). Definitions.**

276 As used in this chapter:

277 (1) "Account group" is defined by generally accepted accounting principles as reflected in  
 278 the Uniform Accounting Manual for Utah Cities.

279 (2) "Appropriation" means an allocation of money by the governing body for a specific  
 280 purpose.

281 (3)(a) "Budget" means a plan of financial operations for a fiscal period which embodies  
 282 estimates of proposed expenditures for given purposes and the proposed means of  
 283 financing them.

284 (b) "Budget" may refer to the budget of a particular fund for which a budget is required  
 285 by law or it may refer collectively to the budgets for all such funds.

286 (4) "Budget officer" means the city auditor in a city of the first and second class, the mayor  
 287 or some person appointed by the mayor with the approval of the city council in a city of  
 288 the third, fourth, or fifth class, the mayor in the council-mayor optional form of  
 289 government, or the person designated by the charter in a charter city.

290 (5) "Budget period" means the fiscal period for which a budget is prepared.

291 (6) "Budgetary fund" means a fund for which a budget is required.

292 (7) "Check" means an order in a specific amount drawn upon a depository by an authorized  
 293 officer of a city.

294 (8) "City general fund" means the general fund used by a city.

295 (9) "Current period" means the fiscal period in which a budget is prepared and adopted, i.e.,  
 296 the fiscal period next preceding the budget period.

297 (10) "Department" means any functional unit within a fund that carries on a specific  
 298 activity, such as a fire or police department within a city general fund.

299 (11) "Encumbrance system" means a method of budgetary control in which part of an  
 300 appropriation is reserved to cover a specific expenditure by charging obligations, such as  
 301 purchase orders, contracts, or salary commitments to an appropriation account at ~~their~~  
 302 the time of origin. Such obligations cease to be encumbrances when paid or when the

- 303 actual liability is entered on the city's books of account.
- 304 (12) "Enterprise fund" means a fund as defined by the Governmental Accounting Standards  
305 Board that is used by a municipality to report an activity for which a fee is charged to  
306 users for goods or services.
- 307 (13) "Estimated revenue" means the amount of revenue estimated to be received from all  
308 sources during the budget period in each fund for which a budget is being prepared.
- 309 (14) "Financial officer" means the mayor in the council-mayor optional form of government  
310 or the city official as authorized by Section 10-6-158.
- 311 (15) "Fiscal period" means the annual or biennial period for accounting for fiscal operations  
312 in each city.
- 313 (16) "Fund" is as defined by generally accepted accounting principles as reflected in the  
314 Uniform Accounting Manual for Utah Cities.
- 315 (17) "Fund balance," "retained earnings," and "deficit" have the meanings commonly  
316 accorded such terms under generally accepted accounting principles as reflected in the  
317 Uniform Accounting Manual for Utah Cities.
- 318 (18) "General fund" [~~is as~~] means the same as that term is defined by the Governmental  
319 Accounting Standards Board as reflected in the Uniform Accounting Manual for All  
320 Local Governments prepared by the Office of the [~~Utah~~]State Auditor.
- 321 (19) "Governing body" means a city council, or city commission, as the case may be, but  
322 the authority to make any appointment to any position created by this chapter is vested  
323 in the mayor in the council-mayor optional form of government.
- 324 (20) "Interfund loan" means a loan of cash from one fund to another, subject to future  
325 repayment.
- 326 (21) "Last completed fiscal period" means the fiscal period next preceding the current  
327 period.
- 328 (22)(a) "Public funds" means any money or payment collected or received by an officer  
329 or employee of the city acting in an official capacity and includes money or payment  
330 to the officer or employee for services or goods provided by the city, or the officer or  
331 employee while acting within the scope of employment or duty.
- 332 (b) "Public funds" does not include money or payments collected or received by an  
333 officer or employee of a city for charitable purposes if the mayor or city council has  
334 consented to the officer's or employee's participation in soliciting contributions for a  
335 charity.
- 336 (23) "Special fund" means any fund other than the city general fund.

337 (24) "Total political subdivision revenue" means the same as that term is defined in Section  
 338 59-1-1902.

339 ~~[(24)]~~ (25) "Utility" means a utility owned by a city, in whole or in part, that provides  
 340 electricity, gas, water, or sewer, or any combination of them.

341 ~~[(25)]~~ (26) "Warrant" means an order drawn upon the city treasurer, in the absence of  
 342 sufficient money in the city's depository, by an authorized officer of a city for the  
 343 purpose of paying a specified amount out of the city treasury to the person named or to  
 344 the bearer as money becomes available.

345 Section 6. Section **10-6-116** is amended to read:

346 **10-6-116 (Contingently Effective 01/01/27). Accumulated fund balances --**  
 347 **Limitations -- Excess balances -- Unanticipated excess of revenues -- Reserves for capital**  
 348 **improvements.**

349 (1)(a) A city may accumulate retained earnings or fund balances, as appropriate, in any  
 350 fund.[-]

351 (b) With respect to the city general fund only, any accumulated fund balance is restricted  
 352 to the following purposes:

353 (i) to provide working capital to finance expenditures from the beginning of the  
 354 budget period until general property taxes, sales taxes, or other applicable  
 355 revenues are collected, thereby reducing the amount the city must borrow during  
 356 the period;

357 (ii) to provide a resource to meet emergency expenditures under Section 10-6-129;  
 358 and

359 (iii) to cover a pending year-end excess of expenditures over revenues from an  
 360 unavoidable shortfall in revenues.

361 ~~[(b)]~~ (c) Notwithstanding Subsection ~~[(1)(a)(i)]~~ (1)(b)(i), a city may not appropriate a  
 362 fund balance for budgeting purposes except as provided in Subsection (4).

363 ~~[(e)]~~ (d) Notwithstanding Subsection ~~[(1)(a)(iii)]~~ (1)(b)(iii), a city may not appropriate a  
 364 fund balance to avoid an operating deficit during any budget period except as  
 365 provided under Subsection (4)[-]or for emergency purposes under Section 10-6-129.

366 (2) The accumulation of a fund balance in the city general fund may not exceed 35% of the  
 367 total revenue of the city general fund for the current fiscal period.

368 (3) If the fund balance at the close of any fiscal period exceeds the amount permitted under  
 369 Subsection (2), the city shall appropriate the excess ~~[shall be appropriated]~~ in the manner  
 370 provided in Section 10-6-117.

- 371 (4) ~~[Any]~~ The city may use a fund balance in excess of 5% of the total revenues of the city  
 372 general fund ~~[may be utilized]~~for budget purposes.
- 373 (5)(a) Within a capital improvements fund, the governing body may appropriate, in any  
 374 budget period, ~~[appropriate]~~from estimated revenue or fund balance to a reserve for  
 375 capital improvements for the purpose of financing future specific capital  
 376 improvements, under a formal long-range capital plan adopted by the governing body.
- 377 (b) The reserves described in Subsection (5)(a) may accumulate from fiscal period to  
 378 fiscal period until the accumulated total is sufficient to permit economical  
 379 expenditure for the specified purposes.
- 380 (c) Disbursements from reserves described in Subsection (5)(a) shall be made only by  
 381 transfer to a revenue or transfer account within the capital improvements fund, under  
 382 a budget appropriation in a budget for the fund adopted in the manner provided by  
 383 this chapter.
- 384 (d) Expenditures from the above appropriation budget accounts shall conform to all  
 385 requirements of this chapter relating to execution and control of budgets.
- 386 (6)(a) In accordance with Utah Constitution, Article XIII, Section 9, and except as  
 387 provided in Title 20A, Chapter 7, Part 9, Tax Increase Voting Requirements, the  
 388 governing body shall refund revenue that exceeds the city's fiscal year spending limit  
 389 to taxpayers.
- 390 (b) The preferred form of refund is a property tax rate reduction, but the governing body  
 391 shall determine the form of refund, at the lowest cost and by any reasonable method.
- 392 (c)(i) A refund of tax revenue other than a property tax revenue need not be  
 393 proportional if tax payments are impractical to identify or return.
- 394 (ii) A refund of property tax revenue shall be proportional.
- 395 (d)(i) Except as provided in Subsection (6)(d)(ii), the governing body shall make a  
 396 refund during the next fiscal year.
- 397 (ii) The governing body may reserve the revenue that exceeds the city's fiscal year  
 398 spending limit one additional fiscal year if the cost of administration, as  
 399 determined by the governing body, exceeds the amount of refunds.

400 Section 7. Section **10-6-118** is amended to read:

401 **10-6-118 (Contingently Effective 01/01/27). Adoption of final budget --**

402 **Certification and filing.**

- 403 (1) Before June 30 of each fiscal period, ~~[or, in the case of a property tax increase under~~  
 404 ~~Sections 59-2-919 through 59-2-923, before September 1 of the year for which a~~

405 ~~property tax increase is proposed,~~ the governing body shall by resolution or ordinance  
 406 adopt a budget for the ensuing fiscal period for each fund for which this chapter requires  
 407 a budget~~[is required under this chapter]~~.

408 (2) The final budget may not exceed the city's fiscal year spending limit described in  
 409 Section 59-1-1904.

410 [(2)] (3) The budget officer of the governing body shall certify a copy of the final budget  
 411 and file the copy with the state auditor within 30 days after [adoption] the governing  
 412 body adopts the budget.

413 Section 8. Section **10-6-133** is amended to read:

414 **10-6-133 (Effective 01/01/27). Property tax levy -- Time for setting --**  
 415 **Computation of total levy -- Apportionment of proceeds -- Maximum levy.**

416 (1)(a) Before June 22 of each year, [~~or September 1 in the case of a property tax rate~~  
 417 ~~increase under Sections 59-2-919 through 59-2-923,~~] the governing body of each  
 418 city, including charter cities, at a regular meeting or special meeting called for that  
 419 purpose, shall by ordinance or resolution set the real and personal property tax levy  
 420 for various municipal purposes.

421 (b) Notwithstanding Subsection (1)(a), the governing body may set the levy at an  
 422 appropriate later date with the approval of the State Tax Commission.

423 (2) In the governing body's computation of the total levy, the governing body shall  
 424 determine the requirements of each fund for which property taxes are to be levied and  
 425 shall specify in the governing body's ordinance or resolution adopting the levy the  
 426 amount apportioned to each fund.

427 (3) The proceeds of the levy apportioned for city general fund purposes shall be credited as  
 428 revenue in the city general fund.

429 (4) The proceeds of the levy apportioned for special fund purposes shall be credited to the  
 430 appropriate accounts in the applicable special funds.

431 (5) For the first fiscal year after the year in which a county imposes a levy under Section  
 432 11-46-104, a city shall reduce the levy imposed under this section for general tax  
 433 purposes by the amount necessary to offset the revenue described in Subsection  
 434 11-46-104(5)(c)(iii).

435 (6) The combined levies for each city, including charter cities, for all purposes in any year,  
 436 excluding the retirement of general obligation bonds and the payment of any interest,  
 437 and taxes expressly authorized by law to be levied in addition, may not exceed .007 per  
 438 dollar of taxable value of taxable property.

439 Section 9. Section **10-6-135** is amended to read:

440 **10-6-135 (Contingently Effective 01/01/27). Operating and capital budgets.**

441 (1)(a) As used in this section, "operating and capital budget" means a plan of financial  
442 operation for an enterprise fund or other required special fund that includes estimates  
443 of operating resources, expenses, and other outlays for a fiscal period.

444 (b) Except as otherwise expressly provided, any reference to "budget" or "budgets" and  
445 the procedures and controls relating to a budget or budgets in other sections of this  
446 chapter do not apply or refer to the operating and capital budgets described in this  
447 section.

448 (2) At or before the time the governing body adopts budgets for the funds described in  
449 Section 10-6-109, the governing body shall adopt:

450 (a) an operating and capital budget for each enterprise fund for the ensuing fiscal period;  
451 and

452 (b) the type of budget for other special funds as required by the Uniform Accounting  
453 Manual for Utah Cities.

454 (3)(a) The governing body shall adopt and administer an operating and capital budget in  
455 accordance with this Subsection (3).

456 (b) At or before the first regularly scheduled meeting of the governing body in the last  
457 May of the current fiscal period, the budget officer shall:

458 (i) prepare for the ensuing fiscal period and file with the governing body a tentative  
459 operating and capital budget for:

460 (A) each enterprise fund; and

461 (B) other required special funds;

462 (ii) include with the tentative operating and capital budget described in Subsection [

463 ~~(3)(e)~~] (3)(b)(i) specific work programs as submitted by each department head; and

464 (iii) include any other supporting data required by the governing body.

465 (c) Each city of the first or second class shall, and each city of the third, fourth, or fifth  
466 class may, submit a supplementary estimate of all capital projects which a department  
467 head believes should be undertaken within the three next succeeding fiscal periods.

468 (d)(i) Subject to Subsection (3)(d)(ii), the budget officer shall prepare all estimates  
469 after review and consultation with each department head described in Subsection  
470 (3)(c).

471 (ii) After complying with Subsection (3)(d)(i), the budget officer may revise any  
472 departmental estimate before ~~[it is filed]~~ the budget officer files the departmental

473 estimate with the governing body.

474 (4)(a) [~~Each~~] The governing body shall review and consider each tentative budget,  
475 amendment to a budget, or budget [~~shall be reviewed and considered by the~~  
476 ~~governing body at any~~] at a regular meeting or a special meeting called for that  
477 purpose.

478 (b) The governing body may make changes in the tentative budgets.

479 (5) Budgets for enterprise or other required special funds shall comply with the public  
480 hearing requirements established in Sections 10-6-113 and 10-6-114.

481 (6)(a) Before the last June 30 of each fiscal period, [~~or, in the case of a property tax~~  
482 ~~increase under Sections 59-2-919 through 59-2-923, before September 1 of the year~~  
483 ~~for which a property tax increase is proposed,~~] the governing body shall adopt an  
484 operating and capital budget for each applicable fund for the ensuing fiscal period.

485 (b) A copy of the budget as finally adopted for each fund shall be:

486 (i) certified by the budget officer;

487 (ii) filed by the budget officer in the office of the city auditor or city recorder;

488 (iii) available to the public during regular business hours; and

489 (iv) filed with the state auditor within 30 days after the day on which the governing  
490 body adopts the budget[~~is adopted~~].

491 (7)(a) Upon final adoption, the operating and capital budget is in effect for the budget  
492 period, subject to later amendment.

493 (b) During the budget period the governing body may, in [~~any~~] a regular meeting or a  
494 special meeting called for that purpose, review any one or more of the operating and  
495 capital budgets for the purpose of determining if the [~~total of any of them should be~~  
496 ~~increased~~] governing body should increase the total of any operating and capital  
497 budget.

498 (c) If the governing body decides that the governing body should increase the budget  
499 total of one or more of the [~~funds should be increased under Subsection (7)(b)~~]  
500 operating and capital budgets, the governing body shall follow the procedures set  
501 forth in Section 10-6-136.

502 (8) Expenditures from operating and capital budgets shall conform to the requirements  
503 relating to budgets specified in Sections 10-6-121 through 10-6-126.

504 Section 10. Section **10-6-136** is amended to read:

505 **10-6-136 (Effective 01/01/27). Increase in appropriations for operating and**  
506 **capital budget funds -- Notice.**

507 (1) The governing body may increase the total budget appropriation of any fund described  
 508 in Section 10-6-135 [~~may be increased by resolution of the governing body~~] by resolution  
 509 at any regular meeting, or special meeting called for that purpose, provided that the  
 510 governing body:

511 (a) mails or delivers written notice of the time, place and purpose of the meeting [~~shall~~  
 512 ~~have been mailed or delivered~~] to all members of the governing body at least five  
 513 days [~~prior to~~] before the meeting; and

514 (b) complies with the limitations imposed by Section 59-2-1904.

515 (2) [~~The~~] A member of the governing body may waive notice [~~may be waived~~] in writing or  
 516 orally during attendance at the meeting [~~by any member of the governing body~~].

517 Section 11. Section **11-13-509** is amended to read:

518 **11-13-509 (Effective 01/01/27). Hearing to consider adoption -- Notice.**

519 (1) At the meeting at which the tentative budget is adopted, the governing board shall:

520 (a) establish the time and place of a public hearing to consider [its] the budget's adoption;  
 521 and

522 (b) [~~except as provided in Subsection (2),~~] order that notice of the hearing be published,  
 523 for at least seven days before the day of the hearing, for the interlocal entity's service  
 524 area, as a class A notice under Section 63G-30-102.

525 [(2) ~~If the budget hearing is held in conjunction with a tax increase hearing, the notice~~  
 526 ~~required in Subsection (1)(b):~~]

527 [(a) ~~may be combined with the notice required under Section 59-2-919; and~~]

528 [(b) ~~shall be published in accordance with the advertisement provisions of Section~~  
 529 ~~59-2-919.~~]

530 [(3)] (2) Proof that notice was given in accordance with Subsection (1)(b) [~~, or (2)~~] is prima  
 531 facie evidence that notice was properly given.

532 [(4)] (3) If a notice required under Subsection (1)(b) [~~, or (2)~~] is not challenged within 30  
 533 days after the day on which the hearing is held, the notice is adequate and proper.

534 Section 12. Section **11-13-514** is amended to read:

535 **11-13-514 (Effective 01/01/27). Adoption of final budget -- Certification and**  
 536 **filing.**

537 (1) [~~Except as provided in Sections 59-2-919 through 59-2-923, the~~] The governing board of  
 538 an interlocal entity shall by resolution adopt [~~prior to~~] before the beginning of the fiscal  
 539 year a budget for the ensuing fiscal year for each fund for which this part requires a  
 540 budget [~~is required under this part~~].

541 (2) The final budget may not exceed the interlocal entity's fiscal year spending limit  
 542 described in Section 59-1-1904.

543 [(2)] (3) The interlocal entity's budget officer shall file, within 30 days after adoption, the  
 544 final budget with the members and the state auditor.

545 Section 13. Section **11-72-101** is enacted to read:

546 **CHAPTER 72. Budgetary Constraints for Political Subdivisions Outside of Titles 10,**

547

**17, 17B, 17D, and 53E**

548

**Part 1. Taxpayer Bill of Rights**

549 **11-72-101 (Effective 01/01/27). Definitions.**

550 As used in this section:

551 (1) "Governing body" means the entity that imposes a tax on behalf of a political  
 552 subdivision.

553 (2) "LEA" means the same as that term is defined in Section 53E-1-102.

554 (3) "Municipality" means the same as that term is defined in Section 10-1-104.

555 (4) "Political subdivision" means an entity that:

556 (a) is designated as a political subdivision;

557 (b) has taxing authority;

558 (c) is not controlled by a municipality, county, LEA, or service district; and

559 (d) is created in a title other than:

560 (i) Title 10, Utah Municipal Code;

561 (ii) Title 17, Counties;

562 (iii) Title 17B, Limited Purpose Local Government Entities - Special Districts;

563 (iv) Title 17D, Limited Purpose Local Government Entities - Other Entities; or

564 (v) Title 53E, Public Education System -- State Administration.

565 (5) "Special district" means a limited purpose local government entity created under the  
 566 authority of Title 17B, Limited Purpose Local Government Entities - Special Districts,  
 567 or Title 17D, Limited Purpose Local Government Entities - Other Entities.

568 (6) "Total political subdivision revenue" means the same as that term is defined in Section  
 569 59-1-1902.

570 Section 14. Section **11-72-102** is enacted to read:

571 **11-72-102 (Effective 01/01/27). Spending limits.**

572 A political subdivision's final budget may not exceed the political subdivision's fiscal

573 year spending limit described in Section 59-1-1904.

574 Section 15. Section **11-72-103** is enacted to read:

575 **11-72-103 (Effective 01/01/27). Tax refunds.**

576 (1) In accordance with Utah Constitution, Article XIII, Section 9, and except as provided in  
577 Title 20A, Chapter 7, Part 9, Tax Increase Voting Requirements, the governing body  
578 shall refund revenue that exceeds the political subdivision's fiscal year spending limit to  
579 taxpayers.

580 (2) The preferred form of refund is a property tax rate reduction, but the governing body  
581 shall determine the form of refund, at the lowest cost and by any reasonable method.

582 (3)(a) A refund of tax revenue other than a property tax revenue need not be proportional  
583 if tax payments are impractical to identify or return.

584 (b) A refund of property tax revenue shall be proportional.

585 (4)(a) Except as provided in Subsection (4)(b), the governing body shall make a refund  
586 during the next fiscal year.

587 (b) The governing body may reserve the revenue that exceeds the political subdivision's  
588 fiscal year spending limit for one additional fiscal year if the cost of administration,  
589 as determined by the governing body, exceeds the amount of refunds.

590 Section 16. Section **17-63-101** is amended to read:

591 **17-63-101 (Effective 01/01/27). Definitions.**

592 As used in this chapter:

593 (1) "Accrual basis of accounting" means a method where revenues are recorded when  
594 earned and expenditures recorded when they become liabilities notwithstanding that the  
595 receipt of the revenue or payment of the expenditure may take place in another  
596 accounting period.

597 (2) "Appropriation" means an allocation of money for a specific purpose.

598 (3)(a) "Budget" means a plan for financial operations for a fiscal period, embodying  
599 estimates for proposed expenditures for given purposes and the means of financing  
600 the expenditures.

601 (b) "Budget" may refer to the budget of a fund for which a budget is required by law, or  
602 collectively to the budgets for all those funds.

603 (4) "Budgetary fund" means a fund for which a budget is required, such as those described  
604 in Section 17-63-301.

605 (5) "Budget period" means the fiscal period for which a budget is prepared.

606 (6) "Check" means an order in a specific amount drawn upon the depositary by any

- 607 authorized officer in accordance with:
- 608 (a) Section 17-69-307; or
- 609 (b) Section 17-74-301.
- 610 (7) "County general fund" means the general fund used by a county.
- 611 (8) "Countywide service" means a service provided in both incorporated and
- 612 unincorporated areas of a county.
- 613 (9) "Current period" means the fiscal period in which a budget is prepared and adopted.
- 614 (10) "Department" means any functional unit within a fund which carries on a specific
- 615 activity.
- 616 (11) "Encumbrance system" means a method of budgetary control where part of an
- 617 appropriation is reserved to cover a specific expenditure by charging obligations, such as
- 618 purchase orders, contracts, or salary commitments to an appropriation account. An
- 619 expenditure ceases to be an encumbrance when paid or when the actual liability is
- 620 entered in the books of account.
- 621 (12) "Estimated revenue" means any revenue estimated to be received during the budget
- 622 period in any fund for which a budget is prepared.
- 623 (13) "Finance officer" means:
- 624 (a)(i) the county auditor; or
- 625 (ii) the person selected to provide accounting services for the county in accordance
- 626 with Section 17-69-304; or
- 627 (b) notwithstanding Subsection (13)(a), for the purposes of preparing a tentative budget
- 628 in a county operating under a county executive-council form of county government,
- 629 the county executive.
- 630 (14) "Fiscal period" means the annual or biennial period for recording county fiscal
- 631 operations.
- 632 (15) "Fund" means an independent fiscal and accounting entity comprised of a sum of
- 633 money or other resources segregated for a specific purpose or objective.
- 634 (16) "Fund balance" means the excess of the assets over liabilities, reserves, and
- 635 contributions, as reflected by [its] the fund's books of account.
- 636 (17) "Fund deficit" means the excess of liabilities, reserves, and contributions over [its-]
- 637 assets, as reflected by [its] the fund's books of account.
- 638 (18) "General fund" means the same as that term is defined by the Governmental
- 639 Accounting Standards Board as reflected in the Uniform Accounting Manual for All
- 640 Local Governments prepared by the Office of the [~~Utah~~]State Auditor.

- 641 (19) "Interfund loan" means a loan of cash from one fund to another, subject to future  
642 repayment.
- 643 (20) "Last completed fiscal period" means the fiscal period immediately before the current  
644 period.
- 645 (21) "Modified accrual basis of accounting" means a method under which expenditures  
646 other than accrued interest on general long-term debt are recorded at the time liabilities  
647 are incurred and revenues are recorded when they become measurable and available to  
648 finance expenditures of the current period.
- 649 (22) "Municipal capital project" means the acquisition, construction, or improvement of  
650 capital assets that facilitate providing municipal service.
- 651 (23) "Municipal service" means a service not provided on a countywide basis and not  
652 accounted for in an enterprise fund, and includes police patrol, fire protection, culinary  
653 or irrigation water retail service, water conservation, local parks, sewers, sewage  
654 treatment and disposal, cemeteries, garbage and refuse collection, street lighting,  
655 airports, planning and zoning, local streets and roads, curb, gutter, and sidewalk  
656 maintenance, and ambulance service.
- 657 (24) "Retained earnings" means that part of the net earnings retained by an enterprise or  
658 internal service fund [~~which~~] that is not segregated or reserved for any specific purpose.
- 659 (25) "Special fund" means any fund other than the county general fund.
- 660 (26) "Total political subdivision revenue" means the same as that term is defined in Section  
661 59-1-1902.
- 662 [~~(26)~~] (27) "Unappropriated surplus" means that part of a fund [~~which~~] that is not  
663 appropriated for an ensuing budget period.
- 664 [~~(27)~~] (28) "Warrant" means an order for payment in a specific amount, issued by a county  
665 officer or county employee with the authority to make the order, directing the  
666 disbursement of funds.
- 667 Section 17. Section **17-63-305** is amended to read:  
668 **17-63-305 (Effective 01/01/27). Adoption of final budget -- Appropriations in**  
669 **final budget -- Addressing deficits.**
- 670 (1)(a) On or before the last day of each fiscal period, the governing body by resolution  
671 shall adopt the final budget.
- 672 (b) The final budget may not exceed the county's fiscal year spending limit described in  
673 Section 59-1-1904.
- 674 (2) A final budget adopted in accordance with Subsection (1) is, unless amended, in effect

675 for the next fiscal period.

676 (3) The finance officer shall:

677 (a) certify a copy of the final budget, and of any subsequent budget amendment; and

678 (b) file a copy with the state auditor not later than 30 days after the day on which the  
679 governing body adopts the budget.

680 (4) The finance officer shall file a certified copy of the budget in the office of the finance  
681 officer for inspection by the public during business hours.

682 (5) The governing body may not make any appropriation in the final budget of any fund in  
683 excess of the estimated expendable revenue of the fund for the budget period.

684 (6) If there is a deficit in any fund as of the close of the last completed fiscal period, there  
685 shall be included as an item of appropriation in the budget of the fund of:

686 (a) at least 5% of the total revenue of the fund in the last completed fiscal period; or

687 (b) if the deficit is less than 5% of the total revenue, an amount equal to the deficit.

688 Section 18. Section **17-63-306** is amended to read:

689 **17-63-306 (Effective 01/01/27). Review of second year's budget for biennial**  
690 **budgets.**

691 (1) In a county that has adopted a fiscal period that is a biennial period under Section  
692 17-63-201, the governing body shall, in a public hearing before December 31 of the first  
693 year of the biennial period, review the individual budgets of the funds set forth in  
694 Sections 17-63-301 and 17-63-802 for the second year of the biennial period.

695 (2) In each review under Subsection (1), the governing body shall:

696 (a) follow the procedures of Section 17-63-304 for holding a public hearing[-] ; and

697 (b) using the best information available, determine whether the budgets for the second  
698 year of the biennial period exceed the county's fiscal year spending limit.

699 (3) If a county later determines that the budgets for the second year biennial period exceed  
700 the county's fiscal year spending limit, the county shall:

701 (a) amend the budget; and

702 (b) make necessary budget appropriation reductions in accordance with Section  
703 17-63-401.

704 Section 19. Section **17-63-810** is enacted to read:

705 **17-63-810 (Contingently Effective 01/01/27). Tax refunds.**

706 (1) In accordance with Utah Constitution, Article XIII, Section 9, the county governing  
707 body shall refund revenue that exceeds the county's fiscal year spending limit to  
708 taxpayers.

709 (2) The preferred form of refund is a property tax rate reduction, but the county governing  
 710 body shall determine the form of refund, at the lowest cost and by any reasonable  
 711 method.

712 (3)(a) A refund of tax revenue other than a property tax revenue need not be proportional  
 713 if tax payments are impractical to identify or return.

714 (b) A refund of property tax revenue shall be proportional.

715 (4)(a) Except as provided in Subsection (4)(b), the county governing body shall make a  
 716 refund during the next fiscal year.

717 (b) The county governing body may reserve the revenue that exceeds the county's fiscal  
 718 year spending limit for one additional fiscal year if the cost of administration, as  
 719 determined by the county governing body, exceeds the amount of refunds.

720 Section 20. Section **17B-1-609** is amended to read:

721 **17B-1-609 (Effective 01/01/27). Hearing to consider adoption -- Notice.**

722 (1) At the meeting at which the tentative budget is adopted, the board of trustees shall:

723 (a) establish the time and place of a public hearing to consider [its] the final budget's  
 724 adoption; and

725 (b) except as provided in Subsection (5) or (6) ~~or (7)~~, order that notice of the hearing  
 726 be published for the district, as a class A notice under Section 63G-30-102, for at  
 727 least seven days before the day of the hearing.

728 ~~[(2) If the budget hearing is held in conjunction with a tax increase hearing, the notice~~  
 729 ~~required in Subsection (1)(b):]~~

730 ~~[(a) may be combined with the notice required under Section 59-2-919; and]~~

731 ~~[(b) shall be published in accordance with the advertisement provisions of Section~~  
 732 ~~59-2-919.]~~

733 ~~[(3)]~~ (2) If the budget hearing is to be held in conjunction with a fee increase hearing, the  
 734 notice required in Subsection (1)(b):

735 (a) may be combined with the notice required under Section 17B-1-643; and

736 (b) shall be published or mailed in accordance with the notice provisions of Section  
 737 17B-1-643.

738 ~~[(4)]~~ (3) Proof that notice was given in accordance with Subsection (1)(b), (2), ~~[(3), or (6)]~~ or  
 739 (5) is prima facie evidence that notice was properly given.

740 ~~[(5)]~~ (4) If a notice required under Subsection (1)(b), (2), ~~[(3), or (6)]~~ or (5) is not challenged  
 741 within 30 days after the day on which the hearing is held, the notice is adequate and  
 742 proper.

743 [(6)] (5) A board of trustees of a special district with an annual operating budget of less than  
744 \$250,000 may satisfy the notice requirements in Subsection (1)(b) by:

- 745 (a) mailing a written notice, postage prepaid, to each voter in the special district; and  
746 (b) posting the notice in three public places within the district.

747 [(7)] (6) The notice described in this section is exempt from the physical posting  
748 requirement described in Subsection 63G-30-102(1)(c).

749 Section 21. Section **17B-1-614** is amended to read:

750 **17B-1-614 (Effective 01/01/27). Adoption of final budget -- Certification and**  
751 **filing.**

752 (1) The board of trustees of each special district shall by resolution adopt a budget for the  
753 ensuing fiscal year for each fund for which a budget is required under this part [~~prior to~~]  
754 before the beginning of the fiscal year[, ~~except as provided in Sections 59-2-919 through~~  
755 ~~59-2-923~~].

756 (2) A special district's final budget may not exceed the special district's fiscal year spending  
757 limit described in Section 59-1-1904.

758 [(2)] (3) The special district's budget officer shall certify a copy of the final budget for each  
759 fund and file it with the state auditor within 30 days after adoption.

760 Section 22. Section **17B-1-627** is amended to read:

761 **17B-1-627 (Effective 01/01/27). Property tax levy -- Time for setting --**  
762 **Computation of total levy -- Apportionment of proceeds -- Maximum levy.**

763 (1) The board of trustees of each special district authorized to levy a property tax, at a  
764 regular meeting or special meeting called for that purpose, shall, by resolution, set the  
765 real and personal property tax rate for various district purposes by the date set under  
766 Section 59-2-912[, ~~but the rate may be set at an appropriate later date in accordance with~~  
767 ~~Sections 59-2-919 through 59-2-923~~].

768 (2) In [~~its~~] the computation of the total levy, the board of trustees shall determine the  
769 requirements of each fund for which the special district levies property taxes [~~are to be~~  
770 ~~levied~~] and shall specify in [~~its~~] the resolution adopting the tax rate the amount  
771 apportioned to each fund.

772 (3) The proceeds of the levy apportioned for general fund purposes shall be credited as  
773 revenue in the general fund.

774 (4) The proceeds of the levy apportioned for special fund purposes shall be credited to the  
775 appropriate accounts in the applicable special funds.

776 (5) The combined levies for each district for all purposes in any year, excluding the

777 retirement of general obligation bonds and the payment of any interest on the bonds, and  
778 any taxes expressly authorized by law to be levied in addition, may not exceed the limit  
779 enumerated by the laws governing each district.

780 Section 23. Section **17B-1-629** is amended to read:

781 **17B-1-629 (Effective 01/01/27). Operating and capital budgets.**

782 (1)(a) As used in this section, "operating and capital budget" means a plan of financial  
783 operation for a proprietary or other required special fund, embodying estimates of  
784 operating resources and expenses and other outlays for a fiscal year.

785 (b) Except as otherwise expressly provided, the reference to "budget" or "budgets" and  
786 the procedures and controls relating to ~~[them]~~ the budget or budgets in other sections  
787 of this part do not apply or refer to the "operating and capital budgets" provided for in  
788 this section.

789 (2) On or before the time the board of trustees adopts budgets for the governmental funds  
790 under Section 17B-1-605, ~~[it]~~ the board of trustees shall adopt for the ensuing year an  
791 operating and capital budget for each proprietary fund and shall adopt the type of budget  
792 for other special funds which is required by the Uniform Accounting Manual for Special  
793 Districts.

794 (3) Operating and capital budgets shall be adopted and administered in the following  
795 manner:

796 (a)(i) On or before the first regularly scheduled meeting of the board of trustees, in  
797 November for calendar year entities and May for fiscal year entities, the budget  
798 officer shall prepare for the ensuing fiscal year, and file with the board of trustees,  
799 a tentative operating and capital budget for each proprietary fund and for other  
800 required special funds, together with specific work programs and any other  
801 supporting data required by the board.

802 (ii) If, within any proprietary fund, allocations or transfers that are not reasonable  
803 allocations of costs between funds are included in a tentative budget, a written  
804 notice of the date, time, place, and purpose of the hearing shall be mailed to utility  
805 fund customers at least seven days before the hearing.

806 (iii) The purpose portion of the notice required under Subsection (3)(a)(ii) shall  
807 identify:

808 (A) the enterprise utility fund from which money is being transferred;

809 (B) the amount being transferred; and

810 (C) the fund to which the money is being transferred.

- 811 (b)(i) The board of trustees shall review and consider the tentative budgets at any  
 812 regular meeting or special meeting called for that purpose.
- 813 (ii) The board of trustees may make any changes in the tentative budgets that ~~[it]~~ the  
 814 board of trustees considers advisable.
- 815 (c) Budgets for proprietary or other required special funds shall comply with the public  
 816 hearing requirements established in Sections 17B-1-609 and 17B-1-610.
- 817 (d)(i) The board of trustees shall adopt an operating and capital budget for each  
 818 proprietary fund for the ensuing fiscal year before the beginning of each fiscal year[  
 819 ~~, except as provided in Sections 59-2-919 through 59-2-923].~~
- 820 (ii)(A) ~~[A]~~ The budget officer shall certify a copy of the budget as finally adopted  
 821 for each proprietary fund [shall be certified by the budget officer] and [filed by  
 822 the officer] file a copy of the budget as finally adopted for each proprietary fund  
 823 in the district office[ and shall be ] .
- 824 (B) A special district shall make a copy of the budget as finally adopted for each  
 825 proprietary fund available to the public during regular business hours.
- 826 (iii) A copy of the budget shall also be filed with the state auditor within 30 days after  
 827 adoption.
- 828 (e)(i) Upon final adoption, the operating and capital budget is in effect for the budget  
 829 year, subject to later amendment.
- 830 (ii) During the budget year, the board of trustees may, in any regular meeting or  
 831 special meeting called for that purpose, review any one or more of the operating  
 832 and capital budgets for the purpose of determining if the total of any of them  
 833 should be increased.
- 834 (iii) If the board of trustees decides that the budget total of one or more of these  
 835 proprietary funds should be increased, the board shall follow the procedures  
 836 established in Section 17B-1-630.
- 837 (f) Expenditures from operating and capital budgets shall conform to the requirements  
 838 relating to budgets specified in Sections 17B-1-617 through 17B-1-620.
- 839 Section 24. Section **17B-1-646** is enacted to read:
- 840 **17B-1-646 (Effective 01/01/27). Tax refunds.**
- 841 (1) In accordance with Utah Constitution, Article XIII, Section 9, and except as provided in  
 842 Title 20A, Chapter 7, Part 9, Tax Increase Voting Requirements, the board of trustees of  
 843 each special district shall refund revenue that exceeds the special district's fiscal year  
 844 spending limit to taxpayers.

- 845 (2) The preferred form of refund is a property tax rate reduction, but the board of trustees  
 846 shall determine the form of refund, at the lowest cost and by any reasonable method.
- 847 (3) A refund of property tax shall be proportional.
- 848 (4)(a) Except as provided in Subsection (4)(b), the board of trustees of a special district  
 849 shall make a refund of a deposit during the next fiscal year.
- 850 (b) The board of trustees of a special district may reserve the revenue that exceeds the  
 851 special district's fiscal year spending limit for one additional fiscal year if the cost of  
 852 administration, as determined by the board of trustees, exceeds the amount of refunds.

853 Section 25. Section **17B-2a-608** is amended to read:

854 **17B-2a-608 (Effective 01/01/27). Limit on property tax authority -- Exceptions.**

- 855 (1) As used in this section, "elected official" means a metropolitan water district board of  
 856 trustee member who is elected to the board of trustees by metropolitan water district  
 857 voters at an election held for that purpose.
- 858 (2) The board of trustees of a metropolitan water district may not collect property tax  
 859 revenue [~~in a tax year beginning on or after January 1, 2015,~~]that would exceed the  
 860 certified tax rate under Section 59-2-924 unless:
- 861 (a) the members of the board of trustees are all elected officials; or
- 862 (b) the proposed tax levy has previously been approved by:
- 863 (i)(A) before January 1, 2027, a majority of the metropolitan water district voters  
 864 who vote in an election held for that purpose on a date specified in Section  
 865 20A-1-204; or
- 866 (B) on or after January 1, 2027, a majority of the metropolitan water district voters  
 867 who vote in an election held in accordance with Title 20A, Chapter 7, Part 9,  
 868 Tax Increase Voting Requirements; or
- 869 (ii) the legislative body of each municipality that appoints a member to the board of  
 870 trustees under Section 17B-2a-604.

871 Section 26. Section **17B-2a-705** is amended to read:

872 **17B-2a-705 (Effective 01/01/27). Taxation -- Additional levy -- Election -- Notice.**

- 873 (1) If a mosquito abatement district board of trustees determines that the funds required  
 874 during the next ensuing fiscal year will exceed the maximum amount that the district is  
 875 authorized to levy under Subsection 17B-1-103(2)(g), the board of trustees may [~~call an~~  
 876 ~~election on a date specified in Section 20A-1-204 and ]submit, in accordance with Title  
 877 20A, Chapter 7, Part 9, Tax Increase Voting Requirements, to district voters the question  
 878 of whether the district should be authorized to impose an additional tax to raise the~~

879 necessary additional funds.

880 (2) The board shall provide notice of the election for the district, as a class A notice under  
881 Section 63G-30-102, for at least four weeks before the day of the election.

882 (3) No particular form of ballot is required, and no informalities in conducting the election  
883 may invalidate the election, if it is otherwise fairly conducted.

884 [~~(4) At the election each ballot shall contain the words, "Shall the district be authorized to  
885 impose an additional tax to raise the additional sum of \$\_\_\_\_\_?"~~]

886 [(5)] (4) The board of trustees shall canvass the votes cast at the election, and, if a majority  
887 of the votes cast are in favor of the imposition of the tax, the district is authorized to  
888 impose an additional levy to raise the additional amount of money required.

889 Section 27. Section **17B-2a-1009** is amended to read:

890 **17B-2a-1009 (Effective 01/01/27). Limit on property tax authority -- Exceptions.**

891 (1) As used in this section:

892 (a) "Appointed board of trustees" means a board of trustees of a water conservancy  
893 district that includes a member who is appointed to the board of trustees in  
894 accordance with this part.

895 (b) "Elected board of trustees" means a board of trustees of a water conservancy district  
896 that consists entirely of members who are elected to the board of trustees in  
897 accordance with this part.

898 (2)(a) [~~For a taxable year beginning on or after January 1, 2018, a~~] A water conservancy  
899 district may not collect property tax revenue that would exceed the certified tax rate  
900 under Section 59-2-924 unless the proposed tax levy has been previously approved  
901 by:

902 (i) an elected board of trustees;

903 (ii) subject to Subsection (2)(b), an appointed board of trustees;

904 (iii)(A) before January 1, 2027, a majority of the water conservancy district voters  
905 who vote in an election held for that purpose on a date specified in Section  
906 20A-1-204; or

907 (B) on or after January 1, 2027, a majority of the metropolitan water district voters  
908 who vote in an election held in accordance with Title 20A, Chapter 7, Part 9,  
909 Tax Increase Voting Requirements; or

910 (iv) for a district described in Subsection 17B-2a-1005(2)(b), the appointing authority.

911 (b) For a water conservancy district with an appointed board of trustees, each appointed  
912 member of the board of trustees shall comply with the trustee reporting requirements

913 described in Section 17B-1-1003 before the water conservancy district may impose a  
914 property tax levy that exceeds the certified tax rate.

915 Section 28. Section **17C-1-1002** is amended to read:

916 **17C-1-1002 (Effective 01/01/27). Transferring project area incremental revenue**

917 **-- Agency may levy a property tax.**

- 918 (1) An agency and an eligible taxing entity may enter into an interlocal agreement for the  
919 purpose of transferring all or a portion of the eligible taxing entity's project area  
920 incremental revenue.
- 921 (2) An agency shall ensure that an interlocal agreement described in Subsection (1):
- 922 (a) identifies each project area that is subject to the interlocal agreement;
  - 923 (b) is adopted by the board and the taxing entity in accordance with Section 17C-1-1003;
  - 924 (c) for each project area:
    - 925 (i) states the amount of project area incremental revenue that the eligible taxing entity
    - 926 agrees to transfer to the agency;
    - 927 (ii) states the year in which the eligible taxing entity will transfer the amount
    - 928 described in Subsection (2)(c)(i); and
    - 929 (iii) for the year described in Subsection (2)(c)(ii), requires the agency to add the
    - 930 project area incremental revenue transferred in the agency's budget;
  - 931 (d) includes a copy of the implementation plan described in Section 17C-1-1004;
  - 932 (e) requires the agency to dissolve, in accordance with Section 17C-1-702, any project
  - 933 area:
    - 934 (i) that is subject to the interlocal agreement; and
    - 935 (ii) for which the project area funds collection period will expire; and
  - 936 (f) is filed with the county auditor, the State Tax Commission, and the eligible taxing
  - 937 entity.
- 938 (3) If an agency and an eligible taxing entity enter into an interlocal agreement under this  
939 section:
- 940 (a) subject to Subsection (4) and Section 17C-1-1004, the agency may levy a property
  - 941 tax on taxable property within the agency's geographic boundaries; and
  - 942 (b) except as provided in Subsection (5), the agency may not:
    - 943 (i) create a new community reinvestment project area within the taxing entity's
    - 944 geographic boundaries; or
    - 945 (ii) amend a project area plan or budget if the amendment:
      - 946 (A) enlarges the project area from which tax increment is collected;

- 947 (B) permits the agency to receive a greater amount of tax increment; or  
 948 (C) extends the project area funds collection period.
- 949 (4)(a) An agency may levy a property tax for a fiscal year that:  
 950 (i) is after the year in which the agency receives project area incremental revenue; and  
 951 (ii) begins on or after the January 1 on which the agency has authority to impose a  
 952 property tax under this section.
- 953 (b) An agency board shall calculate the agency's certified tax rate in accordance with  
 954 Section 59-2-924.
- 955 (c) An agency may levy a property tax rate that exceeds the agency's certified rate only  
 956 if the agency complies with ~~[Sections 59-2-919 through 59-2-923]~~ Title 20A, Chapter  
 957 7, Part 9, Tax Increase Voting Requirements.
- 958 (5) For a cooperative development project or an economic development project, an agency  
 959 may, in accordance with Chapter 5, Community Reinvestment:  
 960 (a) create a new community reinvestment project area; or  
 961 (b) amend a community reinvestment project area plan or budget.
- 962 Section 29. Section **17C-1-1005** is amended to read:  
 963 **17C-1-1005 (Effective 01/01/27). Agency property tax levy -- Budget --**  
 964 **Accounting for property tax revenue.**
- 965 (1)(a) Each agency that levies and collects property tax under this part shall levy and  
 966 collect the property tax in accordance with Title 59, Chapter 2, Property Tax Act.  
 967 (b) ~~[Except as provided in Subsection (1)(e), an]~~ An agency, at a regular meeting or  
 968 special meeting called for that purpose, shall, by resolution, set the property tax rate  
 969 by the date described in Section 59-2-912.
- 970 ~~[(e) An agency may set the rate described in Subsection (1)(b) at an appropriate later~~  
 971 ~~date in accordance with Sections 59-2-919 through 59-2-923.]~~
- 972 (2)(a) An agency shall include in the agency's budget any project area incremental  
 973 revenue transferred by an eligible taxing entity under this part.  
 974 (b) The amount of project area incremental revenue described in Subsection (2)(a) plus  
 975 the ad valorem property tax revenue that the agency budgeted for the prior year shall  
 976 constitute the basis for determining the property tax levy that the agency sets for the  
 977 corresponding tax year.
- 978 (3)(a) An agency shall create a property tax revenue fund and separately account for  
 979 property tax revenue generated under this part.  
 980 (b) An agency shall include revenue and expenditures of the property tax revenue fund

981 described in Subsection (3)(a) in the annual budget adopted in accordance with  
 982 Section 17C-1-601.5.

983 Section 30. Section **17D-1-105** is amended to read:

984 **17D-1-105 (Effective 01/01/27). Authority of county or municipality to levy**  
 985 **property tax on property within a special service district.**

986 (1) Subject to Subsections (2) and (3), a county or municipality that has created a special  
 987 service district may levy a tax on the taxable property in the special service district.

988 (2) Each levy under Subsection (1) is subject to the prior approval of a majority of the  
 989 registered voters of the special service district voting in an election held for that purpose [  
 990 under Title 11, Chapter 14, Local Government Bonding Act, in the same manner as for  
 991 an election for the issuance of bonds] in accordance with Title 20A, Chapter 7, Part 9,  
 992 Tax Increase Voting Requirements.

993 (3) A tax levied under this section for a special service district that provides jail service as  
 994 provided in Subsection 17D-1-201(10) is considered to be levied by the county for  
 995 purposes of the county's tax limitation under Section 59-2-908.

996 Section 31. Section **17D-3-107** is amended to read:

997 **17D-3-107 (Effective 01/01/27). Annual budget and financial reports**  
 998 **requirements.**

999 (1) Upon agreement with the commission, the state auditor may modify:

1000 (a) for filing a budget, a requirement in Subsection [~~17B-1-614(2)~~] 17B-1-614(3) or  
 1001 17B-1-629(3)(d); or

1002 (b) for filing a financial report, a requirement in Section 17B-1-639.

1003 (2) Beginning on July 1, 2019, a conservation district is a participating local entity, as that  
 1004 term is defined in Section 67-3-12, and is subject to Section 67-3-12.

1005 Section 32. Section **17D-4-301** is amended to read:

1006 **17D-4-301 (Effective 01/01/27). Public infrastructure district bonds.**

1007 (1)(a) Subject to Subsection (1)(b), a public infrastructure district may issue negotiable  
 1008 bonds or other debt instruments for the purposes described in Section 17D-4-203, as  
 1009 provided in, as applicable:

1010 (i) Title 11, Chapter 14, Local Government Bonding Act;

1011 (ii) Title 11, Chapter 27, Utah Refunding Bond Act;

1012 (iii) Title 11, Chapter 42, Assessment Area Act;

1013 (iv) Title 11, Chapter 42a, Commercial Property Assessed Clean Energy Act; and

1014 (v) this section.

- 1015 (b) A public infrastructure district created by a bonding political subdivision, as defined  
1016 in Section 63C-25-101, may not issue bonds under this part unless the board first:  
1017 (i) adopts a parameters resolution for the bonds that sets forth:  
1018 (A) the maximum:  
1019 (I) amount of bonds;  
1020 (II) term; and  
1021 (III) interest rate; and  
1022 (B) the expected security for the bonds; and  
1023 (ii) submits the parameters resolution for review and recommendation to the State  
1024 Finance Review Commission created in Section 63C-25-201.
- 1025 (2) A public infrastructure district bond shall mature within 40 years of the date of issuance.
- 1026 (3)(a) A public infrastructure district may issue a limited tax bond, in the same manner  
1027 as a general obligation bond:  
1028 (i)(A) with the consent of 100% of surface property owners within the boundaries  
1029 of the public infrastructure district; and  
1030 (B) with the consent of a majority of the registered voters, if any, within the  
1031 boundaries of the proposed public infrastructure district as of the day on which  
1032 the board finds that the consent of a majority of registered voters has been  
1033 obtained; or  
1034 (ii) upon approval of a majority of the registered voters within the boundaries of the  
1035 public infrastructure district voting in an election held for that purpose under Title  
1036 11, Chapter 14, Local Government Bonding Act.
- 1037 (b) A limited tax bond described in Subsection (3)(a):  
1038 (i) is not subject to the limitation on a general obligation bond described in  
1039 Subsection 17B-1-1102(4); and  
1040 (ii) is subject to a limitation, if any, on the principal amount of indebtedness as  
1041 described in the governing document.
- 1042 (c) Unless limited tax bonds are initially purchased exclusively by one or more qualified  
1043 institutional buyers as defined in Rule 144A, 17 C.F.R. Sec. 230.144A, or an  
1044 investment grade rating is obtained for the limited tax bonds by one or more  
1045 nationally recognized rating agencies, the public infrastructure district may only issue  
1046 limited tax bonds in denominations of not less than \$500,000, and in integral  
1047 multiples above \$500,000 of not less than \$1,000 each.
- 1048 (d)(i) Without any further election or consent of property owners or registered voters,

- 1049 a public infrastructure district may convert a limited tax bond described in  
 1050 Subsection (3)(a) to a general obligation bond if the principal amount of the  
 1051 related limited tax bond together with the principal amount of other related  
 1052 outstanding general obligation bonds of the public infrastructure district does not  
 1053 exceed 15% of the fair market value of taxable property in the public  
 1054 infrastructure district securing the general obligation bonds, determined by:
- 1055 (A) an appraisal from an appraiser who is a member of the Appraisal Institute that
  - 1056 is addressed to the public infrastructure district or a financial institution; or
  - 1057 (B) the most recent market value of the property from the assessor of the county in
  - 1058 which the property is located.
- 1059 (ii) The consent to the issuance of a limited tax bond described in Subsection (3)(a) is  
 1060 sufficient to meet any statutory or constitutional election requirement necessary  
 1061 for the issuance of the limited tax bond and any general obligation bond to be  
 1062 issued in place of the limited tax bond upon meeting the requirements of this  
 1063 Subsection (3)(d).
- 1064 (e) A public infrastructure district that levies a property tax for payment of debt service  
 1065 on a limited tax bond issued under this section on or after January 1, 2027, is ~~[not~~  
 1066 ~~required to comply with the notice and hearing requirements of Section 59-2-919~~  
 1067 ~~unless the rate exceeds the rate established in:]~~ required to comply with Title 20A,  
 1068 Chapter 7, Part 9, Tax Increase Voting Requirements.
- 1069 [~~(i) Section 17D-4-303, except as provided in Subsection (13);]~~
  - 1070 [~~(ii) the governing document; or]~~
  - 1071 [~~(iii) the documents relating to the issuance of the limited tax bond.]~~
- 1072 (4)(a) For a public infrastructure district seeking the consent described in Subsection  
 1073 (3)(a)(i)(B), a public infrastructure district may:
- 1074 (i) post a class A notice under Section 63G-30-102 for at least 30 days; and
  - 1075 (ii) mail a request for consent to each registered voter within the boundaries of the  
 1076 public infrastructure district according to voter registration records.
- 1077 (b) The request for consent described in Subsection (4)(a)(ii) shall include:
- 1078 (i) the purpose for the issuance of the bonds;
  - 1079 (ii) the maximum principal amount of the bonds to be issued;
  - 1080 (iii) the maximum tax rate proposed to be pledged for the repayment of the bonds;
  - 1081 (iv) the words "For the issuance of bonds" and "Against the issuance of bonds," with  
 1082 appropriate boxes in which the voter may indicate the voter's choice; and

- 1083 (v) a return address and phone number where additional information may be obtained  
1084 from the public infrastructure district.
- 1085 (c) Any registered voter who does not return the request for consent within 30 days of  
1086 the day they are mailed to the voter is considered:
- 1087 (i) non-participatory in the request for consent; and  
1088 (ii) shall not be included in a calculation to determine the percentage of registered  
1089 voters who consent to the issuance of bonds.
- 1090 (d) If a majority of the registered voters who return the request for consent under this  
1091 Subsection (4) indicate "For the issuance of bonds," or if no registered voters return  
1092 the request for consent within the time frame described in Subsection (4)(c), the  
1093 requirement described in Subsection (3)(a)(i)(B) is met.
- 1094 (e) Nothing in this Subsection (4):
- 1095 (i) prevents a public infrastructure district from obtaining the consent of registered  
1096 voters for the issuance of a bond through another method; or  
1097 (ii) shall be interpreted to affect or otherwise interfere with any consents of registered  
1098 voters obtained before the effective date of this bill.
- 1099 (5) Nothing in this section shall be interpreted to:
- 1100 (a) prevent a public infrastructure district from withdrawing property from the public  
1101 infrastructure district's boundaries where the property owners or registered voters  
1102 associated with that property do not consent to the issuance of bonds or vote against  
1103 the issuance of bonds; or
- 1104 (b) require a public infrastructure district to withdraw property from the public  
1105 infrastructure district's boundaries where the property owners or registered voters  
1106 associated with that property do not consent to the issuance of bonds or vote against  
1107 the issuance of bonds.
- 1108 (6)(a) Beginning on the effective date of this bill, once consent or approval is obtained  
1109 under Subsection (3)(a), the consent or approval is valid for a period of 10 years from  
1110 the day on which the board:
- 1111 (i) adopts a resolution or ordinance finding that the consent or approval is obtained;  
1112 and  
1113 (ii) publishes a notice of the resolution or ordinance described in Subsection (6)(a)(i)  
1114 as a class A notice under Section 63G-30-102 for at least 30 days.
- 1115 (b) The tolling provisions of Section 11-14-301 apply during the 10-year period  
1116 described in Subsection (6)(a).

- 1117 (c) After a public infrastructure district obtains consent or approval under Subsection  
1118 (3)(a), the public infrastructure district does not require any additional consent to or  
1119 approval of the issuance of bonds, and the subsequent annexation of property to, or  
1120 withdrawal of property from, the public infrastructure district does not impact:  
1121 (i) the validity of already obtained consent or approval;  
1122 (ii) the 10-year period described in Subsection (6)(a); or  
1123 (iii) any bond issued, or to be issued, pursuant to the consent or approval that was  
1124 obtained under Subsection (3)(a).
- 1125 (d) Subsection (6)(a) does not invalidate or alter any consent or approval, or finding of  
1126 consent or approval, that occurred before the effective date of this bill.
- 1127 (7)(a) Except as provided in Subsection (7)(b), there is no limitation on the duration of  
1128 revenues that a public infrastructure district may receive to cover any shortfall in the  
1129 payment of principal of and interest on a bond that the public infrastructure district  
1130 issues.
- 1131 (b) A public infrastructure governing document or bond documents may limit the  
1132 duration of time described in Subsection (7)(a).
- 1133 (8) Section 11-42-106 governs any action to challenge an assessment imposed by a public  
1134 infrastructure district or any proceeding to designate an assessment area conducted by a  
1135 public infrastructure district.
- 1136 (9) A public infrastructure district is not a municipal corporation for purposes of the debt  
1137 limitation of Utah Constitution, Article XIV, Section 4.
- 1138 (10) Notwithstanding any other provision, the board may directly or by resolution delegate  
1139 to one or more officers of the public infrastructure district the authority to:  
1140 (a) in accordance and within the parameters set forth in a resolution adopted in  
1141 accordance with Section 11-14-302, approve the final interest rate, price, principal  
1142 amount, maturity, redemption features, and other terms of the bond;  
1143 (b) approve and execute any document or contract relating to the issuance of a bond; and  
1144 (c) approve any contract related to the acquisition and construction of the improvements,  
1145 facilities, or property to be financed with a bond.
- 1146 (11)(a) Subject to Subsection (11)(b), before a public infrastructure district may issue a  
1147 limited tax bond or assessment bond, the public infrastructure district shall engage a  
1148 municipal advisor who, in connection with the issuance of bonds, shall deliver a  
1149 certificate stating that:  
1150 (i) the municipal advisor qualifies to serve as a municipal advisor, as defined in

- 1151 Section 17D-4-102, including the basis for the municipal advisor's qualifications;
- 1152 (ii) the structure of the limited tax bond or assessment bond the public infrastructure
- 1153 district is about to issue is a reasonable structure, as of the date of the issuance of
- 1154 the limited tax bond or assessment bond, as applicable; and
- 1155 (iii) the interest rate of the limited tax bond or assessment bond the public
- 1156 infrastructure district is about to offer is a reasonable market rate, as of the date of
- 1157 the issuance of the limited tax bond or assessment bond, as applicable.
- 1158 (b) The provisions of this Subsection (11) do not apply to a public infrastructure district
- 1159 created by a development authority.
- 1160 (12)(a) Any person may contest the legality of the issuance of a public infrastructure
- 1161 district bond or any provisions for the security and payment of the bond for a period
- 1162 of 30 days after:
- 1163 (i) posting the resolution authorizing the bond as a class A notice under Section
- 1164 63G-30-102; or
- 1165 (ii) posting a notice of bond containing substantially the items required under
- 1166 Subsection 11-14-316(2) as a class A notice under Section 63G-30-102.
- 1167 (b) After the 30-day period described in Subsection (12)(a), no person may bring a
- 1168 lawsuit or other proceeding contesting the regularity, formality, or legality of the
- 1169 bond for any reason.
- 1170 (13)(a) [~~In the event of any~~] If there is a statutory change in the methodology of
- 1171 assessment or collection of property taxes in a manner that reduces the amounts [
- 1172 ~~which~~] that are devoted or pledged to the repayment of limited tax bonds, a public
- 1173 infrastructure district may charge a rate sufficient to receive the amount of property
- 1174 taxes or assessment the public infrastructure district would have received before the
- 1175 statutory change in order to pay the debt service on outstanding limited tax bonds.
- 1176 (b) The rate increase described in Subsection (13)(a) may exceed the limit described in
- 1177 Section 17D-4-303.
- 1178 (c) The public infrastructure district may charge the rate increase described in
- 1179 Subsection (13)(a) until the bonds, including any associated refunding bonds, or other
- 1180 securities, together with applicable interest, are fully met and discharged.
- 1181 (14) No later than 60 days after the closing of any bonds by a public infrastructure district
- 1182 created by a bonding political subdivision, as defined in Section 63C-25-101, the public
- 1183 infrastructure district shall report the bond issuance, including the amount of the bonds,
- 1184 terms, interest rate, and security, to:

1185 (a) the Executive Appropriations Committee; and

1186 (b) the State Finance Review Commission created in Section 63C-25-201.

1187 Section 33. Section **20A-1-203** is amended to read:

1188 **20A-1-203 (Effective 01/01/27). Calling and purpose of special elections --**

1189 **Two-thirds vote limitations.**

1190 (1) Statewide and local special elections may be held for any purpose authorized by law.

1191 (2)(a) Statewide special elections shall be conducted using the procedure for regular  
1192 general elections.

1193 (b) Except as otherwise provided in this title, local special elections shall be conducted  
1194 using the procedures for regular municipal elections.

1195 (3) The governor may call a statewide special election by issuing an executive order that  
1196 designates:

1197 (a) the date for the statewide special election; and

1198 (b) the purpose for the statewide special election.

1199 (4) The Legislature may call a statewide special election by passing a joint or concurrent  
1200 resolution that designates:

1201 (a) the date for the statewide special election; and

1202 (b) the purpose for the statewide special election.

1203 (5)(a) The legislative body of a local political subdivision may call a local special  
1204 election only for:

1205 (i) a vote on a bond or debt issue;

1206 [~~(ii) a vote on a voted local levy authorized by Section 53F-8-402 or 53F-8-301;~~]

1207 [~~(iii)~~] (ii) an initiative authorized by Chapter 7, Part 5, Local Initiatives - Procedures;

1208 [~~(iv)~~] (iii) a referendum authorized by Chapter 7, Part 6, Local Referenda - Procedures;

1209 [~~(v)~~] (iv) if required or authorized by federal law, a vote to determine whether Utah's  
1210 legal boundaries should be changed;

1211 [~~(vi) a vote authorized or required by Title 59, Chapter 12, Sales and Use Tax Act;~~]

1212 [~~(vii)~~] (v) a vote on a municipality providing a broadband service, a cable television  
1213 service, or a public telecommunications service under Section 10-18-204;

1214 [~~(viii)~~] (vi) a vote to create a new county under Section 17-61-401; or

1215 [~~(ix) a vote on a special property tax under Section 53F-8-402; or~~]

1216 [~~(x)~~] (vii) a vote on the incorporation of a municipality in accordance with Section  
1217 10-2a-210.

1218 (b) The legislative body of a local political subdivision may call a local special election

- 1219 by adopting an ordinance or resolution that designates:
- 1220 (i) the date for the local special election as authorized by Section 20A-1-204; and
- 1221 (ii) the purpose for the local special election.
- 1222 (c) A local political subdivision may not call a local special election unless the ordinance
- 1223 or resolution calling a local special election under Subsection (5)(b) is adopted by a
- 1224 two-thirds majority of all members of the legislative body, if the local special
- 1225 election is for[:]
- 1226 [(i)] a vote on a bond or debt issue as described in Subsection (5)(a)(i)[;] .
- 1227 [(ii) a vote on a voted leeway or levy program as described in Subsection (5)(a)(ii); or]
- 1228 [(iii) a vote authorized or required for a sales tax issue as described in Subsection
- 1229 (5)(a)(vi).]

1230 Section 34. Section **20A-1-204** is amended to read:

1231 **20A-1-204 (Effective 01/01/27). Date of special election -- Legal effect.**

- 1232 (1)(a) Except as provided by Subsection (1)(d), the governor, Legislature, or the
- 1233 legislative body of a local political subdivision calling a statewide special election or
- 1234 local special election under Section 20A-1-203 shall schedule the special election to
- 1235 be held on:
- 1236 (i) in an even-numbered year:
- 1237 (A) the fourth Tuesday in June; or
- 1238 (B) the first Tuesday after the first Monday in November; or
- 1239 (ii) in an odd-numbered year:
- 1240 (A) the second Tuesday after the first Monday in August; or
- 1241 (B) the first Tuesday after the first Monday in November.
- 1242 (b) Except as provided in Subsection (1)(c), the governor, Legislature, or the legislative
- 1243 body of a local political subdivision calling a statewide special election or local
- 1244 special election under Section 20A-1-203 may not schedule a special election to be
- 1245 held on any other date.
- 1246 (c)(i) Notwithstanding the requirements of Subsection (1)(b) or (1)(d), the legislative
- 1247 body of a local political subdivision may call a local special election on a date
- 1248 other than those specified in this section if the legislative body:
- 1249 (A) determines and declares that there is a disaster, as defined in Section
- 1250 53-2a-102, requiring that a special election be held on a date other than the
- 1251 ones authorized in statute;
- 1252 (B) identifies specifically the nature of the disaster, as defined in Section

1253 53-2a-102, and the reasons for holding the special election on that other date;  
 1254 and

1255 (C) votes unanimously to hold the special election on that other date.

1256 (ii) The legislative body of a local political subdivision may not hold a local special  
 1257 election on the same date as the presidential primary election conducted under  
 1258 Chapter 9, Part 8, Presidential Primary Election.

1259 (d) The legislative body of a local political subdivision may only call a special election  
 1260 for a ballot proposition related to a bond[;] or debt[; ~~leeway, levy, or tax~~] on the first  
 1261 Tuesday after the first Monday in November.

1262 (e) Nothing in this section prohibits:

1263 (i) the governor or Legislature from submitting a matter to the voters at the regular  
 1264 general election if authorized by law; or

1265 (ii) a local government from submitting a matter to the voters at the regular municipal  
 1266 election if authorized by law.

1267 (2)(a) Two or more entities shall comply with Subsection (2)(b) if those entities hold a  
 1268 special election within a county on the same day as:

1269 (i) another special election;

1270 (ii) a regular general election; or

1271 (iii) a municipal general election.

1272 (b) Entities described in Subsection (2)(a) shall, to the extent practicable, coordinate:

1273 (i) polling places;

1274 (ii) ballots;

1275 (iii) election officials; and

1276 (iv) other administrative and procedural matters connected with the election.

1277 Section 35. Section **20A-3a-202** is amended to read:

1278 **20A-3a-202 (Effective 01/01/27). Conducting election in person and by mail --**

1279 **Mailing ballots to voters -- Exceptions by mail.**

1280 (1)(a) [~~Except as otherwise provided for an election conducted entirely by mail under~~  
 1281 ~~Section 20A-7-609.5, an~~] An election officer shall administer an election primarily by  
 1282 mail, in accordance with this section.

1283 (b) An individual who did not provide valid voter identification at the time the voter  
 1284 registered to vote shall provide valid voter identification before voting.

1285 (2) An election officer who administers an election:

1286 (a) shall in accordance with Subsection (3), no sooner than 21 calendar days before

- 1287 election day and no later than seven calendar days before election day, mail to the  
1288 applicable voters, in accordance with Subsection 20A-3a-202.5(3), and subject to  
1289 Subsection 20A-3a-202.5(4):
- 1290 (i) a manual ballot;
  - 1291 (ii) a return envelope;
  - 1292 (iii) instructions for returning the ballot that include an express notice about any  
1293 relevant deadlines that the voter [~~must~~] shall meet in order for the voter's vote to be  
1294 counted;
  - 1295 (iv) information regarding the location and hours of operation of any election day  
1296 voting center at which the voter may vote or a website address where the voter  
1297 may view this information; and
  - 1298 (v) instructions on how a voter may sign up to receive electronic ballot status  
1299 notifications via the ballot tracking system described in Section 20A-3a-401.5;
- 1300 (b) may not mail a ballot under this section to:
- 1301 (i) an inactive voter, unless the inactive voter requests a manual ballot; or
  - 1302 (ii) a voter whom the election officer is prohibited from sending a ballot under  
1303 Subsection 20A-3a-202.5(4);
- 1304 (c) shall, on the outside of the envelope in which the election officer mails the ballot,  
1305 include instructions for returning the ballot if the individual to whom the election  
1306 officer mails the ballot does not live at the address to which the ballot is sent;
- 1307 (d) shall provide a method of accessible voting to a voter with a disability who is not  
1308 able to vote by mail; and
- 1309 (e) shall include, on the election officer's website and with each ballot mailed,  
1310 instructions regarding how a voter described in Subsection (2)(d) may vote.
- 1311 (3)(a) An election officer who mails a manual ballot under Subsection (2) shall mail the  
1312 manual ballot to the address:
- 1313 (i) provided at the time of registration or updated by the voter after the time of  
1314 registration; or
  - 1315 (ii) if, at or after the time of registration, the voter files an alternate address request  
1316 form described in Subsection (3)(b), the alternate address indicated on the form.
- 1317 (b) The lieutenant governor shall make available to voters an alternate address request  
1318 form that permits a voter to request that the election officer mail the voter's ballot to a  
1319 location other than the voter's residence.
- 1320 (c) A voter shall provide the completed alternate address request form to the election

1321 officer no later than 11 calendar days before the day of the election.

1322 (d) Beginning on November 5, 2025, through December 31, 2028, an election officer shall  
1323 include, with each ballot mailed to a voter, a separate paper document containing the following  
1324 statements:

1325 "WARNING

1326 If you have a valid Utah driver license or a valid Utah state identification card, failure to  
1327 provide the last four digits of the license or card number may result in your ballot not being  
1328 counted. You also have the option of providing the last four digits of your social security  
1329 number as identification. If you do not have any of these identification types, your ballot will  
1330 still be counted if your signature on the affidavit on this envelope matches your signature on  
1331 file with the election officer.

1332 NOTICE

1333 Beginning in 2029, you will not receive a ballot by mail unless you request to receive a  
1334 ballot by mail. You may request to receive a ballot by mail at [insert a uniform resource  
1335 locator where the voter can make the request online]. If you are unable to make a request  
1336 online, contact your county clerk's office at the following number for instructions on how to  
1337 make the request in person or by mail [insert phone number here]."

1338 (e) Beginning on January 1, 2029, an election officer shall include, with each ballot mailed to a  
1339 voter, a separate paper document containing the following statement:

1340 "WARNING

1341 If you have a valid Utah driver license or a valid Utah state identification card, failure to  
1342 provide the last four digits of your license or card number will result in your ballot not being  
1343 counted.

1344 If you do not have a license or card described above, you may enter the last four digits of  
1345 your social security number as identification, or include a photocopy of one of the following in  
1346 the return envelope:

- 1347 • a currently valid identification card that is issued by the state or a branch, department, or  
1348 agency of the United States;
- 1349 • a currently valid Utah permit to carry a concealed weapon;
- 1350 • a currently valid United States passport;
- 1351 • a currently valid United States military identification card; or
- 1352 • a currently valid tribal identification card, Bureau of Indian Affairs card, or tribal treaty  
1353 card.

1354 If you do not have any of the forms of identification listed above, you must vote in person

1355 at a polling place, unless you qualify for an exemption from this requirement. You may obtain  
 1356 information regarding an exemption at [insert a uniform resource locator where the voter can  
 1357 view this information] or by calling [insert a phone number that a voter may call to access this  
 1358 information]."

1359 (4) The return envelope shall include:

1360 (a) the name, official title, and post office address of the election officer on the front of  
 1361 the envelope;

1362 (b) subject to Subsection (9), beginning on or before January 1, 2026, a place for the  
 1363 voter to enter the last four digits of the voter's Utah driver license number, Utah state  
 1364 identification card number, or social security number;

1365 (c) the following statement:

1366 "IMPORTANT: See the warning and notice enclosed with your ballot.";

1367 (d) a space where a voter may write an email address and phone number by which the  
 1368 election officer may contact the voter if the voter's ballot is rejected; and

1369 (e) a printed affidavit in substantially the following form:

1370 "County of \_\_\_\_ State of \_\_\_\_

1371 I, \_\_\_\_, solemnly swear that: I am a qualified resident voter of the \_\_\_\_ voting precinct  
 1372 in \_\_\_\_ County, Utah and that I am entitled to vote in this election. I am not a convicted felon  
 1373 currently incarcerated for commission of a felony.

1374 \_\_\_\_\_

1375 Signature of Voter

1376 WARNING

1377 The above affidavit must be signed by the voter to whom the ballot is addressed. It is a  
 1378 FELONY for any other individual to sign the above affidavit, even if the voter to whom the  
 1379 ballot is addressed gives permission for another to sign the affidavit for the voter."

1380 (5) If the election officer determines that the voter has not yet provided valid voter  
 1381 identification with the voter's voter registration, the election officer may:

1382 (a) mail a ballot to the voter;

1383 (b) instruct the voter to enclose a copy of the voter's valid voter identification in the  
 1384 return envelope; and

1385 (c) provide instructions to the voter on how the voter may sign up to receive electronic  
 1386 ballot status notifications via the ballot tracking system described in Section  
 1387 20A-3a-401.5.

1388 (6) An election officer who administers an election shall:

- 1389 (a)(i) before the election, obtain the signatures of each voter qualified to vote in the  
1390 election; or
- 1391 (ii) obtain the signature of each voter within the voting precinct from the county  
1392 clerk; and
- 1393 (b) maintain the signatures on file in the election officer's office.
- 1394 (7) Upon receipt of a returned ballot, the election officer shall review and process the ballot  
1395 under Section 20A-3a-401.
- 1396 (8) A county that administers an election:
- 1397 (a) shall provide at least one election day voting center in accordance with Part 7,  
1398 Election Day Voting Center, and at least one additional election day voting center for  
1399 every 5,000 active voters in the county who, under Section 20A-3a-202.5, will not  
1400 receive a ballot by mail;
- 1401 (b) shall ensure that each election day voting center operated by the county has at least  
1402 one voting device that is accessible, in accordance with the Help America Vote Act  
1403 of 2002, Pub. L. No. 107-252, for individuals with disabilities;
- 1404 (c) may reduce the early voting period described in Section 20A-3a-601, if:
- 1405 (i) the county clerk conducts early voting on at least four days;
- 1406 (ii) the early voting days are within the period beginning on the date that is 14  
1407 calendar days before the date of the election and ending on the day before the  
1408 election; and
- 1409 (iii) the county clerk provides notice of the reduced early voting period in accordance  
1410 with Section 20A-3a-604; and
- 1411 (d) is not required to pay return postage for a return envelope.
- 1412 (9) A return envelope shall be designed in a manner that the information described in  
1413 Subsections (4)(b) and (d), and the voter's signature, is covered from view after the  
1414 return envelope is sealed.
- 1415 (10) A county clerk shall, at least 90 calendar days before an election administered by the  
1416 county clerk, contact local post offices to:
- 1417 (a) coordinate the handling of mail-in ballots for the upcoming election; and
- 1418 (b) take measures to ensure that:
- 1419 (i) ballots are clearly and properly postmarked, or otherwise marked in accordance  
1420 with Subsection 20A-3a-204(2)(a)(i), with the date on which the ballot was  
1421 mailed; and
- 1422 (ii) ballots are delivered in an expeditious manner to optimize the timely receipt of

1423 ballots.

1424 Section 36. Section **20A-3a-702** is amended to read:

1425 **20A-3a-702 (Effective 01/01/27). Election day voting center -- Hours of operation**  
1426 **-- Compliance with Election Code.**

1427 (1) [~~Except as provided in Section 20A-7-609.5, an~~] An election officer may operate an  
1428 election day voting center in one or more locations designated under Section 20A-3a-703.

1429 (2) An election officer shall provide for voting at an election day voting center by:

1430 (a) regular ballot if:

1431 (i)(A) the election day voting center is designated under Section 20A-5-403 as the  
1432 polling place for the voting precinct in which the voter resides; and

1433 (B) the voter is eligible to vote a regular ballot at the election day voting center in  
1434 accordance with this title; or

1435 (ii)(A) the voter resides within the political subdivision holding the election;

1436 (B) the voter is otherwise eligible to vote a regular ballot in accordance with this  
1437 title; and

1438 (C) the jurisdiction holding the election uses a method that confirms that the voter  
1439 has not voted previously in the election;

1440 (b) voting center ballot if:

1441 (i) the election day voting center is not designated under Section 20A-5-403 as the  
1442 polling place for the voting precinct in which the voter resides;

1443 (ii) the voter resides within the political subdivision holding the election; and

1444 (iii) the voter is otherwise eligible to vote a regular ballot in accordance with this  
1445 title; or

1446 (c) provisional ballot if the voter is only eligible to vote using a provisional ballot in  
1447 accordance with this title.

1448 (3) An election officer shall ensure that an election day voting center:

1449 (a) is open on election day during the time period specified under Section 20A-1-302;

1450 (b) allows an eligible voter to vote if the voter:

1451 (i) resides within the political subdivision holding an election; and

1452 (ii) arrives at the election day voting center by the designated closing time in  
1453 accordance with Section 20A-1-302; and

1454 (c) is administered according to the requirements of this title.

1455 (4) An individual may submit a completed manual ballot at an election day voting center  
1456 for the political subdivision in which the individual resides.

1457 Section 37. Section **20A-5-400.5** is amended to read:

1458 **20A-5-400.5 (Effective 01/01/27). Election officer for bond and leeway elections.**

1459 (1) When a voted leeway or bond election is held on the regular general election date, the  
1460 county clerk shall serve as the provider election officer to conduct that election.

1461 (2)(a) When a [~~voted leeway or~~]bond election is held on the municipal general election  
1462 date or any other election date permitted for special elections under Section  
1463 20A-1-204, and the local political subdivision calling the election is entirely within  
1464 the boundaries of the unincorporated county, the county clerk shall serve as the  
1465 provider election officer to conduct that election subject to Subsection (3).

1466 (b) When a [~~voted leeway or~~]bond election is held on the municipal general election  
1467 date or any other election date permitted for special elections under Section  
1468 20A-1-204, and the local political subdivision calling the election is entirely within  
1469 the boundaries of a municipality, the municipal clerk for that municipality shall,  
1470 except as provided in Subsection (3), serve as the provider election officer to conduct  
1471 that election.

1472 (c) When a [~~voted leeway or~~]bond election is held on the municipal general election  
1473 date or any other election date permitted for special elections under Section  
1474 20A-1-204, and the local political subdivision calling the election extends beyond the  
1475 boundaries of a single municipality:

1476 (i) except as provided in Subsection (3), the municipal clerk shall serve as the  
1477 provider election officer to conduct the election for those portions of the local  
1478 political subdivision where the municipal general election or other election is  
1479 being held; and

1480 (ii) except as provided in Subsection (3), the county clerk shall serve as the provider  
1481 election officer to conduct the election for the unincorporated county and for those  
1482 portions of any municipality where no municipal general election or other election  
1483 is being held.

1484 (3) When a [~~voted leeway or~~]bond election is held on a date when no other election, other  
1485 than another [~~voted leeway or~~]bond election, is being held in the entire area comprising  
1486 the local political subdivision calling the [~~voted leeway or~~]bond election:

1487 (a) the clerk or chief executive officer of a special district or the business administrator  
1488 or superintendent of the school district, as applicable, shall serve as the election  
1489 officer to conduct the bond election for [~~those~~] the portions of the local political  
1490 subdivision in which no other election, other than another [~~voted leeway or~~]bond

1491 election, is being held, unless the special district or school district has contracted with  
 1492 a provider election officer; and

1493 (b) the county clerk, municipal clerk, or both, as determined by the local political  
 1494 subdivision holding the bond election, shall serve as the provider election officer to  
 1495 conduct the bond election for ~~[those]~~ the portions of the local political subdivision in  
 1496 which another election, other than another ~~[voted leeway or]~~ bond election, is being  
 1497 held.

1498 (4) A provider election officer required by this section to conduct an election for a local  
 1499 political subdivision shall comply with Section 20A-5-400.1.

1500 Section 38. Section **20A-7-101** is amended to read:

1501 **20A-7-101 (Effective 01/01/27). Definitions.**

1502 As used in this chapter:

- 1503 (1) "Approved device" means a device described in Subsection 20A-21-201(4) used to  
 1504 gather signatures for the electronic initiative process, the electronic referendum process,  
 1505 or the electronic candidate qualification process.
- 1506 (2) "Budget officer" means:  
 1507 (a) for a county, the person designated as finance officer as defined in Section 17-63-101;  
 1508 (b) for a city, the person designated as budget officer in Subsection 10-6-106(4); or  
 1509 (c) for a town, the town council.
- 1510 (3) "Certified" means that the county clerk has acknowledged a signature as being the  
 1511 signature of a registered voter.
- 1512 (4) "Circulation" means the process of submitting an initiative petition or a referendum  
 1513 petition to legal voters for their signature.
- 1514 (5) "Electronic initiative process" means:  
 1515 (a) ~~[as it relates to]~~ for a statewide initiative, the process, described in Sections 20A-7-215  
 1516 and 20A-21-201, for gathering signatures; or  
 1517 (b) ~~[as it relates to]~~ for a local initiative, the process, described in Sections 20A-7-514  
 1518 and 20A-21-201, for gathering signatures.
- 1519 (6) "Electronic referendum process" means:  
 1520 (a) ~~[as it relates to]~~ for a statewide referendum, the process, described in Sections  
 1521 20A-7-313 and 20A-21-201, for gathering signatures; or  
 1522 (b) ~~[as it relates to]~~ for a local referendum, the process, described in Sections 20A-7-614  
 1523 and 20A-21-201, for gathering signatures.
- 1524 (7) "Eligible voter" means a legal voter who resides in the jurisdiction of the county, city, or

- 1525 town that is holding an election on a ballot proposition.
- 1526 (8) "Final fiscal impact statement" means a financial statement prepared after voters  
1527 approve an initiative that contains the information required by Subsection  
1528 20A-7-202.5(2) or 20A-7-502.5(2).
- 1529 (9) "Initial fiscal impact statement" means a financial statement prepared under Section  
1530 20A-7-202.5 after the filing of a statewide initiative application.
- 1531 (10) "Initial fiscal impact and legal statement" means a financial and legal statement  
1532 prepared under Section 20A-7-502.5 or 20A-7-602.5 for a local initiative or a local  
1533 referendum.
- 1534 (11) "Initiative" means a new law proposed for adoption by the public as provided in this  
1535 chapter.
- 1536 (12) "Initiative application" means:
- 1537 (a) for a statewide initiative, an application described in Subsection 20A-7-202(2) that  
1538 includes all the information, statements, documents, and notarized signatures  
1539 required under Subsection 20A-7-202(2); or
- 1540 (b) for a local initiative, an application described in Subsection 20A-7-502(2) that  
1541 includes all the information, statements, documents, and notarized signatures  
1542 required under Subsection 20A-7-502(2).
- 1543 (13) "Initiative packet" means a copy of the initiative petition, a copy of the proposed law,  
1544 and the signature sheets, all of which have been bound together as a unit.
- 1545 (14) "Initiative petition":
- 1546 (a) ~~[as it relates to]~~ for a statewide initiative[;] using the manual initiative process:
- 1547 (i) means the form described in Subsection 20A-7-203(2)(a), petitioning for  
1548 submission of the initiative to the Legislature or the legal voters; and
- 1549 (ii) if the initiative proposes a tax increase, includes the statement described in  
1550 Subsection 20A-7-203(2)(b);
- 1551 (b) ~~[as it relates to]~~ for a statewide initiative[;] using the electronic initiative process:
- 1552 (i) means the form described in Subsections 20A-7-215(2) and (3), petitioning for  
1553 submission of the initiative to the Legislature or the legal voters; and
- 1554 (ii) if the initiative proposes a tax increase, includes the statement described in  
1555 Subsection 20A-7-215(5)(b);
- 1556 (c) ~~[as it relates to]~~ for a local initiative[;] using the manual initiative process:
- 1557 (i) means the form described in Subsection 20A-7-503(2)(a), petitioning for  
1558 submission of the initiative to the legislative body or the legal voters; and

- 1559 (ii) if the initiative proposes a tax increase, includes the statement described in  
1560 Subsection 20A-7-503(2)(b); or
- 1561 (d) [~~as it relates to~~] for a local initiative[~~;~~] using the electronic initiative process:  
1562 (i) means the form described in Subsection 20A-7-514(2)(a), petitioning for  
1563 submission of the initiative to the legislative body or the legal voters; and  
1564 (ii) if the initiative proposes a tax increase, includes the statement described in  
1565 Subsection 20A-7-514(4)(a).
- 1566 (15)(a) "Land use law" means a law of general applicability, enacted based on the  
1567 weighing of broad, competing policy considerations, that relates to the use of land,  
1568 including a land use regulation, a general plan, a land use development code, an  
1569 annexation ordinance, the rezoning of a single property or multiple properties, or a  
1570 comprehensive zoning ordinance or resolution.
- 1571 (b) "Land use law" does not include a land use decision, as defined in Section 10-20-102  
1572 or 17-79-102.
- 1573 (16) "Legal signatures" means the number of signatures of legal voters that:  
1574 (a) meet the numerical requirements of this chapter; and  
1575 (b) have been obtained, certified, and verified as provided in this chapter.
- 1576 (17) "Legal voter" means an individual who is registered to vote in Utah.
- 1577 (18) "Legally referable to voters" means:  
1578 (a) for a proposed local initiative, that the proposed local initiative is legally referable to  
1579 voters under Section 20A-7-502.7; or  
1580 (b) for a proposed local referendum, that the proposed local referendum is legally  
1581 referable to voters under Section 20A-7-602.7.
- 1582 (19) "Local attorney" means the county attorney, city attorney, or town attorney in whose  
1583 jurisdiction a local initiative or referendum petition is circulated.
- 1584 (20) "Local clerk" means the county clerk, city recorder, or town clerk in whose jurisdiction  
1585 a local initiative or referendum petition is circulated.
- 1586 (21)(a) "Local law" includes:  
1587 (i) an ordinance;  
1588 (ii) a resolution;  
1589 (iii) a land use law;  
1590 (iv) a land use regulation, as defined in Section 10-20-102; or  
1591 (v) other legislative action of a local legislative body.
- 1592 (b) "Local law" does not include;

- 1593           (i) a land use decision, as defined in Section 10-20-102; or
- 1594           (ii) a law that is subject to the vote requirements described in Section 59-1-1903.
- 1595 (22) "Local legislative body" means the legislative body of a county, city, or town.
- 1596 (23) "Local obligation law" means a local law passed by the local legislative body
- 1597       regarding a bond that was approved by a majority of qualified voters in an election.
- 1598 [~~(24) "Local tax law" means a law, passed by a political subdivision with an annual or~~
- 1599       ~~biannual calendar fiscal year, that increases a tax or imposes a new tax.]~~
- 1600 [(25)] (24) "Manual initiative process" means the process for gathering signatures for an
- 1601       initiative using paper signature packets that a signer physically signs.
- 1602 [(26)] (25) "Manual referendum process" means the process for gathering signatures for a
- 1603       referendum using paper signature packets that a signer physically signs.
- 1604 [(27)] (26)(a) "Measure" means a proposed constitutional amendment, an initiative, or
- 1605       referendum.
- 1606       (b) "Measure" does not include a ballot proposition for the creation of a new school
- 1607       district under Section 53G-3-301.1, 53G-3-301.3, or 53G-3-301.4.
- 1608 [(28)] (27) "Presiding officers" means the president of the Senate and the speaker of the
- 1609       House of Representatives.
- 1610 [(29)] (28) "Referendum" means a process by which a law passed by the Legislature or by a
- 1611       local legislative body is submitted or referred to the voters for [their] the voters' approval
- 1612       or rejection.
- 1613 [(30)] (29) "Referendum application" means:
- 1614       (a) for a statewide referendum, an application described in Subsection 20A-7-302(2) that
- 1615       includes all the information, statements, documents, and notarized signatures
- 1616       required under Subsection 20A-7-302(2); or
- 1617       (b) for a local referendum, an application described in Subsection 20A-7-602(2) that
- 1618       includes all the information, statements, documents, and notarized signatures
- 1619       required under Subsection 20A-7-602(2).
- 1620 [(31)] (30) "Referendum packet" means a copy of the referendum petition, a copy of the law
- 1621       being submitted or referred to the voters for their approval or rejection, and the signature
- 1622       sheets, all of which have been bound together as a unit.
- 1623 [(32)] (31) "Referendum petition" means:
- 1624       (a) [as it relates to] for a statewide referendum[;] using the manual referendum process,
- 1625       the form described in Subsection 20A-7-303(2)(a), petitioning for submission of a
- 1626       law passed by the Legislature to legal voters for [their] the voters' approval or

- 1627 rejection;
- 1628 (b) [~~as it relates to~~] for a statewide referendum[;] using the electronic referendum
- 1629 process, the form described in Subsection 20A-7-313(2), petitioning for submission
- 1630 of a law passed by the Legislature to legal voters for [~~their~~] the voters' approval or
- 1631 rejection;
- 1632 (c) [~~as it relates to~~] for a local referendum[;] using the manual referendum process, the
- 1633 form described in Subsection 20A-7-603(2)(a), petitioning for submission of a local
- 1634 law to legal voters for [~~their~~] the voters' approval or rejection; or
- 1635 (d) [~~as it relates to~~] for a local referendum[;] using the electronic referendum process, the
- 1636 form described in Subsection 20A-7-614(2), petitioning for submission of a local law
- 1637 to legal voters for [~~their~~] the voters' approval or rejection.
- 1638 [(33)] (32) "Signature":
- 1639 (a) for a statewide initiative:
- 1640 (i) [~~as it relates to~~] using the electronic initiative process, means an electronic
- 1641 signature collected under Section 20A-7-215 and Subsection 20A-21-201(6)(c); or
- 1642 (ii) [~~as it relates to~~] using the manual initiative process:
- 1643 (A) means a holographic signature collected physically on a signature sheet
- 1644 described in Section 20A-7-203;
- 1645 (B) as it relates to an individual who, due to a qualifying disability under the
- 1646 Americans with Disabilities Act, is unable to fill out the signature sheet or to
- 1647 sign the voter's name consistently, the initials "AV," indicating that the voter's
- 1648 identity will be verified by an alternate verification process described in
- 1649 Section 20A-7-106; and
- 1650 (C) does not include an electronic signature;
- 1651 (b) for a statewide referendum:
- 1652 (i) [~~as it relates to~~] using the electronic referendum process, means an electronic
- 1653 signature collected under Section 20A-7-313 and Subsection 20A-21-201(6)(c); or
- 1654 (ii) [~~as it relates to~~] using the manual referendum process:
- 1655 (A) means a holographic signature collected physically on a signature sheet
- 1656 described in Section 20A-7-303;
- 1657 (B) as it relates to an individual who, due to a qualifying disability under the
- 1658 Americans with Disabilities Act, is unable to fill out the signature sheet or to
- 1659 sign the voter's name consistently, the initials "AV," indicating that the voter's
- 1660 identity will be verified by an alternate verification process described in

- 1661 Section 20A-7-106; and
- 1662 (C) does not include an electronic signature;
- 1663 (c) for a local initiative:
- 1664 (i) ~~[as it relates to]~~ using the electronic initiative process, means an electronic
- 1665 signature collected under Section 20A-7-514 and Subsection 20A-21-201(6)(c); or
- 1666 (ii) ~~[as it relates to]~~ using the manual initiative process:
- 1667 (A) means a holographic signature collected physically on a signature sheet
- 1668 described in Section 20A-7-503;
- 1669 (B) as it relates to an individual who, due to a qualifying disability under the
- 1670 Americans with Disabilities Act, is unable to fill out the signature sheet or to
- 1671 sign the voter's name consistently, the initials "AV," indicating that the voter's
- 1672 identity will be verified by an alternate verification process described in
- 1673 Section 20A-7-106; and
- 1674 (C) does not include an electronic signature; or
- 1675 (d) for a local referendum:
- 1676 (i) ~~[as it relates to]~~ using the electronic referendum process, means an electronic
- 1677 signature collected under Section 20A-7-614 and Subsection 20A-21-201(6)(c); or
- 1678 (ii) ~~[as it relates to]~~ using the manual referendum process:
- 1679 (A) means a holographic signature collected physically on a signature sheet
- 1680 described in Section 20A-7-603;
- 1681 (B) as it relates to an individual who, due to a qualifying disability under the
- 1682 Americans with Disabilities Act, is unable to fill out the signature sheet or to
- 1683 sign the voter's name consistently, the initials "AV," indicating that the voter's
- 1684 identity will be verified by an alternate verification process described in
- 1685 Section 20A-7-106; and
- 1686 (C) does not include an electronic signature.
- 1687 ~~[(34)]~~ (33) "Signature sheets" means sheets in the form required by this chapter that are used
- 1688 under the manual initiative process or the manual referendum process to collect
- 1689 signatures in support of an initiative or referendum.
- 1690 ~~[(35)]~~ (34)(a) "Special local ballot proposition" means a local ballot proposition that is
- 1691 not a standard local ballot proposition.
- 1692 (b) "Special local ballot proposition" does not include a ballot proposition as that term is
- 1693 defined in Section 20A-7-901.
- 1694 ~~[(36)]~~ (35) "Sponsors" means the legal voters who support the initiative or referendum and

1695 who sign the initiative application or referendum application.

1696 [(37)] (36)(a) "Standard local ballot proposition" means a local ballot proposition for an  
1697 initiative or a referendum.

1698 (b) "Standard local ballot proposition" does not include a [~~property tax referendum~~  
1699 ~~described in Section 20A-7-613~~] ballot proposition as that term is defined in Section  
1700 20A-7-901.

1701 [(38)] (37) "Tax percentage difference" means the difference between the tax rate proposed  
1702 by an initiative or an initiative petition and the current tax rate.

1703 [(39)] (38) "Tax percentage increase" means a number calculated by dividing the tax  
1704 percentage difference by the current tax rate and rounding the result to the nearest  
1705 thousandth.

1706 [(40)] (39) "Verified" means acknowledged by the person circulating the petition as required  
1707 in Section 20A-7-105.

1708 Section 39. Section **20A-7-103** is amended to read:

1709 **20A-7-103 (Effective 01/01/27) (Contingently Superseded 01/01/27).**

1710 **Constitutional amendments and other questions submitted by the Legislature --**

1711 **Publication -- Ballot title -- Procedures for submission to popular vote.**

1712 (1) The procedures contained in this section govern when the Legislature submits a  
1713 proposed constitutional amendment or other question to the voters.

1714 (2) The lieutenant governor shall, not more than 60 calendar days or less than 14 calendar  
1715 days before the date of the election, publish the full text of the amendment, question, or  
1716 statute for the state, as a class A notice under Section 63G-30-102, through the date of  
1717 the election.

1718 (3) The presiding officers shall:

1719 (a) entitle each proposed constitutional amendment "Constitutional Amendment \_\_\_" and  
1720 assign a letter to the constitutional amendment in accordance with the requirements  
1721 of Section 20A-6-107;

1722 (b) entitle each proposed question "Proposition Number \_\_\_" with the number assigned to  
1723 the proposition under Section 20A-6-107 placed in the blank;

1724 (c) for each proposed amendment or question submitted by the Legislature, other than  
1725 legislation subject to Part 9, Tax Increase Voting Requirements, draft and designate a  
1726 ballot title [for each proposed amendment or question submitted by the Legislature-]  
1727 that:

1728 (i) summarizes the subject matter of the amendment or question; and

- 1729 (ii) for a proposed constitutional amendment, summarizes any legislation that is  
 1730 enacted and will become effective upon the voters' adoption of the proposed  
 1731 constitutional amendment; and
- 1732 (d) deliver each letter or number and ballot title to the lieutenant governor.
- 1733 (4) The lieutenant governor shall certify the letter or number and ballot title of each  
 1734 amendment or question to the county clerk of each county no later than 65 calendar days  
 1735 before the date of the election.
- 1736 (5) The county clerk of each county shall:
- 1737 (a) ensure that the letter or number and the ballot title of each amendment and question  
 1738 prepared in accordance with this section or Section 20A-7-903 are included in the  
 1739 sample ballots and official ballots; and
- 1740 (b) publish the sample ballots and official ballots as provided by law.
- 1741 Section 40. Section **20A-7-103** is amended to read:
- 1742 **20A-7-103 (Contingently Effective 01/01/27). Constitutional amendments and**  
 1743 **other questions submitted by the Legislature -- Publication -- Ballot title -- Procedures**  
 1744 **for submission to popular vote.**
- 1745 (1) The procedures contained in this section govern when the Legislature submits a  
 1746 proposed constitutional amendment or other question to the voters.
- 1747 (2) The lieutenant governor shall:
- 1748 (a) for a proposed constitutional amendment, in accordance with Utah Constitution,  
 1749 Article XXIII, Section 1, publish the entire text of the proposed constitutional  
 1750 amendment for 60 calendar days immediately preceding the next general election, as  
 1751 a class A notice under Section 63G-30-102; or
- 1752 (b) for a question other than a proposed constitutional amendment, publish the question  
 1753 for 60 calendar days immediately preceding the next general election, as a class A  
 1754 notice under Section 63G-30-102.
- 1755 (3) The presiding officers shall:
- 1756 (a) entitle each proposed constitutional amendment "Constitutional Amendment \_\_\_" and  
 1757 assign a letter to the constitutional amendment in accordance with the requirements  
 1758 of Section 20A-6-107;
- 1759 (b) entitle each proposed question "Proposition Number \_\_\_" with the number assigned to  
 1760 the proposition under Section 20A-6-107 placed in the blank;
- 1761 (c) for each proposed amendment or question submitted by the Legislature, other than  
 1762 legislation subject to Part 9, Tax Increase Voting Requirements, draft and designate a

1763 ballot title [~~for each proposed amendment or question submitted by the Legislature~~]  
 1764 that:

- 1765 (i) summarizes the subject matter of the amendment or question; and  
 1766 (ii) for a proposed constitutional amendment, summarizes any legislation that is  
 1767 enacted and will become effective upon the voters' adoption of the proposed  
 1768 constitutional amendment; and  
 1769 (d) deliver each letter or number and ballot title to the lieutenant governor.

1770 (4) The lieutenant governor shall certify the letter or number and ballot title of each  
 1771 amendment or question to the county clerk of each county no later than 65 calendar days  
 1772 before the date of the election.

1773 (5) The county clerk of each county shall:

- 1774 (a) ensure that the letter or number and the ballot title of each amendment and question  
 1775 prepared in accordance with this section or Section 20A-7-903 are included in the  
 1776 sample ballots and official ballots; and  
 1777 (b) publish the sample ballots and official ballots as provided by law.

1778 Section 41. Section **20A-7-601** is amended to read:

1779 **20A-7-601 (Effective 01/01/27). Referenda -- General signature requirements --**  
 1780 **Signature requirements for land use laws, subjurisdictional laws, and transit area land**  
 1781 **use laws -- Time requirements.**

1782 (1) As used in this section:

- 1783 (a) "Number of active voters" means the number of active voters in the county, city, or  
 1784 town on the immediately preceding January 1.  
 1785 (b) "Qualifying county" means a county that has created a small public transit district, as  
 1786 defined in Section 17B-2a-802, on or before January 1, 2022.  
 1787 (c) "Qualifying transit area" means:  
 1788 (i) a station area, as defined in Section 10-21-101, for which the municipality with  
 1789 jurisdiction over the station area has satisfied the requirements of Subsection  
 1790 10-21-203(1)(a)(i), as demonstrated by the adoption of a station area plan or  
 1791 resolution under Subsection 10-21-203(1); or  
 1792 (ii) a housing and transit reinvestment zone, as defined in Section 63N-3-602, created  
 1793 within a qualifying county.  
 1794 (d) "Subjurisdiction" means an area comprised of all precincts and subprecincts in the  
 1795 jurisdiction of a county, city, or town that are subject to a subjurisdictional law.  
 1796 (e)(i) "Subjurisdictional law" means a local law or local obligation law passed by a

- 1797 local legislative body that imposes a [~~tax or other~~]payment obligation, other than  
1798 a tax, on property in an area that does not include all precincts and subprecincts  
1799 under the jurisdiction of the county, city, or town.
- 1800 (ii) "Subjurisdictional law" does not include a land use law.
- 1801 (f) "Transit area land use law" means a land use law that relates to the use of land within  
1802 a qualifying transit area.
- 1803 (g) "Voter participation area" means an area described in Subsection 20A-7-401.3(1)(a)  
1804 or (2)(b).
- 1805 (2) Except as provided in Subsections (3) through (5), an eligible voter seeking to have a  
1806 local law passed by the local legislative body submitted to a vote of the people shall,  
1807 after filing a referendum application, obtain legal signatures equal to:
- 1808 (a) for a county of the first class:
- 1809 (i) 7.75% of the number of active voters in the county; and  
1810 (ii) beginning on January 1, 2020, 7.75% of the number of active voters in at least  
1811 75% of the county's voter participation areas;
- 1812 (b) for a city of the first class:
- 1813 (i) 7.5% of the number of active voters in the city; and  
1814 (ii) beginning on January 1, 2020, 7.5% of the number of active voters in at least 75%  
1815 of the city's voter participation areas;
- 1816 (c) for a county of the second class:
- 1817 (i) 8% of the number of active voters in the county; and  
1818 (ii) beginning on January 1, 2020, 8% of the number of active voters in at least 75%  
1819 of the county's voter participation areas;
- 1820 (d) for a city of the second class:
- 1821 (i) 8.25% of the number of active voters in the city; and  
1822 (ii) beginning on January 1, 2020, 8.25% of the number of active voters in at least  
1823 75% of the city's voter participation areas;
- 1824 (e) for a county of the third class:
- 1825 (i) 9.5% of the number of active voters in the county; and  
1826 (ii) beginning on January 1, 2020, 9.5% of the number of active voters in at least 75%  
1827 of the county's voter participation areas;
- 1828 (f) for a city of the third class:
- 1829 (i) 10% of the number of active voters in the city; and  
1830 (ii) beginning on January 1, 2020, 10% of the number of active voters in at least 75%

- 1831 of the city's voter participation areas;
- 1832 (g) for a county of the fourth class:
- 1833 (i) 11.5% of the number of active voters in the county; and
- 1834 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least
- 1835 75% of the county's voter participation areas;
- 1836 (h) for a city of the fourth class:
- 1837 (i) 11.5% of the number of active voters in the city; and
- 1838 (ii) beginning on January 1, 2020, 11.5% of the number of active voters in at least
- 1839 75% of the city's voter participation areas;
- 1840 (i) for a city of the fifth class or a county of the fifth class, 25% of the number of active
- 1841 voters in the city or county; or
- 1842 (j) for a town or a county of the sixth class, 35% of the number of active voters in the
- 1843 town or county.
- 1844 (3) Except as provided in Subsection (4) or (5), an eligible voter seeking to have a land use
- 1845 law or local obligation law passed by the local legislative body submitted to a vote of the
- 1846 people shall, after filing a referendum application, obtain legal signatures equal to:
- 1847 (a) for a county of the first, second, third, or fourth class:
- 1848 (i) 16% of the number of active voters in the county; and
- 1849 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%
- 1850 of the county's voter participation areas;
- 1851 (b) for a county of the fifth or sixth class:
- 1852 (i) 16% of the number of active voters in the county; and
- 1853 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%
- 1854 of the county's voter participation areas;
- 1855 (c) for a city of the first class:
- 1856 (i) 15% of the number of active voters in the city; and
- 1857 (ii) beginning on January 1, 2020, 15% of the number of active voters in at least 75%
- 1858 of the city's voter participation areas;
- 1859 (d) for or a city of the second class:
- 1860 (i) 16% of the number of active voters in the city; and
- 1861 (ii) beginning on January 1, 2020, 16% of the number of active voters in at least 75%
- 1862 of the city's voter participation areas;
- 1863 (e) for a city of the third class:
- 1864 (i) 27.5% of the number of active voters in the city; and

- 1865 (ii) beginning on January 1, 2020, 27.5% of the number of active voters in at least  
1866 75% of the city's voter participation areas;
- 1867 (f) for a city of the fourth class:
- 1868 (i) 29% of the number of active voters in the city; and
- 1869 (ii) beginning on January 1, 2020, 29% of the number of active voters in at least 75%  
1870 of the city's voter participation areas;
- 1871 (g) for a city of the fifth class, 35% of the number of active voters in the city; or
- 1872 (h) for a town, 40% of the number of active voters in the town.
- 1873 (4) A person seeking to have a subjurisdictional law passed by the local legislative body  
1874 submitted to a vote of the people shall, after filing a referendum application, obtain legal  
1875 signatures of the residents in the subjurisdiction equal to:
- 1876 (a) 10% of the number of active voters in the subjurisdiction if the number of active  
1877 voters exceeds 25,000;
- 1878 (b) 12.5% of the number of active voters in the subjurisdiction if the number of active  
1879 voters does not exceed 25,000 but is more than 10,000;
- 1880 (c) 15% of the number of active voters in the subjurisdiction if the number of active  
1881 voters does not exceed 10,000 but is more than 2,500;
- 1882 (d) 20% of the number of active voters in the subjurisdiction if the number of active  
1883 voters does not exceed 2,500 but is more than 500;
- 1884 (e) 25% of the number of active voters in the subjurisdiction if the number of active  
1885 voters does not exceed 500 but is more than 250; and
- 1886 (f) 30% of the number of active voters in the subjurisdiction if the number of active  
1887 voters does not exceed 250.
- 1888 (5) An eligible voter seeking to have a transit area land use law passed by the local  
1889 legislative body submitted to a vote of the people shall, after filing a referendum  
1890 application, obtain legal signatures equal to:
- 1891 (a) for a county:
- 1892 (i) 20% of the number of active voters in the county; and
- 1893 (ii) 21% of the number of active voters in at least 75% of the county's voter  
1894 participation areas;
- 1895 (b) for a city of the first class:
- 1896 (i) 20% of the number of active voters in the city; and
- 1897 (ii) 20% of the number of active voters in at least 75% of the city's voter participation  
1898 areas;

- 1899 (c) for a city of the second class:
- 1900 (i) 20% of the number of active voters in the city; and
- 1901 (ii) 21% of the number of active voters in at least 75% of the city's voter participation
- 1902 areas;
- 1903 (d) for a city of the third class:
- 1904 (i) 34% of the number of active voters in the city; and
- 1905 (ii) 34% of the number of active voters in at least 75% of the city's voter participation
- 1906 areas;
- 1907 (e) for a city of the fourth class:
- 1908 (i) 36% of the number of active voters in the city; and
- 1909 (ii) 36% of the number of active voters in at least 75% of the city's voter participation
- 1910 areas; or
- 1911 (f) for a city of the fifth class or a town, 40% of the number of active voters in the city or
- 1912 town.
- 1913 (6) Sponsors of any referendum petition challenging, under Subsection (2), (3), (4), or (5),
- 1914 any local law passed by a local legislative body shall file the application no later than the
- 1915 first business day that is at least five days after the day on which the local law was
- 1916 passed.
- 1917 (7) This section does not authorize a local legislative body to impose a tax or other payment
- 1918 obligation on a subjurisdiction in order to benefit an area outside of the subjurisdiction.
- 1919 Section 42. Section **20A-7-607** is amended to read:
- 1920 **20A-7-607 (Effective 01/01/27). Evaluation by the local clerk -- Determination of**
- 1921 **election for vote on referendum.**
- 1922 (1) In relation to the manual referendum process, when the local clerk receives a
- 1923 referendum packet from a county clerk, the local clerk shall record the number of the
- 1924 referendum packet received.
- 1925 (2) The county clerk shall:
- 1926 (a) in relation to the manual referendum process:
- 1927 (i) post the names, voter identification numbers, and dates of signatures described in
- 1928 Subsection 20A-7-105(6)(a)(iii) on the lieutenant governor's website, in a
- 1929 conspicuous location designated by the lieutenant governor, for at least 45
- 1930 calendar days; and
- 1931 (ii) update on the local clerk's website the number of signatures certified as of the
- 1932 date of the update; or

- 1933 (b) in relation to the electronic referendum process:
- 1934 (i) post the names, voter identification numbers, and dates of signatures described in
- 1935 Subsection [~~20A-7-616(3)~~] 20A-7-616(4) on the lieutenant governor's website, in a
- 1936 conspicuous location designated by the lieutenant governor, for at least 45
- 1937 calendar days; and
- 1938 (ii) update on the lieutenant governor's website the number of signatures certified as
- 1939 of the date of the update.
- 1940 (3) The local clerk:
- 1941 (a) shall, except as provided in Subsection (3)(b), declare the referendum petition to be
- 1942 sufficient or insufficient:
- 1943 (i) in relation to the manual referendum process, no later than 111 calendar days after
- 1944 the day of the deadline, described in Subsection 20A-7-105(5)(a)(iv), to submit a
- 1945 referendum packet to the county clerk; or
- 1946 (ii) in relation to the electronic referendum process, no later than 111 calendar days
- 1947 after the day of the deadline, described in Subsection 20A-7-616(2), to collect a
- 1948 signature; or
- 1949 (b) may declare the referendum petition to be insufficient before the day described in
- 1950 Subsection (3)(a) if:
- 1951 (i) in relation to the manual referendum process, the total of all valid signatures on
- 1952 timely and lawfully submitted referendum packets that have been certified by the
- 1953 county clerk, plus the number of signatures on timely and lawfully submitted
- 1954 referendum packets that have not yet been evaluated for certification, is less than
- 1955 the number of names required under Section 20A-7-601;
- 1956 (ii) in relation to the electronic referendum process, the total of all timely and
- 1957 lawfully submitted valid signatures that have been certified by the county clerks,
- 1958 plus the number of timely and lawfully submitted valid signatures received under
- 1959 Subsection 20A-21-201(6)(b) that have not yet been evaluated for certification, is
- 1960 less than the number of names required under Section 20A-7-601; or
- 1961 (iii) a requirement of this part has not been met.
- 1962 (4)(a) If the total number of names certified under Subsection (3) equals or exceeds the
- 1963 number of names required under Section 20A-7-601, and the requirements of this
- 1964 part are met, the local clerk shall mark upon the front of the referendum petition the
- 1965 word "sufficient."
- 1966 (b) If the total number of names certified under Subsection (3) does not equal or exceed

- 1967 the number of names required under Section 20A-7-601 or a requirement of this part  
 1968 is not met, the local clerk shall mark upon the front of the referendum petition the  
 1969 word "insufficient."
- 1970 (c) The local clerk shall immediately notify any one of the sponsors of the local clerk's  
 1971 finding.
- 1972 (d) After a referendum petition is declared insufficient, a person may not submit  
 1973 additional signatures to qualify the referendum for the ballot.
- 1974 (5)(a) If the local clerk refuses to declare a referendum petition sufficient, any voter  
 1975 may, no later than 10 days after the day on which the local clerk declares the  
 1976 referendum petition insufficient, apply to the appropriate court for an order finding  
 1977 the referendum petition legally sufficient.
- 1978 (b) If the court determines that the referendum petition is legally sufficient, the local  
 1979 clerk shall mark the referendum petition "sufficient" and consider the declaration of  
 1980 sufficiency effective as of the date on which the referendum petition should have  
 1981 been declared sufficient by the local clerk's office.
- 1982 (c) If the court determines that a referendum petition filed is not legally sufficient, the  
 1983 court may enjoin the local clerk and all other officers from[:]  
 1984 [(i)] certifying or printing the ballot title and numbers of that referendum on the  
 1985 official ballot for the next election[; or] .  
 1986 [(ii) as it relates to a local tax law that is conducted entirely by mail, certifying,  
 1987 printing, or mailing the ballot title and numbers of that referendum under Section  
 1988 20A-7-609.5.]
- 1989 (6) A referendum petition determined to be sufficient in accordance with this section is  
 1990 qualified for the ballot.
- 1991 (7)(a) Except as provided in Subsection (7)(b) or (c), if a referendum relates to  
 1992 legislative action taken after April 15, the election officer may not place the  
 1993 referendum on an election ballot until a primary election, a general election, or a  
 1994 special election the following year.
- 1995 (b) The election officer may place a referendum described in Subsection (7)(a) on the  
 1996 ballot for a special, primary, or general election held during the year that the  
 1997 legislative action was taken if the following agree, in writing, on a timeline to place  
 1998 the referendum on that ballot:
- 1999 (i) the local clerk;  
 2000 (ii) the county clerk; and

- 2001 (iii) the attorney for the county or municipality that took the legislative action.
- 2002 (c) For a referendum on a land use law, if, before August 30, the local clerk or a court
- 2003 determines that the total number of certified names equals or exceeds the number of
- 2004 signatures required in Section 20A-7-601, the election officer shall place the
- 2005 referendum on the election ballot for:
- 2006 (i) the next general election; or
- 2007 (ii) another election, if the following agree, in writing, on a timeline to place the
- 2008 referendum on that ballot:
- 2009 (A) the affected owners, as defined in Section 10-20-102 or 17-79-102, as
- 2010 applicable;
- 2011 (B) the local clerk;
- 2012 (C) the county clerk; and
- 2013 (D) the attorney for the county or municipality that took the legislative action.

2014 Section 43. Section **20A-7-702** is amended to read:

2015 **20A-7-702 (Effective 01/01/27). Voter information pamphlet -- Form -- Contents.**

2016 The voter information pamphlet shall contain the following items in this order:

- 2017 (1) a cover title page;
- 2018 (2) an introduction to the pamphlet by the lieutenant governor;
- 2019 (3) a table of contents;
- 2020 (4) a list of all candidates for constitutional offices;
- 2021 (5) a list of candidates for each legislative district;
- 2022 (6) a 100-word statement of qualifications for each candidate for the office of governor,
- 2023 lieutenant governor, attorney general, state auditor, or state treasurer, if submitted by the
- 2024 candidate to the lieutenant governor's office before 5 p.m. on the first business day in
- 2025 August before the date of the election;
- 2026 (7) information pertaining to all measures to be submitted to the voters, beginning a new
- 2027 page for each measure and containing, in the following order for each measure:
- 2028 (a) a copy of the number and ballot title of the measure;
- 2029 (b) the final vote cast by the Legislature on the measure if it is a measure submitted by
- 2030 the Legislature or by referendum;
- 2031 (c)(i) for a measure other than a measure described in Section 20A-7-103, the
- 2032 impartial analysis of the measure prepared by the Office of Legislative Research
- 2033 and General Counsel; or
- 2034 (ii) for a measure described in Section 20A-7-103, the analysis of the measure

2035 prepared by the presiding officers in accordance with Section 20A-7-703.1 or, for  
2036 legislation subject to Part 9, Tax Increase Voting Requirements, in accordance  
2037 with Section 20A-7-904;

2038 (d) the arguments in favor of the measure, the rebuttal to the arguments in favor of the  
2039 measure, the arguments against the measure, and the rebuttal to the arguments against  
2040 the measure, with the name and title of the authors at the end of each argument or  
2041 rebuttal;

2042 (e) for each constitutional amendment, a complete copy of the text of the constitutional  
2043 amendment, with all new language underlined, and all deleted language placed within  
2044 brackets;

2045 (f) for each initiative qualified for the ballot:

2046 (i) a copy of the initiative as certified by the lieutenant governor and a copy of the  
2047 initial fiscal impact statement prepared according to Section 20A-7-202.5; and

2048 (ii) if the initiative proposes a tax increase, the following statement in bold type:

2049 "This initiative seeks to increase the current (insert name of tax) rate by (insert the tax  
2050 percentage difference) percent, resulting in a(n) (insert the tax percentage increase) percent  
2051 increase in the current tax rate."; and

2052 (g) for each referendum qualified for the ballot, a complete copy of the text of the law  
2053 being submitted to the voters for their approval or rejection, with all new language  
2054 underlined and all deleted language placed within brackets, as applicable;

2055 (8) a description provided by the Judicial Performance Evaluation Commission of the  
2056 selection and retention process for judges, including, in the following order:

2057 (a) a description of the judicial selection process;

2058 (b) a description of the judicial performance evaluation process;

2059 (c) a description of the judicial retention election process;

2060 (d) a list of the criteria of the judicial performance evaluation and the certification  
2061 standards;

2062 (e) the names of the judges standing for retention election; and

2063 (f) for each judge:

2064 (i) a list of the counties in which the judge is subject to retention election;

2065 (ii) a short biography of professional qualifications and a recent photograph;

2066 (iii) a narrative concerning the judge's performance;

2067 (iv) for each certification standard under Section 78A-12-205, a statement identifying  
2068 whether, under Section 78A-12-205, the judge met the standard and, if not, the

- 2069 manner in which the judge failed to meet the standard;
- 2070 (v) a statement that the Judicial Performance Evaluation Commission:
- 2071 (A) has determined that the judge meets or exceeds minimum performance
- 2072 standards;
- 2073 (B) has determined that the judge does not meet or exceed minimum performance
- 2074 standards; or
- 2075 (C) has not made a determination regarding whether the judge meets or exceeds
- 2076 minimum performance standards;
- 2077 (vi) any statement, described in Subsection 78A-12-206(3)(b), provided by a judge
- 2078 whom the Judicial Performance Evaluation Commission determines does not meet
- 2079 or exceed minimum performance standards;
- 2080 (vii) in a bar graph, the average of responses to each survey category, displayed with
- 2081 an identification of the minimum acceptable score as set by Section 78A-12-205
- 2082 and the average score of all judges of the same court level; and
- 2083 (viii) a website address that contains the Judicial Performance Evaluation
- 2084 Commission's report on the judge's performance evaluation;
- 2085 (9) for each judge, a statement provided by the Utah Supreme Court identifying the
- 2086 cumulative number of informal reprimands, when consented to by the judge in
- 2087 accordance with Title 78A, Chapter 11, Judicial Conduct Commission, formal
- 2088 reprimands, and all orders of censure and suspension issued by the Utah Supreme Court
- 2089 under Utah Constitution, Article VIII, Section 13, during the judge's current term and the
- 2090 immediately preceding term, and a detailed summary of the supporting reasons for each
- 2091 violation of the Code of Judicial Conduct that the judge has received;
- 2092 (10) an explanation of ballot marking procedures prepared by the lieutenant governor,
- 2093 indicating the ballot marking procedure used by each county and explaining how to
- 2094 mark the ballot for each procedure;
- 2095 (11) voter registration information, including information on how to obtain a ballot;
- 2096 (12) a list of all county clerks' offices and phone numbers;
- 2097 (13) the address of the Statewide Electronic Voter Information Website, with a statement
- 2098 indicating that the election officer will post on the website any changes to the location of
- 2099 a polling place and the location of any additional polling place;
- 2100 (14) a phone number that a voter may call to obtain information regarding the location of a
- 2101 polling place; and
- 2102 (15) on the back cover page, a printed copy of the following statement signed by the lieutenant

2103 governor:  
 2104 "I, \_\_\_\_\_ (print name), Lieutenant Governor of Utah, certify that the  
 2105 measures contained in this pamphlet will be submitted to the voters of Utah at the election to  
 2106 be held throughout the state on \_\_\_\_ (date of election), and that this pamphlet is complete and  
 2107 correct according to law.

2108 SEAL

2109 Witness my hand and the Great Seal of the State, at Salt Lake City, Utah this \_\_\_\_ day  
 2110 of \_\_\_\_ (month), \_\_\_\_ (year)

2111

(signed) \_\_\_\_\_

2112

Lieutenant Governor".

2113 Section 44. Section **20A-7-703.1** is amended to read:

2114 **20A-7-703.1 (Effective 01/01/27). Analysis of measure submitted to voters by**

2115 **Legislature -- Determination of fiscal effects.**

2116 (1) The presiding officers shall:

2117 (a) prepare an analysis of each measure, described in Section 20A-7-103, that is  
 2118 submitted to the voters by the Legislature, except legislation subject to Part 9, Tax  
 2119 Increase Voting Requirements; and

2120 (b) submit the analysis to the lieutenant governor no later than 90 calendar days before  
 2121 the date of the election in which the measure will appear on the ballot.

2122 (2) The presiding officers shall ensure that the analysis:

2123 (a) is not more than 1,000 words long;

2124 (b) is prepared in clear and concise language that will easily be understood by the  
 2125 average voter;

2126 (c) to the extent possible, avoids the use of technical terms;

2127 (d) shows the effect of the measure on existing law;

2128 (e) describes the measure;

2129 (f) identifies the measure's fiscal effects over the time period or time periods determined  
 2130 by the presiding officers to be most useful in understanding the estimated fiscal  
 2131 impact of the measure; and

2132 (g) identifies the amount of any increase or decrease in revenue or cost to state or local  
 2133 government.

2134 (3) The presiding officers shall analyze the measure as the measure is proposed to be

2135 adopted, without considering any implementing legislation, unless the implementing  
 2136 legislation has been enacted and will become effective upon the adoption of the measure  
 2137 by the voters.

2138 (4)(a) In determining the fiscal effects of a measure, the presiding officers shall confer  
 2139 with the legislative fiscal analyst.

2140 (b) The presiding officers shall consider any measure that requires implementing  
 2141 legislation in order to take effect to have no financial effect, unless implementing  
 2142 legislation has been enacted that will become effective upon adoption of the measure  
 2143 by the voters.

2144 (5) If the presiding officers request the assistance of any state department, agency, or  
 2145 official in preparing the analysis described in this section, that department, agency, or  
 2146 official shall assist the presiding officers.

2147 Section 45. Section **20A-7-901** is enacted to read:

2148 **Part 9. Tax Increase Voting Requirements**

2149 **20A-7-901 (Effective 01/01/27). Definitions.**

2150 As used in this part:

2151 (1) "Ballot proposition" means legislation or a question a government entity submits to  
 2152 voters in accordance with Section 59-1-1903.

2153 (2) "Election date" means the date of the election at which voters will consider the ballot  
 2154 proposition.

2155 (3) "Eligible voter" means a person who:

2156 (a) has registered to vote in accordance with Title 20A, Chapter 2, Voter Registration;  
 2157 and

2158 (b) is a resident of a voting district or precinct within the taxing entity that is holding an  
 2159 election to consider a ballot proposition.

2160 (4) "Fiscal year spending" means the same as that term is defined in Section 59-1-1902.

2161 (5) "Fiscal year spending limit" means a government entity's maximum amount of fiscal  
 2162 year spending calculated in accordance with Section 59-1-1904.

2163 (6) "Government entity" means the same as that term is defined in Section 59-1-1902.

2164 Section 46. Section **20A-7-902** is enacted to read:

2165 **20A-7-902 (Contingently Effective 01/01/27). Tax increase voter submission**  
 2166 **requirements.**

2167 (1)(a) Except as provided in Subsection (1)(b), a government entity shall submit a ballot  
 2168 proposition to voters at the next general election.

- 2169 (b) A public infrastructure district that seeks to levy a property tax for payment of debt  
 2170 service on a limited tax bond issued in accordance with Section 17D-4-301 on or  
 2171 after January 1, 2027, may submit a ballot proposition to voters in 2027 at the same  
 2172 time as the municipal election.
- 2173 (2) A government entity shall provide notice of a ballot proposition to voters:  
 2174 (a)(i) for the state, in accordance with Sections 20A-7-103 and 20A-7-702; or  
 2175 (ii) for a government entity other than the state, at least 30 days before the election in  
 2176 the locations described in Subsection 20A-7-905(6);
- 2177 (b) at the lowest cost; and  
 2178 (c) with a title that meets the requirements of Section 20A-7-903.
- 2179 (3) The state or a political subdivision may consolidate the notices for a ballot proposition  
 2180 that is passed by a legislative body, other than a constitutional amendment.
- 2181 (4) Even with voter approval, a government entity may not incur debt if the debt exceeds  
 2182 the government entity's share of maximum repayment costs disclosed in accordance with  
 2183 Subsection 20A-7-904(4).

2184 Section 47. Section **20A-7-903** is enacted to read:

2185 **20A-7-903 (Contingently Effective 01/01/27). Ballot title.**

- 2186 (1) A ballot title for a tax increase shall read:

2187 "Shall (name of government entity) take the following action (type of action such  
 2188 as impose/increase/modify the base for/extend an expiring) (type of tax) to collect an  
 2189 estimated (first, or if phased in, final, fiscal year dollar increase) annually?"

- 2190 (2) A ballot title for a debt increase shall read:

2191 "Shall (name of government entity) increase the debt (for purpose) to (principal  
 2192 amount) with a repayment cost of (maximum total cost)?"

- 2193 (3) A ballot title for a question about retaining revenue that exceeds the government entity's  
 2194 fiscal year spending limit shall read:

2195 "Shall (name of government entity) retain the amount of revenue that exceeds the  
 2196 government entity's fiscal year spending limit, instead of refunding the excess, for the  
 2197 following fiscal years: (list the fiscal years, up to five)?"

2198 Section 48. Section **20A-7-904** is enacted to read:

2199 **20A-7-904 (Effective 01/01/27). Analysis of a ballot proposition.**

2200 The presiding officers of the Legislature or the governing body of a political subdivision  
 2201 shall prepare an analysis of each ballot proposition that includes:

- 2202 (1) an impartial summary of the ballot proposition that:

- 2203 (a) is prepared in clear and concise language that will easily be understood by the  
 2204 average voter; and
- 2205 (b) avoids the use of technical terms as much as possible;
- 2206 (2) the estimated or actual total fiscal year funding for the current fiscal year and each of  
 2207 the past four fiscal years and the overall dollar and percentage change between the fiscal  
 2208 year spending in the previous fiscal year and the total estimated to be generated by the  
 2209 tax increase or bond debt increase;
- 2210 (3) an estimate of the maximum dollar amount of each tax increase during the first full  
 2211 fiscal year and of the government entity's spending during that fiscal year without the  
 2212 increase;
- 2213 (4) an estimate of the maximum principal amount and maximum annual and total  
 2214 repayment cost of each debt increase and the actual amount of current bonded debt and  
 2215 the maximum annual and total repayment cost of each bonded debt; and
- 2216 (5) an estimate of the amount the ballot proposition will cost to an average household.

2217 Section 49. Section **20A-7-905**, which is renumbered from Section 59-1-1604 is renumbered  
 2218 and amended to read:

2219 **[59-1-1604] 20A-7-905 (Effective 01/01/27). Arguments for and against a ballot**  
 2220 **proposition -- Rebuttal arguments -- Posting arguments.**

- 2221 (1)(a) Whenever the state submits a ballot proposition to the voters, the arguments for or  
 2222 against the ballot proposition shall conform with Section 20A-7-705.
- 2223 (b) [The] Whenever a government entity other than the state submits a ballot proposition  
 2224 to the voters, the arguments for or against [a] the ballot proposition shall conform to  
 2225 the requirements of this section.
- 2226 (2)(a)(i) The governing body of a [taxing] government entity shall submit to the  
 2227 election officer an argument in favor of a ballot proposition.
- 2228 (ii) To prepare an argument for or against a ballot proposition, an eligible voter shall  
 2229 file a request with the election officer at least 65 days before the election at which  
 2230 the ballot proposition is to be voted on.
- 2231 (b) If two or more eligible voters wish to submit an argument for, or an argument  
 2232 against, a ballot proposition, the election officer shall designate one of the eligible  
 2233 voters to submit the argument.
- 2234 (c)(i) An eligible voter who submits an argument under this section shall:  
 2235 (A) ensure that the argument does not exceed 500 words in length;  
 2236 (B) submit the argument to the election officer no less than 60 days before the [

- 2237 ~~determination date]~~ election day; and
- 2238 (C) include with the argument the eligible voter's name, residential address, postal
- 2239 address, email address if available, and phone number.
- 2240 (ii) An election officer shall refuse to accept and publish an argument that [is
- 2241 ~~submitted]~~ an eligible voter submits after the deadline described in Subsection
- 2242 (2)(c)(i)(B).
- 2243 (3)(a) An election officer who timely receives the arguments in favor of and against a
- 2244 ballot proposition shall, within one business day after the day on which the election
- 2245 officer receives both arguments, send, via email or mail:
- 2246 (i) a copy of the argument in favor of the ballot proposition to the eligible voter who
- 2247 submitted the argument against the ballot proposition; and
- 2248 (ii) a copy of the argument against the ballot proposition to the eligible voter who
- 2249 submitted the argument in favor of the ballot proposition.
- 2250 (b) The eligible voter who submitted a timely argument in favor of the ballot proposition:
- 2251 (i) may submit to the election officer a rebuttal argument of the argument against the
- 2252 ballot proposition;
- 2253 (ii) shall ensure that the rebuttal argument does not exceed 250 words in length; and
- 2254 (iii) shall submit the rebuttal argument no later than 45 days before the election [~~day~~
- 2255 ~~on which the ballot proposition will be submitted to the voters]~~ date.
- 2256 (c) The eligible voter who submitted a timely argument against the ballot proposition:
- 2257 (i) may submit to the election officer a rebuttal argument of the argument in favor of
- 2258 the ballot proposition;
- 2259 (ii) shall ensure that the rebuttal argument does not exceed 250 words in length; and
- 2260 (iii) shall submit the rebuttal argument no later than 45 days before the election [~~day~~
- 2261 ~~on which the ballot proposition will be submitted to the voters]~~ date.
- 2262 (d) An election officer shall refuse to accept and publish a rebuttal argument that is
- 2263 submitted after the deadline described in Subsection (3)(b)(iii) or (3)(c)(iii).
- 2264 (4)(a) Except as provided in Subsection (4)(b):
- 2265 (i) an eligible voter may not modify an argument or rebuttal argument after the
- 2266 eligible voter submits the argument or rebuttal argument to the election officer;
- 2267 and
- 2268 (ii) a person other than the eligible voter described in Subsection (4)(a)(i) may not
- 2269 modify an argument or rebuttal argument.
- 2270 (b) The election officer, and the eligible voter who submits an argument or rebuttal

2271 argument, may jointly agree to modify an argument or a rebuttal argument [~~in order~~]  
 2272 to:

2273 (i) correct factual, grammatical, and spelling errors; and

2274 (ii) reduce the number of words to come into compliance with the requirements of  
 2275 this section.

2276 (c) An election officer shall refuse to accept and publish an argument or rebuttal  
 2277 argument if the eligible voter who submits the argument or rebuttal argument fails to  
 2278 negotiate, in good faith, to modify the argument or rebuttal argument in accordance  
 2279 with Subsection (4)(b).

2280 (5) An election officer may designate another eligible voter to take the place of an eligible  
 2281 voter described in this section if the original eligible voter is, due to injury, illness,  
 2282 death, or another circumstance, unable to continue to fulfill the duties of an eligible  
 2283 voter described in this section.

2284 (6) The election officer of a [~~taxing~~] government entity shall:

2285 (a) post the arguments and rebuttal arguments on the Statewide Electronic Voter  
 2286 Information Website as described in Section 20A-7-801 for 30 consecutive days  
 2287 before the [~~determination~~] election date;

2288 (b) if a [~~taxing~~] government entity has a public website, post all arguments and rebuttal  
 2289 arguments in a prominent place on the [~~taxing~~] government entity's public website for  
 2290 30 consecutive days before the [~~determination~~] election date; and

2291 (c) if the [~~taxing~~] government entity publishes a newsletter or other periodical, post all  
 2292 arguments and rebuttal arguments in the next scheduled newsletter or other periodical  
 2293 published before the [~~determination~~] election date.

2294 (7) When posting an argument and rebuttal argument under Subsection (6), the election  
 2295 officer of a [~~taxing~~] government entity shall ensure that:

2296 (a) a rebuttal argument is posted in the same manner as a direct argument;

2297 (b) each rebuttal argument follows immediately after the direct argument that [~~it~~] the  
 2298 rebuttal argument seeks to rebut; and

2299 (c) information regarding the public meeting required by Section [~~59-1-1605~~] 20A-7-906  
 2300 follows immediately after the posted arguments, including the date, time, and place  
 2301 of the public meeting.

2302 Section 50. Section **20A-7-906**, which is renumbered from Section 59-1-1605 is renumbered  
 2303 and amended to read:

2304 **[~~59-1-1605~~] 20A-7-906 (Effective 01/01/27). Public meeting requirements.**

- 2305 (1) ~~[The governing body of a taxing]~~ A government entity shall conduct a public meeting in  
 2306 accordance with this section no more than 45, but at least four, days before the [  
 2307 ~~determination date]~~ election date.
- 2308 (2) ~~[The governing body of the taxing]~~ A government entity shall allow equal time, within a  
 2309 reasonable limit, for a presentation of the arguments:  
 2310 (a) in favor of the ballot proposition; and  
 2311 (b) against the ballot proposition.
- 2312 (3)(a) A ~~[governing body of a taxing]~~ government entity conducting a public meeting  
 2313 described in Subsection (1) shall provide an interested party desiring to be heard an  
 2314 opportunity to present oral testimony within reasonable time limits.  
 2315 (b) A ~~[taxing]~~ government entity shall hold a public meeting described in this section  
 2316 beginning at or after 6 p.m.
- 2317 (4)(a) A ~~[taxing]~~ government entity shall provide a digital audio recording of a public  
 2318 meeting described in Subsection (1) no later than three days after the date of the  
 2319 public meeting.  
 2320 (b) For purposes of providing the digital audio recording described in Subsection (4)(a),  
 2321 a ~~[governing body of a taxing]~~ government entity shall:  
 2322 (i) if a ~~[taxing]~~ government entity has a public website, provide access to the digital  
 2323 audio recording described in Subsection (4)(a) on the ~~[taxing]~~ government entity's  
 2324 public website; or  
 2325 (ii) provide a digital copy of the recording described in Subsection (4)(a) to members  
 2326 of the public at the ~~[taxing]~~ government entity's primary government office  
 2327 building.

2328 Section 51. Section **53F-8-201** is amended to read:

2329 **53F-8-201 (Effective 01/01/27). Annual certification of tax rate proposed by local**  
 2330 **school board -- Inclusion of school district budget -- Modified filing date.**

- 2331 (1) ~~[Prior to]~~ Before June 22 of each year, each local school board shall certify to the county  
 2332 legislative body in which the district is located, on forms ~~[prescribed by]~~ the State Tax  
 2333 Commission approves, the proposed tax rate ~~[approved by]~~ the local school board  
 2334 approves.
- 2335 (2) A copy of the district's budget, including items under Section 53G-7-302, and a certified  
 2336 copy of the local school board's resolution which approved the budget and set the tax  
 2337 rate for the subsequent school year beginning July 1 shall accompany the tax rate.
- 2338 ~~[(3) If the tax rate approved by the local school board is in excess of the certified tax rate, as~~

2339 defined in Section 59-2-924, the date for filing the tax rate and budget adopted by the  
 2340 local school board shall be that established under Section 59-2-919.]

2341 (3) A local school board shall comply with Title 20A, Chapter 7, Part 9, Tax Increase  
 2342 Voting Requirements, if the local school board seeks to approve a tax rate that exceeds  
 2343 the certified tax rate, as defined in Section 59-2-924.

2344 Section 52. Section **53F-8-301** is amended to read:

2345 **53F-8-301 (Effective 01/01/27). State-supported voted local levy authorized --**  
 2346 **Election requirements -- Reconsideration of the program.**

2347 (1) The terms defined in Section 53F-2-102 apply to this section.

2348 (2) An election to consider adoption or modification of a voted local levy is required if  
 2349 initiative petitions signed by 10% of the number of electors who voted at the last  
 2350 preceding general election are presented to the local school board or by action of the  
 2351 local school board.

2352 (3)(a)[(i) ~~To impose a voted local levy, a majority of the electors of a school district~~  
 2353 ~~voting at an election in the manner set forth in Subsections (8) and (9) must vote~~  
 2354 ~~in favor of a special tax.]~~

2355 (i) A local school board may impose a voted local levy if a local school board  
 2356 determines that a majority of the school district's registered voters voting, in  
 2357 accordance with Subsection (5), on the imposition of the tax rate have voted in  
 2358 favor of the imposition of the tax rate.

2359 (ii) The tax rate may not exceed .002 per dollar of taxable value.

2360 (b) [~~Except as provided in Subsection (3)(c), in order to~~] To receive state support in  
 2361 accordance with Section 53F-2-601 the first year, a school district shall receive voter  
 2362 approval no later than December 1 of the year [prior to] before implementation.

2363 [(e) ~~Beginning on or after January 1, 2012, a school district may receive state support in~~  
 2364 ~~accordance with Section 53F-2-601 without complying with the requirements of~~  
 2365 ~~Subsection (3)(b) if the local school board imposed a tax in accordance with this~~  
 2366 ~~section during the taxable year beginning on January 1, 2011 and ending on~~  
 2367 ~~December 31, 2011.]~~

2368 (4)(a) An election to modify an existing voted local levy is not a reconsideration of the  
 2369 existing authority unless the [proposition] legislation submitted to the electors  
 2370 expressly so states.

2371 (b) A majority vote opposing a modification does not deprive the local school board of  
 2372 authority to continue the levy.

2373 (c) If adoption of a voted local levy is contingent upon an offset reducing other local  
 2374 school board levies, the local school board shall allow the electors, in an election, to  
 2375 consider modifying or discontinuing the imposition of the levy [~~prior to~~] before a  
 2376 subsequent increase in other levies that would increase the total local school board  
 2377 levy.

2378 (d) Nothing contained in this section terminates, without an election, the authority of a  
 2379 local school board to continue imposing an existing voted local levy previously  
 2380 authorized by the voters as a voted leeway program.

2381 [~~(5) Notwithstanding Section 59-2-919, a local school board may budget an increased~~  
 2382 ~~amount of ad valorem property tax revenue derived from a voted local levy imposed~~  
 2383 ~~under this section in addition to revenue from eligible new growth as defined in Section~~  
 2384 ~~59-2-924, without having to comply with the notice requirements of Section 59-2-919, if:]~~

2385 [~~(a) the voted local levy is approved:]~~

2386 [~~(i) in accordance with Subsections (8) and (9) on or after January 1, 2003; and]~~

2387 [~~(ii) within the four-year period immediately preceding the year in which the local~~  
 2388 ~~school board seeks to budget an increased amount of ad valorem property tax~~  
 2389 ~~revenue derived from the voted local levy; and]~~

2390 [~~(b) for a voted local levy approved or modified in accordance with this section on or~~  
 2391 ~~after January 1, 2009, the local school board complies with the requirements of~~  
 2392 ~~Subsection (7).]~~

2393 [~~(6) Notwithstanding Section 59-2-919, a local school board may levy a tax rate under this~~  
 2394 ~~section that exceeds the certified tax rate without having to comply with the notice~~  
 2395 ~~requirements of Section 59-2-919 if:]~~

2396 [~~(a) the levy exceeds the certified tax rate as the result of a local school board budgeting~~  
 2397 ~~an increased amount of ad valorem property tax revenue derived from a voted local~~  
 2398 ~~levy imposed under this section;]~~

2399 [~~(b) the voted local levy was approved:]~~

2400 [~~(i) in accordance with Subsections (8) and (9) on or after January 1, 2003; and]~~

2401 [~~(ii) within the four-year period immediately preceding the year in which the local~~  
 2402 ~~school board seeks to budget an increased amount of ad valorem property tax~~  
 2403 ~~revenue derived from the voted local levy; and]~~

2404 [~~(e) for a voted local levy approved or modified in accordance with this section on or~~  
 2405 ~~after January 1, 2009, the local school board complies with requirements of~~  
 2406 ~~Subsection (7).]~~

2407 [(7) For purposes of Subsection (5)(b) or (6)(c), the proposition submitted to the electors  
 2408 regarding the adoption or modification of a voted local levy shall contain the following  
 2409 statement:

2410 "A vote in favor of this tax means that the local school board of [name of the school  
 2411 district] may increase revenue from this property tax without advertising the increase for the  
 2412 next five years."]

2413 [(8) (5)(a)] Before a local school board may impose a property tax levy [pursuant to]  
 2414 authorized by this section, a local school board shall submit [an opinion question] the  
 2415 legislation to the school district's registered voters voting [on the imposition of the  
 2416 tax rate so that each registered voter has the opportunity to express the registered  
 2417 voter's opinion on whether the tax rate should be imposed] in accordance with Title  
 2418 20A, Chapter 7, Part 9, Tax Increase Voting Requirements.

2419 [(b) The election required by this Subsection (8) shall be held:]

2420 [(i) at a regular general election conducted in accordance with the procedures and  
 2421 requirements of Title 20A, Election Code, governing regular elections;]

2422 [(ii) at a municipal general election conducted in accordance with the procedures and  
 2423 requirements of Section 20A-1-202; or]

2424 [(iii) at a local special election conducted in accordance with the procedures and  
 2425 requirements of Section 20A-1-203.]

2426 [(c) Notwithstanding the requirements of Subsections (8)(a) and (b), beginning on or  
 2427 after January 1, 2012, a local school board may levy a tax rate in accordance with this  
 2428 section without complying with the requirements of Subsections (8)(a) and (b) if the  
 2429 local school board imposed a tax in accordance with this section at any time during  
 2430 the taxable year beginning on January 1, 2011, and ending on December 31, 2011.]

2431 [(9) If a local school board determines that a majority of the school district's registered  
 2432 voters voting on the imposition of the tax rate have voted in favor of the imposition of  
 2433 the tax rate in accordance with Subsection (8), the local school board may impose the  
 2434 tax rate.]

2435 Section 53. Section **53F-8-302** is amended to read:

2436 **53F-8-302 (Effective 01/01/27). Board local levy.**

2437 (1) The terms defined in Section 53F-2-102 apply to this section.

2438 (2) Subject to the other requirements of this section, a local school board may levy a tax to  
 2439 fund the school district's general fund.

2440 (3)(a) For purposes of this Subsection (3), "combined rate" means the sum of:

- 2441 (i) the rate imposed by a local school board under Subsection (2); and
- 2442 (ii) the charter school levy rate, described in Section 53F-2-703, for the local school
- 2443 board's school district.
- 2444 (b) ~~[Beginning on January 1, 2018, a]~~ A school district's combined rate [-] may not exceed
- 2445 .0025 per dollar of taxable value in any calendar year.
- 2446 (4) In addition to the revenue a school district collects from the imposition of a levy [  
2447 ~~pursuant to~~] in accordance with this section, the state shall contribute an amount as
- 2448 described in Section 53F-2-601.
- 2449 (5)(a) ~~[For a calendar year beginning on or after January 1, 2017, the]~~ The State Tax
- 2450 Commission shall adjust a board local levy rate imposed by a local school board
- 2451 under this section by the amount necessary to offset the change in revenues from the
- 2452 charter school levy imposed under Section 53F-2-703.
- 2453 (b) A local school board is not required to comply with the ~~[notice and public hearing~~
- 2454 ~~requirements of Section 59-2-919]~~ requirements of Title 20A, Chapter 7, Part 9, Tax
- 2455 Increase Voting Requirements, for an offset described in Subsection (5)(a) to the
- 2456 change in revenues from the charter school levy imposed under Section 53F-2-703.
- 2457 (c) ~~[So long as]~~ If the charter school levy rate does not exceed 25% of the charter school
- 2458 levy per district revenues, a [-] local school board may not increase a board local levy
- 2459 rate under this section [~~if~~] for the purpose of increasing the board local levy rate [~~is~~] to
- 2460 capture the [-] revenues assigned to the charter school levy through the adjustment [-]
- 2461 in a board local levy rate under Subsection (5)(a).
- 2462 (d) Before a local school board takes action to increase a board local levy rate under this
- 2463 section, the local school board shall:
- 2464 (i) prepare a written statement that attests that the local school board is in compliance
- 2465 with Subsection (5)(c);
- 2466 (ii) read the statement described in Subsection (5)(d)(i) during a local school board
- 2467 public meeting where the local school board discusses increasing the board local
- 2468 levy rate; and
- 2469 (iii) send a copy of the statement described in Subsection (5)(d)(i) to the State Tax
- 2470 Commission.

2471 Section 54. Section **53G-3-304** is amended to read:

2472 **53G-3-304 (Effective 01/01/27). Property tax levies in new district and**

2473 **reorganized new district -- Distribution of property tax revenue.**

2474 (1) As used in this section:

- 2475 (a) "Property tax levy" means a property tax levy that a school district is authorized to  
2476 impose, except:
- 2477 (i) the minimum basic tax rate imposed under Section 53F-2-301;  
2478 (ii) a debt service levy imposed under Section 11-14-310;  
2479 (iii) a judgment levy imposed under Section 59-2-1330; or  
2480 (iv) charter school tax rate.
- 2481 (b) "Qualifying taxable year" means the calendar year in which a new district begins to  
2482 provide educational services.
- 2483 (2) A new school district and reorganized new school district shall continue to impose  
2484 property tax levies that were imposed by the divided school district in the taxable year  
2485 before the qualifying taxable year.
- 2486 (3) Except as provided in Subsection (6), a property tax levy that a new school district and  
2487 reorganized new school district are required to impose under Subsection (2) shall be set  
2488 at a rate that:
- 2489 (a) is uniform in the new school district and reorganized new school district; and  
2490 (b) generates the same amount of revenue that was generated by the property tax levy  
2491 within the divided school district in the taxable year before the qualifying taxable  
2492 year.
- 2493 (4) The county treasurer of the county in which a property tax levy is imposed under  
2494 Subsection (2) shall distribute revenues generated by the property tax levy to the new  
2495 school district and reorganized new school district in proportion to the percentage of the  
2496 divided school district's enrollment on the October 1 before the new school district or  
2497 reorganized new school district commences educational services that were enrolled in  
2498 schools currently located in the new school district or reorganized new school district.
- 2499 (5) On or before March 31, a county treasurer shall distribute revenues generated by a  
2500 property tax levy imposed under Subsection (2) in the previous calendar year to a new  
2501 school district and reorganized new school district as provided in Subsection (4).
- 2502 (6)(a) Subject to the [~~notice and public hearing requirements of Section 59-2-919]~~  
2503 requirements of Title 20A, Chapter 7, Part 9, Tax Increase Voting Requirements, a  
2504 new school district or reorganized new school district may set a property tax rate  
2505 higher than the rate required by Subsection (3), up to:
- 2506 (i) the maximum rate, if any, allowed by law; or  
2507 (ii) the maximum rate authorized by voters for a voted local levy under Section  
2508 53F-8-301.

2509 (b) The district that imposes the higher rate shall retain the revenues generated by the  
 2510 portion of a property tax rate in excess of the rate [required by] Subsection (3) [shall  
 2511 be retained by the district that imposes the higher rate] requires.

2512 Section 55. Section **53G-7-303** is amended to read:

2513 **53G-7-303 (Effective 01/01/27). LEA governing board budget procedures.**

2514 (1) As used in this section:

2515 (a) "Budget officer" means:

2516 (i) for a school district, the school district's superintendent; or

2517 (ii) for a charter school, an individual selected by the charter school governing board.

2518 (b) "LEA governing board" means:

2519 (i) for a school district, the local school board; or

2520 (ii) for a charter school, the charter school governing board.

2521 (2)(a) For a school district, before June 30 of each year, a local school board shall adopt  
 2522 a budget and make appropriations for the next fiscal year.

2523 (b) ~~[For a school district,]~~ A local school board shall comply with Title 20A, Chapter 7,  
 2524 Part 9, Tax Increase Voting Requirements, if the tax rate in the school district's  
 2525 proposed budget exceeds the certified tax rate defined in Section 59-2-924[; the local  
 2526 school board shall comply with Section 59-2-919 in adopting the budget, except as  
 2527 provided by Section 53F-8-301].

2528 (c) A school district's final budget may not exceed the school district's fiscal year  
 2529 spending limit described in Section 59-1-1904.

2530 (3)(a) For a school district, before the adoption or amendment of a budget, a local school  
 2531 board shall hold a public hearing, as defined in Section 10-20-102, on the proposed  
 2532 budget or budget amendment.

2533 (b) In addition to complying with Title 52, Chapter 4, Open and Public Meetings Act, in  
 2534 regards to the public hearing described in Subsection (3)(a), at least 10 days ~~[prior to]~~  
 2535 before the public hearing, a local school board shall:

2536 (i) publish a notice of the public hearing in a newspaper or combination of  
 2537 newspapers of general circulation in the school district, except as provided in  
 2538 Section 45-1-101;

2539 (ii) publish a notice of the public hearing electronically in accordance with Section  
 2540 45-1-101;

2541 (iii) file a copy of the proposed budget with the local school board's business  
 2542 administrator for public inspection; and

- 2543 (iv) post the proposed budget on the school district's [~~Internet~~] internet website.
- 2544 (c) A notice of a public hearing on a school district's proposed budget shall include
- 2545 information on how the public may access the proposed budget as provided in
- 2546 Subsections (3)(b)(iii) and (iv).
- 2547 (4)(a) For a charter school, before June 30 of each year, a charter school governing
- 2548 board shall adopt a budget for the next fiscal year.
- 2549 (b) A charter school's final budget may not exceed the charter school's fiscal year
- 2550 spending limit described in Section 59-1-1904.
- 2551 (5) Within 30 days of adopting a budget, an LEA governing board shall file a copy of the
- 2552 adopted budget with the state auditor and the state board.
- 2553 Section 56. Section **53G-7-306** is amended to read:
- 2554 **53G-7-306 (Effective 01/01/27). School district interfund transfers.**
- 2555 (1) A school district shall spend revenues only within the fund for which [~~they~~] the revenues
- 2556 were originally authorized, levied, collected, or appropriated.
- 2557 (2) Except as otherwise provided in this section, school district interfund transfers of
- 2558 residual equity are prohibited.
- 2559 (3) The state board may authorize school district interfund transfers of residual equity when
- 2560 a school district states [~~its~~] the school district's intent to create a new fund or expand,
- 2561 contract, or liquidate an existing fund.
- 2562 (4) The state board may also authorize school district interfund transfers of residual equity
- 2563 for a financially distressed school district if the state board determines the following:
- 2564 (a) the school district has a significant deficit in [~~its~~] the school district's maintenance and
- 2565 operations fund caused by circumstances not subject to the administrative decisions
- 2566 of the school district;
- 2567 (b) the deficit cannot be reasonably reduced under Section 53G-7-305; and
- 2568 (c) without the transfer, the school district will not be capable of meeting statewide
- 2569 educational standards adopted by the state board.
- 2570 (5) The state board shall develop by rule made in accordance with Title 63G, Chapter 3,
- 2571 Utah Administrative Rulemaking Act, standards for defining and aiding financially
- 2572 distressed school districts under this section.
- 2573 (6)(a) All debt service levies [~~not subject to certified tax rate hearings~~] shall be recorded
- 2574 and reported in the debt service fund.
- 2575 [~~(b) Debt service levies under Subsection 59-2-924(5)(d) that are not subject to the~~
- 2576 ~~public hearing provisions of Section 59-2-919 may not be used for any purpose other~~

2577 ~~than retiring general obligation debt.]~~  
 2578 ~~[(e)] (b) [Amounts] A school district shall use amounts from [these] debt service levies~~  
 2579 ~~remaining in the debt service fund at the end of a fiscal year [shall be used] in~~  
 2580 ~~subsequent years for general obligation debt retirement.~~

2581 ~~[(d)] (c) [Any] A school district may transfer any amounts left in the debt service fund~~  
 2582 ~~after all general obligation debt has been retired [may be transferred] to the capital~~  
 2583 ~~projects fund upon completion of the budgetary hearing process required under~~  
 2584 ~~Section 53G-7-303.~~

2585 Section 57. Section **53G-7-310** is enacted to read:

2586 **53G-7-310 (Effective 01/01/27). Tax refunds.**

2587 (1) As used in this section:

2588 (a) "LEA" means:

2589 (i) a school district; or

2590 (ii) a charter school.

2591 (b) "LEA governing board" means:

2592 (i) for a school district, the local school board; or

2593 (ii) for a charter school, the charter school governing board.

2594 (2) In accordance with Utah Constitution, Article XIII, Section 9, and except as provided in  
 2595 Title 20A, Chapter 7, Part 9, Tax Increase Voting Requirements, the LEA governing  
 2596 board shall refund revenue that exceeds the LEA's fiscal year spending limit to taxpayers.

2597 (3) The preferred form of refund is a property tax rate reduction, but the governing body  
 2598 shall determine the form of refund, at the lowest cost and by any reasonable method.

2599 (4) A refund of property tax revenue shall be proportional.

2600 (5)(a) Except as provided in Subsection (5)(b), the LEA governing board shall make a  
 2601 refund of a deposit during the next fiscal year.

2602 (b) The LEA governing board may reserve the revenue that exceeds the LEA's fiscal  
 2603 year spending limit for one additional fiscal year if the cost of administration, as  
 2604 determined by the LEA governing board, exceeds the amount of refunds.

2605 Section 58. Section **59-1-1901** is enacted to read:

2606 **Part 19. Utah Taxpayer Oversight of Government Spending**

2607 **59-1-1901 (Contingently Effective 01/01/27). General provisions.**

2608 (1) In accordance with Article XIII, Section 9, this part establishes taxpayer oversight of  
 2609 government spending.

2610 (2)(a) Subject to Subsection (2)(b), the provisions of this part apply to a government

- 2611 entity.
- 2612 (b) Subsection 59-1-1903(1) and Section 59-1-1904 are suspended if the government
- 2613 entity's annual revenue is less than the government entity's annual payments on
- 2614 general obligation bonds, pensions, and final court judgments.
- 2615 Section 59. Section **59-1-1902** is enacted to read:
- 2616 **59-1-1902 (Contingently Effective 01/01/27). Definitions.**
- 2617 (1) "Consensus entities" means:
- 2618 (a) the Office of the Legislative Fiscal Analyst;
- 2619 (b) the Governor's Office of Planning and Budget; and
- 2620 (c) the commission.
- 2621 (2)(a) "Fee" means a charge to compensate for the provision of a service or to defray the
- 2622 cost of regulation, regardless of the name of the charge.
- 2623 (b) "Fee" includes a markup percentage imposed in accordance with Section 32B-2-304.
- 2624 (c) "Fee" does not include the amount charged in accordance with Section 59-22-203.
- 2625 (3) "Fiscal year spending" means the amount appropriated by the government entity minus:
- 2626 (a) appropriations of federal funds;
- 2627 (b) appropriations of tuition or fees to an institution of higher education;
- 2628 (c) principal and interest on bonded debt;
- 2629 (d) appropriations funded by unemployment or disability insurance funds;
- 2630 (e) transfers to the reserve accounts in accordance with Section 59-1-1904;
- 2631 (f) appropriations for tax relief including refunds made in the current fiscal year;
- 2632 (g) appropriations from permanent endowment or trust funds; and
- 2633 (h) gifts.
- 2634 (4)(a) "Government entity" means the state or a political subdivision.
- 2635 (b) "Government entity" does not include an institution of higher education.
- 2636 (5) "Institution of higher education" means the same as that term is defined in Section
- 2637 53H-1-101.
- 2638 (6) "Local growth" means:
- 2639 (a) for a political subdivision other than a school district, a net percentage change in
- 2640 actual value of all real property within the political subdivision from construction of
- 2641 taxable real property improvements minus destruction of taxable real property
- 2642 improvements and net additions to taxable real property; or
- 2643 (b) for a school district, the percentage change in the school district's student growth.
- 2644 (7)(a) "Political subdivision" means a county, municipality, special district, special

- 2645 service district, school district, or other government entity with taxing authority.
- 2646 (b) "Political subdivision" does not include the state.
- 2647 (8) "Population" means the number of individuals, excluding armed forces stationed
- 2648 overseas, residing in the state as determined annually by the United States Bureau of
- 2649 Census.
- 2650 (9)(a) "Tax" means an amount charged for a general government purpose, regardless of
- 2651 the name of the charge.
- 2652 (b) "Tax" does not include:
- 2653 (i) a markup percentage imposed in accordance with Section 32B-2-304; or
- 2654 (ii) a fee or the amount charged in accordance with Section 59-22-203.
- 2655 (10)(a) "Total political subdivision revenue" means all money generated by the political
- 2656 subdivision's own revenue sources, including fees.
- 2657 (b) "Total political subdivision revenue" does not include money the political
- 2658 subdivision receives from the state or federal government.
- 2659 (11)(a) "Total state revenue" means all money generated from the state's own revenue
- 2660 sources, including fees, as calculated by the consensus entities.
- 2661 (b) "Total state revenue" does not include money the state receives from the federal
- 2662 government.
- 2663 Section 60. Section **59-1-1903** is enacted to read:
- 2664 **59-1-1903 (Contingently Effective 01/01/27). Election requirements.**
- 2665 (1) Subject to Subsections (2) and (5) and any more specific requirements governing a tax,
- 2666 a fee, or a government debt, a government entity shall submit the following to the voters:
- 2667 (a) any legislation that:
- 2668 (i) imposes a new tax;
- 2669 (ii) expands an existing tax to make additional items or transactions subject to the tax
- 2670 or fee;
- 2671 (iii) increases an existing tax rate;
- 2672 (iv) extends an expiring tax;
- 2673 (v) causes a property tax rate to decrease less than the property tax rate would
- 2674 without the legislation; or
- 2675 (vi) is projected to result in a tax revenue gain to any government entity; or
- 2676 (b) any legislation that creates a multiple-fiscal-year financial obligation for the
- 2677 government entity when the government entity passing the legislation does not have
- 2678 adequate reserves that are pledged irrevocably for the direct payment of the financial

- 2679            obligation.
- 2680            (2)(a) A government entity may not comply with Subsection (1)(a) if the condition
- 2681            described in Subsection 59-1-1901(2)(b) exists.
- 2682            (b) A government entity may not comply with Subsection (1)(b) if the creation of the
- 2683            financial obligation is to issue a bond, to refinance a bonded debt at a lower interest
- 2684            rate, or to add new employees to a retirement plan.
- 2685            (3)(a) A government entity may not implement any legislation described in Subsection
- 2686            (1) unless a majority of the voters voting approve the legislation.
- 2687            (b) A majority vote opposing a modification to an existing tax does not deprive the
- 2688            government entity of authority to continue the tax in the same manner as immediately
- 2689            before the election.
- 2690            (4)(a) A government entity shall submit a question to voters if the government entity
- 2691            seeks to retain money generated from the government entity's own revenue sources,
- 2692            including fees, that exceeds the government entity's fiscal year spending limit, instead
- 2693            of refunding the excess to taxpayers.
- 2694            (b) A government entity may not ask voters to authorize the government entity to retain
- 2695            money that exceeds the government entity's fiscal year spending limit for more than
- 2696            five fiscal years.
- 2697            (c) The government entity shall state the length of time that the government entity may
- 2698            retain money that exceeds the government entity's fiscal year spending limit the
- 2699            government entity clearly states in the ballot title.
- 2700            (5) A government entity shall submit legislation to voters or a question described in
- 2701            Subsection (4) in accordance with Title 20A, Chapter 7, Part 9, Tax Increase Voting
- 2702            Requirements.
- 2703            (6)(a) The state shall comply with this section if the state passes legislation to increase
- 2704            the minimum basic local amount established in Section 53F-2-301.
- 2705            (b) A school district is not required to comply with this section if the minimum basic tax
- 2706            rate defined in Section 53F-2-301 increases because of legislation to increase the
- 2707            minimum basic local amount.
- 2708            Section 61. Section **59-1-1904** is enacted to read:
- 2709            **59-1-1904 (Contingently Effective 01/01/27). Spending limits.**
- 2710            (1)(a) The consensus entities shall determine the state's fiscal year spending limit by
- 2711            adding:
- 2712            (i) the state's previous fiscal year spending;

- 2713 (ii) the amount of revenue increase that the voters approved for the fiscal year; and  
 2714 (iii) the amount calculated by multiplying the state's previous fiscal year spending by  
 2715 the lesser of:  
 2716 (A) the rate calculated by adding the growth rate of the state's population and the  
 2717 rate of inflation for the previous fiscal year;  
 2718 (B) the growth rate of personal income, as calculated by the United State Bureau  
 2719 of Economic Analysis, of the state's population for the previous calendar year;  
 2720 or  
 2721 (C) the growth rate of real gross domestic product of the state, as calculated by the  
 2722 United States Bureau of Economic Analysis, for the previous calendar year.
- 2723 (b) The consensus entities shall determine the lesser rate described in Subsection  
 2724 (1)(a)(iii) using the average of each rate for the two fiscal years immediately  
 2725 preceding the general legislative session.
- 2726 (c) The consensus entities shall determine the rate of inflation in accordance with  
 2727 Section 63J-3-202.
- 2728 (2)(a) A political subdivision's fiscal year spending limit is calculated by adding:  
 2729 (i) the previous fiscal year spending for the political subdivision;  
 2730 (ii) the amount of revenue increase that the voters approved for the fiscal year; and  
 2731 (iii) the amount calculated by multiplying the previous fiscal year spending by the  
 2732 sum of the rate of inflation and the rate of local growth.
- 2733 (b) A political subdivision shall calculate inflation using the Consumer Price Index for  
 2734 all Urban Consumers as published by the Bureau of Labor Statistics of the United  
 2735 States Department of Labor.
- 2736 (3) The state shall transfer total state revenue that exceeds the state's fiscal year spending  
 2737 limit to the appropriate tax refund account created by Section 59-1-1908 after the state  
 2738 makes deposits required by Section 63J-1-312 or 63J-1-313.
- 2739 Section 62. Section **59-1-1905** is enacted to read:  
 2740 **59-1-1905 (Contingently Effective 01/01/27). Revenue source prohibitions.**  
 2741 **A government entity may not impose:**  
 2742 **(1) a new transfer tax or an increased transfer tax rate on real property;**  
 2743 **(2) a new state real property tax;**  
 2744 **(3) a political subdivision income tax;**  
 2745 **(4) an increase in the state income tax rate or a change in the definition of taxable income**  
 2746 **before the start of a taxable year;**

2747 (5) more than a single rate of income tax; or

2748 (6) an automatic increase on a tax or fee.

2749 Section 63. Section **59-1-1906** is enacted to read:

2750 **59-1-1906 (Contingently Effective 01/01/27). Mandated and shifted costs.**

2751 The state may not impose on any political subdivision the cost of a new program or new  
2752 spending, or increases in existing programs or spending, unless the state appropriates money to  
2753 the political subdivision to offset the cost.

2754 Section 64. Section **59-1-1907** is enacted to read:

2755 **59-1-1907 (Contingently Effective 01/01/27). Remedies--Interpretation.**

2756 (1) A person may file an individual or class action lawsuit to enforce the provisions of this  
2757 chapter.

2758 (2)(a) A prevailing party that is not a government entity may recover costs and attorney  
2759 fees.

2760 (b) A prevailing party that is a government entity may recover costs and attorney fees  
2761 only if the court determines the lawsuit against the government entity is frivolous.

2762 (3) A government entity shall refund revenue collected, kept, or spent illegally for four or  
2763 more full fiscal years before the filing of a lawsuit with 10% annual simple interest from  
2764 the initial conduct.

2765 (4) The preferred interpretation of this chapter shall reasonably restrain most the growth of  
2766 government.

2767 Section 65. Section **59-1-1908** is enacted to read:

2768 **59-1-1908 (Contingently Effective 01/01/27). Tax refunds.**

2769 (1) In accordance with Utah Constitution, Article XIII, Section 9, and except as provided in  
2770 Title 20A, Chapter 7, Part 9, Tax Increase Voting Requirements, the Legislature shall  
2771 refund revenue that exceeds the state's fiscal year spending limit to taxpayers.

2772 (2) The preferred form of refund is an income tax rate reduction, but the Legislature shall  
2773 determine the form of refund, at the lowest cost and by any reasonable method.

2774 (3) A refund of tax revenue need not be proportional if tax payments are impractical to  
2775 identify or return.

2776 (4)(a) Except as provided in Subsection (4)(b), the Legislature shall make a refund of a  
2777 deposit during the next fiscal year.

2778 (b) The Legislature may reserve the deposits in the restricted account for one additional  
2779 fiscal year if the cost of administration, as determined by the Legislature, exceeds the  
2780 amount of refunds.

2781 Section 66. Section **59-2-102** is amended to read:

2782 **59-2-102 (Effective 01/01/27). Definitions.**

2783 As used in this chapter:

2784 (1)(a) "Acquisition cost" means [any] a cost required to put an item of tangible personal  
2785 property into service.

2786 (b) "Acquisition cost" includes:

2787 (i) the purchase price of a new or used item;

2788 (ii) the cost of freight, shipping, loading at origin, unloading at destination, crating,  
2789 skidding, or [any] other applicable cost of shipping;

2790 (iii) the cost of installation, engineering, rigging, erection, or assembly, including  
2791 foundations, pilings, utility connections, or similar costs; and

2792 (iv) sales and use taxes.

2793 (2) "Aerial applicator" means aircraft or rotorcraft used exclusively for the purpose of  
2794 engaging in dispensing activities directly affecting agriculture or horticulture with an  
2795 airworthiness certificate from the Federal Aviation Administration certifying the aircraft  
2796 or rotorcraft's use for agricultural and pest control purposes.

2797 (3) "Air charter service" means an air carrier operation that requires the customer to hire an  
2798 entire aircraft rather than book passage in whatever capacity is available on a scheduled  
2799 trip.

2800 (4) "Air contract service" means an air carrier operation available only to customers that  
2801 engage the services of the carrier through a contractual agreement and excess capacity  
2802 on any trip and is not available to the public at large.

2803 (5) "Aircraft" means the same as that term is defined in Section 72-10-102.

2804 (6)(a) [~~Except as provided in Subsection (6)(b), "airline"~~] "Airline" means an air carrier  
2805 that:

2806 (i) operates:

2807 (A) on an interstate route; and

2808 (B) on a scheduled basis; and

2809 (ii) offers to fly one or more passengers or cargo on the basis of available capacity on  
2810 a regularly scheduled route.

2811 (b) "Airline" does not include an:

2812 (i) air charter service; or

2813 (ii) air contract service.

2814 (7) "Assessment roll" or "assessment book" means a permanent record of the assessment of

2815 property as assessed by the county assessor and the commission and may be maintained  
 2816 manually or as a computerized file as a consolidated record or as multiple records by  
 2817 type, classification, or categories.

2818 (8) "Base parcel" means a parcel of property that was legally:

2819 (a) subdivided into two or more lots, parcels, or other divisions of land; or

2820 (b)(i) combined with one or more other parcels of property; and

2821 (ii) subdivided into two or more lots, parcels, or other divisions of land.

2822 (9)(a) "Certified revenue levy" means a property tax levy that provides an amount of ad  
 2823 valorem property tax revenue equal to the sum of:

2824 (i) the amount of ad valorem property tax revenue to be generated statewide in the  
 2825 previous year from imposing a multicounty assessing and collecting levy, as  
 2826 specified in Section 59-2-1602; and

2827 (ii) the product of:

2828 (A) eligible new growth, as defined in Section 59-2-924; and

2829 (B) the multicounty assessing and collecting levy certified by the commission for  
 2830 the previous year.

2831 (b) For purposes of this Subsection (9), "ad valorem property tax revenue" does not  
 2832 include property tax revenue received by a taxing entity from personal property that  
 2833 is:

2834 (i) assessed by a county assessor in accordance with Part 3, County Assessment; and

2835 (ii) semiconductor manufacturing equipment.

2836 (c) For purposes of calculating the certified revenue levy described in this Subsection (9),  
 2837 the commission shall use:

2838 (i) the taxable value of real property assessed by a county assessor contained on the  
 2839 assessment roll;

2840 (ii) the taxable value of real and personal property assessed by the commission; and

2841 (iii) the taxable year end value of personal property assessed by a county assessor  
 2842 contained on the prior year's assessment roll.

2843 (10) "County-assessed commercial vehicle" means:

2844 (a) ~~any~~ a commercial vehicle, trailer, or semitrailer that is not apportioned under  
 2845 Section 41-1a-301 and is not operated interstate to transport the vehicle owner's  
 2846 goods or property in furtherance of the owner's commercial enterprise;

2847 (b) ~~any~~ a passenger vehicle owned by a business and used by ~~its~~ the business's  
 2848 employees for transportation as a company car or vanpool vehicle; and

- 2849 (c) [~~vehicles that are~~] a vehicle that is:
- 2850 (i) especially constructed for towing or wrecking, and that [~~are~~] is not otherwise used
- 2851 to transport goods, merchandise, or people for compensation;
- 2852 (ii) used or licensed as taxicabs or limousines;
- 2853 (iii) used as rental passenger cars, travel trailers, or motor homes;
- 2854 (iv) used or licensed in this state for use as ambulances or hearses;
- 2855 (v) especially designed and used for garbage and rubbish collection; or
- 2856 (vi) used exclusively to transport students or [~~their~~] the students' instructors to or from
- 2857 any private, public, or religious school or school activities.
- 2858 (11) "Eligible judgment" means a final and unappealable judgment or order under Section
- 2859 59-2-1330:
- 2860 (a) that became a final and unappealable judgment or order no more than 14 months
- 2861 before the day on which the notice described in Section 59-2-919.1 is required to be
- 2862 provided; and
- 2863 (b) for which a taxing entity's share of the final and unappealable judgment or order is
- 2864 greater than or equal to the lesser of:
- 2865 (i) \$5,000; or
- 2866 (ii) 2.5% of the total ad valorem property taxes collected by the taxing entity in the
- 2867 previous fiscal year.
- 2868 (12)(a) "Escaped property" means [~~any-~~]property, whether personal[~~,-land~~] or real, or
- 2869 any improvements to the property[~~;~~] that is subject to taxation and is:
- 2870 (i) inadvertently omitted from the tax rolls, assigned to the incorrect parcel, or
- 2871 assessed to the wrong taxpayer by the assessing authority;
- 2872 (ii) undervalued or omitted from the tax rolls because of the failure of the taxpayer to
- 2873 comply with the reporting requirements of this chapter; or
- 2874 (iii) undervalued because of errors made by the assessing authority based upon
- 2875 incomplete or erroneous information [~~furnished by-~~]the taxpayer provides.
- 2876 (b) "Escaped property" does not include property that is undervalued because of the use
- 2877 of a different valuation methodology or because of a different application of the same
- 2878 valuation methodology.
- 2879 (13)(a) "Fair market value" means the amount at which property would change hands
- 2880 between a willing buyer and a willing seller, neither being under any compulsion to
- 2881 buy or sell and both having reasonable knowledge of the relevant facts.
- 2882 (b) For purposes of taxation, "fair market value" shall be determined using the current

2883 zoning laws applicable to the property in question, except in cases where there is a  
2884 reasonable probability of a change in the zoning laws affecting that property in the  
2885 tax year in question and the change would have an appreciable influence upon the  
2886 value.

2887 (14) "Geothermal fluid" means water in any form at temperatures greater than 120 degrees  
2888 centigrade naturally present in a geothermal system.

2889 (15) "Geothermal resource" means:

2890 (a) the natural heat of the earth at temperatures greater than 120 degrees centigrade; and

2891 (b) the energy, in whatever form, including pressure, present in, resulting from, created  
2892 by, or which may be extracted from that natural heat, directly or through a material  
2893 medium.

2894 (16)(a) "Goodwill" means:

2895 (i) acquired goodwill that is reported as goodwill on the books and records that a  
2896 taxpayer maintains for financial reporting purposes; or

2897 (ii) the ability of a business to:

2898 (A) generate income that exceeds a normal rate of return on assets and that results  
2899 from a factor described in Subsection (16)(b); or

2900 (B) obtain an economic or competitive advantage resulting from a factor described  
2901 in Subsection (16)(b).

2902 (b) The following factors apply to Subsection (16)(a)(ii):

2903 (i) superior management skills;

2904 (ii) reputation;

2905 (iii) customer relationships;

2906 (iv) patronage; or

2907 (v) a factor similar to Subsections (16)(b)(i) through (iv).

2908 (c) "Goodwill" does not include:

2909 (i) the intangible property described in Subsection (20)(a) or (b);

2910 (ii) locational attributes of real property, including:

2911 (A) zoning;

2912 (B) location;

2913 (C) view;

2914 (D) a geographic feature;

2915 (E) an easement;

2916 (F) a covenant;

- 2917 (G) proximity to raw materials;
- 2918 (H) the condition of surrounding property; or
- 2919 (I) proximity to markets;
- 2920 (iii) value attributable to the identification of an improvement to real property,
- 2921 including:
- 2922 (A) reputation of the designer, builder, or architect of the improvement;
- 2923 (B) a name given to, or associated with, the improvement; or
- 2924 (C) the historic significance of an improvement; or
- 2925 (iv) the enhancement or assemblage value specifically attributable to the interrelation
- 2926 of the existing tangible property in place working together as a unit.
- 2927 (17) "Governing body" means:
- 2928 (a) for a county, city, or town, the legislative body of the county, city, or town;
- 2929 (b) for a special district under Title 17B, Limited Purpose Local Government Entities -
- 2930 Special Districts, the special district's board of trustees;
- 2931 (c) for a school district, the local board of education;
- 2932 (d) for a special service district under Title 17D, Chapter 1, Special Service District Act:
- 2933 (i) the legislative body of the county or municipality that created the special service
- 2934 district, to the extent that the county or municipal legislative body has not
- 2935 delegated authority to an administrative control board established under Section
- 2936 17D-1-301; or
- 2937 (ii) the administrative control board, to the extent that the county or municipal
- 2938 legislative body has delegated authority to an administrative control board
- 2939 established under Section 17D-1-301; or
- 2940 (e) for a public infrastructure district under Title 17D, Chapter 4, Public Infrastructure
- 2941 District Act, the public infrastructure district's board of trustees.
- 2942 (18) "Gross vehicle weight rating" means the maximum gross vehicle weight rating as
- 2943 reported by the manufacturer of the motor vehicle for the vehicle identification number.
- 2944 (19)(a) [~~Except as provided in Subsection (19)(c), "improvement"~~] "Improvement"
- 2945 means a building, structure, fixture, fence, or other item that is permanently attached
- 2946 to land, regardless of whether the title has been acquired to the land, if:
- 2947 (i)(A) attachment to land is essential to the operation or use of the item; and
- 2948 (B) the manner of attachment to land suggests that the item will remain attached to
- 2949 the land in the same place over the useful life of the item; or
- 2950 (ii) removal of the item would:

- 2951 (A) cause substantial damage to the item; or  
2952 (B) require substantial alteration or repair of a structure to which the item is  
2953 attached.
- 2954 (b) "Improvement" includes:
- 2955 (i) an accessory to an item described in Subsection (19)(a) if the accessory is:  
2956 (A) essential to the operation of the item described in Subsection (19)(a); and  
2957 (B) installed solely to serve the operation of the item described in Subsection  
2958 (19)(a); and
- 2959 (ii) an item described in Subsection (19)(a) that is temporarily detached from the land  
2960 for repairs and remains located on the land.
- 2961 (c) "Improvement" does not include:
- 2962 (i) an item [~~considered to be personal property pursuant-~~] that, according to rules  
2963 made in accordance with Section 59-2-107, is personal property;
- 2964 (ii) a moveable item that is attached to land for stability only or for an obvious  
2965 temporary purpose;
- 2966 (iii)(A) manufacturing equipment and machinery; or  
2967 (B) essential accessories to manufacturing equipment and machinery;
- 2968 (iv) an item attached to the land in a manner that facilitates removal without  
2969 substantial damage to the land or the item; or
- 2970 (v) a transportable factory-built housing unit as defined in Section 59-2-1502 if that  
2971 transportable factory-built housing unit is considered to be personal property  
2972 under Section 59-2-1503.
- 2973 (20) "Intangible property" means:
- 2974 (a) property that is capable of private ownership separate from tangible property,  
2975 including:
- 2976 (i) money;  
2977 (ii) credits;  
2978 (iii) bonds;  
2979 (iv) stocks;  
2980 (v) representative property;  
2981 (vi) franchises;  
2982 (vii) licenses;  
2983 (viii) trade names;  
2984 (ix) copyrights; and

- 2985 (x) patents;
- 2986 (b) a low-income housing tax credit;
- 2987 (c) goodwill; or
- 2988 (d) a clean or renewable energy tax credit or incentive, including:
- 2989 (i) a federal renewable energy production tax credit under Section 45, Internal
- 2990 Revenue Code;
- 2991 (ii) a federal energy credit for qualified renewable electricity production facilities
- 2992 under Section 48, Internal Revenue Code;
- 2993 (iii) a federal grant for a renewable energy property under American Recovery and
- 2994 Reinvestment Act of 2009, Pub. L. No. 111-5, Section 1603; and
- 2995 (iv) a tax credit under Subsection 59-7-614(5).
- 2996 (21) "Livestock" means:
- 2997 (a) a domestic animal;
- 2998 (b) a fish;
- 2999 (c) a fur-bearing animal;
- 3000 (d) a honeybee; or
- 3001 (e) poultry.
- 3002 (22) "Low-income housing tax credit" means:
- 3003 (a) a federal low-income housing tax credit under Section 42, Internal Revenue Code; or
- 3004 (b) a low-income housing tax credit under Section 59-7-607 or Section 59-10-1010.
- 3005 (23) "Metalliferous minerals" includes gold, silver, copper, lead, zinc, and uranium.
- 3006 (24) "Mine" means a natural deposit of either metalliferous or nonmetalliferous valuable
- 3007 mineral.
- 3008 (25) "Mining" means the process of producing, extracting, leaching, evaporating, or
- 3009 otherwise removing a mineral from a mine.
- 3010 (26)(a) "Mobile flight equipment" means tangible personal property that is owned or
- 3011 operated by an air charter service, air contract service, or airline and:
- 3012 (i) is capable of flight or is attached to an aircraft that is capable of flight; or
- 3013 (ii) is contained in an aircraft that is capable of flight if the tangible personal property
- 3014 is intended to be used:
- 3015 (A) during multiple flights;
- 3016 (B) during a takeoff, flight, or landing; and
- 3017 (C) as a service provided by an air charter service, air contract service, or airline.
- 3018 (b)(i) "Mobile flight equipment" does not include a spare part other than a spare

- 3019 engine that is rotated at regular intervals with an engine that is attached to the  
 3020 aircraft.
- 3021 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
 3022 the commission may make rules defining the term "regular intervals."
- 3023 (27) "Nonmetalliferous minerals" includes~~[-but is not limited to,]~~ oil, gas, coal, salts, sand,  
 3024 rock, gravel, and all carboniferous materials.
- 3025 (28) "Part-year residential property" means property that is not residential property on  
 3026 January 1 of a calendar year but becomes residential property after January 1 of the  
 3027 calendar year.
- 3028 (29) "Personal property" includes:
- 3029 (a) every class of property as defined in Subsection (30) that is the subject of ownership  
 3030 and is not real estate or an improvement;
- 3031 (b) any pipe laid in or affixed to land whether or not the ownership of the pipe is  
 3032 separate from the ownership of the underlying land, even if the pipe meets the  
 3033 definition of an improvement;
- 3034 (c) ~~[bridges and ferries]~~ a bridge or a ferry;
- 3035 (d) livestock; and
- 3036 (e) an outdoor advertising ~~[structures]~~ structure as defined in Section 72-7-502.
- 3037 (30)(a) "Property" means property that is subject to assessment and taxation according to [  
 3038 its] the property's value.
- 3039 (b) "Property" does not include intangible property as defined in this section.
- 3040 (31)(a) "Public utility" means:
- 3041 (i) the operating property of a railroad, gas corporation, oil or gas transportation or  
 3042 pipeline company, coal slurry pipeline company, electrical corporation, sewerage  
 3043 corporation, or heat corporation where the company performs the service for, or  
 3044 delivers the commodity to, the public generally or companies serving the public  
 3045 generally, or in the case of a gas corporation or an electrical corporation, where  
 3046 the gas or electricity is sold or furnished to any member or consumers within the  
 3047 state for domestic, commercial, or industrial use; and
- 3048 (ii) the operating property of any entity or person defined under Section 54-2-1  
 3049 except water corporations.
- 3050 (b) "Public utility" does not include the operating property of a telecommunications  
 3051 service provider.
- 3052 [~~(32)(a) Subject to Subsection (32)(b), "qualifying exempt primary residential rental~~

- 3053 personal property" means household furnishings, furniture, and equipment that:]  
 3054 [(i) are used exclusively within a dwelling unit that is the primary residence of a  
 3055 tenant;]  
 3056 [(ii) are owned by the owner of the dwelling unit that is the primary residence of a  
 3057 tenant; and]  
 3058 [(iii) after applying the residential exemption described in Section 59-2-103, are  
 3059 exempt from taxation under this chapter in accordance with Subsection  
 3060 59-2-1115(2).]  
 3061 [(b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
 3062 commission may by rule define the term "dwelling unit" for purposes of this  
 3063 Subsection (32) and Subsection (35).]  
 3064 [(33)] (32) "Real estate" or "real property" includes:  
 3065 (a) the possession of, claim to, ownership of, or right to the possession of land;  
 3066 (b) all mines, minerals, and quarries in and under the land, all timber belonging to  
 3067 individuals or corporations growing or being on the lands of this state or the United  
 3068 States, and all rights and privileges appertaining to these; and  
 3069 (c) improvements.  
 3070 [(34)] (33)(a) "Relationship with an owner of the property's land surface rights" means a  
 3071 relationship described in Subsection 267(b), Internal Revenue Code, except that the  
 3072 term 25% shall be substituted for the term 50% in Subsection 267(b), Internal  
 3073 Revenue Code.  
 3074 (b) For purposes of determining if a relationship described in Subsection 267(b), Internal  
 3075 Revenue Code, exists, the ownership of stock shall be determined using the  
 3076 ownership rules in Subsection 267(c), Internal Revenue Code.  
 3077 [(35)] (34)(a) "Residential property," for purposes of the reductions and adjustments  
 3078 under this chapter, means any property used for residential purposes as a primary  
 3079 residence.  
 3080 (b) "Residential property" includes:  
 3081 (i) [~~except as provided in Subsection (35)(b)(ii), includes~~] household furnishings,  
 3082 furniture, and equipment if the household furnishings, furniture, and equipment  
 3083 are:  
 3084 (A) used exclusively within a dwelling unit that is the primary residence of a  
 3085 tenant; and  
 3086 (B) owned by the owner of the dwelling unit that is the primary residence of a

- 3087 tenant; and
- 3088 (ii) if the county assessor determines that the property will be used for residential
- 3089 purposes as a primary residence:
- 3090 (A) property under construction; or
- 3091 (B) unoccupied property.
- 3092 (c) "Residential property" does not include property used for transient residential use.
- 3093 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 3094 commission may by rule define the term "dwelling unit" for purposes of ~~[Subsection~~
- 3095 ~~(32) and ]~~this Subsection ~~[(35)]~~ (34).
- 3096 ~~[(36)]~~ (35) "Split estate mineral rights owner" means a person that:
- 3097 (a) has a legal right to extract a mineral from property;
- 3098 (b) does not hold more than a 25% interest in:
- 3099 (i) the land surface rights of the property where the wellhead is located; or
- 3100 (ii) an entity with an ownership interest in the land surface rights of the property
- 3101 where the wellhead is located;
- 3102 (c) is not an entity in which the owner of the land surface rights of the property where
- 3103 the wellhead is located holds more than a 25% interest; and
- 3104 (d) does not have a relationship with an owner of the land surface rights of the property
- 3105 where the wellhead is located.
- 3106 ~~[(37)]~~ (36)(a) "State-assessed commercial vehicle" means:
- 3107 (i) ~~[any]~~ a commercial vehicle, trailer, or semitrailer that operates interstate or
- 3108 intrastate to transport passengers, freight, merchandise, or other property for hire;
- 3109 or
- 3110 (ii) ~~[any]~~ a commercial vehicle, trailer, or semitrailer that operates interstate and
- 3111 transports the vehicle owner's goods or property in furtherance of the owner's
- 3112 commercial enterprise.
- 3113 (b) "State-assessed commercial vehicle" does not include ~~[vehicles used for hire that are]~~
- 3114 a vehicle used for hire that is specified in Subsection (10)(c) as a county-assessed
- 3115 commercial ~~[vehicles]~~ vehicle.
- 3116 ~~[(38)]~~ (37) "Subdivided lot" means a lot, parcel, or other division of land, that is a division
- 3117 of a base parcel.
- 3118 ~~[(39)]~~ (38) "Tax area" means a geographic area created by the overlapping boundaries of
- 3119 one or more taxing entities.
- 3120 ~~[(40)]~~ (39) "Taxable value" means fair market value less any applicable reduction allowed

- 3121 for residential property under Section 59-2-103.
- 3122 [~~(41)~~] (40) "Taxing entity" means [~~any~~] a county, city, town, school district, special taxing  
 3123 district, special district under Title 17B, Limited Purpose Local Government Entities -  
 3124 Special Districts, or [~~other~~] another political subdivision of the state with the authority to  
 3125 levy a tax on property.
- 3126 [~~(42)~~] (41)(a) "Tax roll" means a permanent record of the taxes charged on property, as  
 3127 extended on the assessment roll, and may be maintained on the same record or  
 3128 records as the assessment roll or may be maintained on a separate record properly  
 3129 indexed to the assessment roll.
- 3130 (b) "Tax roll" includes tax books, tax lists, and other similar materials.
- 3131 [~~(43)~~] (42) "Telecommunications service provider" means the same as that term is defined in  
 3132 Section 59-12-102.
- 3133 Section 67. Section **59-2-103** is amended to read:
- 3134 **59-2-103 (Effective 01/01/27). Rate of assessment of property -- Residential**  
 3135 **property.**
- 3136 (1) As used in this section:
- 3137 (a)(i) "Household" means the association of individuals who live in the same  
 3138 dwelling, sharing the dwelling's furnishings, facilities, accommodations, and  
 3139 expenses.
- 3140 (ii) "Household" includes married individuals, who are not legally separated, who  
 3141 have established domiciles at separate locations within the state.
- 3142 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
 3143 commission may make rules defining the term "domicile."
- 3144 (2) All tangible taxable property located within the state shall be assessed and taxed at a  
 3145 uniform and equal rate on the basis of its fair market value, as valued on January 1,  
 3146 unless otherwise provided by law.
- 3147 (3) Subject to Subsections (4) through (6) and Section 59-2-103.5, for a calendar year, the  
 3148 fair market value of residential property located within the state is allowed a residential  
 3149 exemption equal to a 45% reduction in the value of the property.
- 3150 (4) Part-year residential property located within the state is allowed the residential  
 3151 exemption described in Subsection (3) if the part-year residential property is used as  
 3152 residential property for 183 or more consecutive calendar days during the calendar year  
 3153 for which the owner seeks to obtain the residential exemption.
- 3154 (5) No more than one acre of land per residential unit may qualify for the residential

3155 exemption described in Subsection (3).

3156 (6)(a) Except as provided in Subsections (6)(b)(ii) and (iii), a residential exemption  
3157 described in Subsection (3) is limited to one primary residence per household.

3158 (b) An owner of multiple primary residences located within the state is allowed a  
3159 residential exemption under Subsection (3) for:

3160 (i) subject to Subsection (6)(a), the primary residence of the owner;

3161 (ii) each residential property that is the primary residence of a tenant; and

3162 (iii) subject to Subsection 59-2-103.5(4), each residential property described in  
3163 Subsection [~~59-2-102(35)(b)(ii)~~] 59-2-102(34)(b)(ii).

3164 Section 68. Section **59-2-103.5** is amended to read:

3165 **59-2-103.5 (Effective 01/01/27). Procedures to obtain an exemption for**  
3166 **residential property -- Procedure if property owner or property no longer qualifies to**  
3167 **receive a residential exemption.**

3168 (1) Subject to Subsections (4), (5), (6), and (11), for residential property other than  
3169 part-year residential property, a county legislative body may adopt an ordinance that  
3170 requires an owner to file an application with the county board of equalization before the  
3171 county applies a residential exemption authorized under Section 59-2-103 to the value of  
3172 the residential property if:

3173 (a) the residential property was ineligible for the residential exemption during the  
3174 calendar year immediately preceding the calendar year for which the owner is  
3175 seeking to have the residential exemption applied to the value of the residential  
3176 property;

3177 (b) an ownership interest in the residential property changes; or

3178 (c) the county board of equalization determines that there is reason to believe that the  
3179 residential property no longer qualifies for the residential exemption.

3180 (2)(a) The application described in Subsection (1):

3181 (i) shall be on a form the commission provides by rule and makes available to the  
3182 counties;

3183 (ii) shall be signed by the owner of the residential property; and

3184 (iii) may not request the sales price of the residential property.

3185 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
3186 commission may make rules providing the contents of the form described in  
3187 Subsection (2)(a).

3188 (c) For purposes of the application described in Subsection (1), a county may not request

- 3189 information from an owner of a residential property beyond the information in the  
3190 form provided by the commission under this Subsection (2).
- 3191 (3)(a) Regardless of whether a county legislative body adopts an ordinance described in  
3192 Subsection (1), before a county may apply a residential exemption to the value of  
3193 part-year residential property, an owner of the property shall:
- 3194 (i) subject to Subsection (6), file the application described in Subsection (2)(a) with  
3195 the county board of equalization; and
- 3196 (ii) include as part of the application described in Subsection (2)(a) a statement that  
3197 certifies:
- 3198 (A) the date the part-year residential property became residential property;
- 3199 (B) that the part-year residential property will be used as residential property for  
3200 183 or more consecutive calendar days during the calendar year for which the  
3201 owner seeks to obtain the residential exemption; and
- 3202 (C) that the owner, or a member of the owner's household, may not claim a  
3203 residential exemption for any property for the calendar year for which the  
3204 owner seeks to obtain the residential exemption, other than the part-year  
3205 residential property[, or as allowed under Section 59-2-103 with respect to the  
3206 primary residence or household furnishings, furniture, and equipment of the  
3207 owner's tenant].
- 3208 (b) If an owner files an application under this Subsection (3) on or after May 1 of the  
3209 calendar year for which the owner seeks to obtain the residential exemption, the  
3210 county board of equalization may require the owner to pay an application fee not to  
3211 exceed \$50.
- 3212 (4) Before a county allows residential property described in Subsection [~~59-2-102(35)(b)(ii)]~~  
3213 59-2-102(34)(b)(ii) a residential exemption authorized under Section 59-2-103, an  
3214 owner of the residential property shall file with the county assessor a written declaration  
3215 that:
- 3216 (a) states under penalty of perjury that, to the best of each owner's knowledge, upon  
3217 completion of construction or occupancy of the residential property, the residential  
3218 property will be used for residential purposes as a primary residence;
- 3219 (b) is signed by each owner of the residential property; and
- 3220 (c) is on a form approved by the commission.
- 3221 (5)(a) Before a county allows residential property described in Subsection 59-2-103(6)(b)  
3222 a residential exemption authorized under Section 59-2-103, an owner of the

- 3223 residential property shall file with the county assessor a written declaration that:
- 3224 (i) states under penalty of perjury that, to the best of each owner's knowledge, the
- 3225 residential property will be used for residential purposes as a primary residence of
- 3226 a tenant;
- 3227 (ii) is signed by each owner of the residential property; and
- 3228 (iii) is on a form approved by the commission.
- 3229 (b)(i)(A) In addition to the declaration, a county assessor may request from an
- 3230 owner a current lease agreement signed by the tenant.
- 3231 (B) If the lease agreement is insufficient for a county assessor to make a
- 3232 determination about eligibility for a residential exemption, a county assessor
- 3233 may request a copy of the real estate insurance policy for the property.
- 3234 (C) If the real estate insurance policy is insufficient for a county assessor to make
- 3235 a determination about eligibility for a residential exemption, a county assessor
- 3236 may request a copy of a filing from the most recent federal tax return showing
- 3237 that the owner had profit or loss from the residential property as a rental.
- 3238 (ii) A county assessor may not request information from an owner's tenant.
- 3239 (6)(a) Except as provided in Subsection (6)(b), the county board of equalization may not
- 3240 accept from a property owner an application to receive a residential exemption
- 3241 authorized under Section 59-2-103 for the property owner's primary residence that is
- 3242 filed after the later of:
- 3243 (i) September 15 of the calendar year for which the property owner seeks to receive
- 3244 the residential exemption; or
- 3245 (ii) the last day of a 45-day period beginning on the day on which the county auditor
- 3246 provides the notice under Section 59-2-919.1.
- 3247 (b)(i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
- 3248 the commission may make rules providing for circumstances under which the
- 3249 county board of equalization is required to accept a property owner's application
- 3250 for a residential exemption authorized under Section 59-2-103 that is filed after
- 3251 the time period described in Subsection (6)(a).
- 3252 (ii) The commission shall report to the Revenue and Taxation Interim Committee on
- 3253 any rules [~~promulgated~~] the commission makes under this Subsection (6)(b).
- 3254 (7) Except as provided in Subsection (8), if a property owner no longer qualifies to receive
- 3255 a residential exemption authorized under Section 59-2-103 for the property owner's
- 3256 primary residence, the property owner shall:

- 3257 (a) file a written statement with the county board of equalization of the county in which  
 3258 the property is located:
- 3259 (i) on a form provided by the county board of equalization; and
- 3260 (ii) notifying the county board of equalization that the property owner no longer  
 3261 qualifies to receive a residential exemption authorized under Section 59-2-103 for  
 3262 the property owner's primary residence; and
- 3263 (b) declare on the property owner's individual income tax return under Chapter 10,  
 3264 Individual Income Tax Act, for the taxable year for which the property owner no  
 3265 longer qualifies to receive a residential exemption authorized under Section 59-2-103  
 3266 for the property owner's primary residence, that the property owner no longer  
 3267 qualifies to receive a residential exemption authorized under Section 59-2-103 for the  
 3268 property owner's primary residence.
- 3269 (8) A property owner is not required to file a written statement or make the declaration  
 3270 described in Subsection (7) if the property owner:
- 3271 (a) changes primary residences;
- 3272 (b) qualified to receive a residential exemption authorized under Section 59-2-103 for  
 3273 the residence that was the property owner's former primary residence; and
- 3274 (c) qualifies to receive a residential exemption authorized under Section 59-2-103 for the  
 3275 residence that is the property owner's current primary residence.
- 3276 ~~[(9) Subsections (2) through (8) do not apply to qualifying exempt primary residential~~  
 3277 ~~rental personal property.]~~
- 3278 ~~[(10)] (9)[(a)] Subject to Subsection [(11)] (10), for the first calendar year in which a~~  
 3279 ~~property owner qualifies to receive a residential exemption under Section 59-2-103, a~~  
 3280 ~~county assessor may require the property owner to file a signed statement described~~  
 3281 ~~in Section 59-2-306.~~
- 3282 ~~[(b) Subject to Subsection (11) and notwithstanding Section 59-2-306, for a calendar~~  
 3283 ~~year after the calendar year described in Subsection (10)(a) in which a property~~  
 3284 ~~owner qualifies for an exemption authorized under Section 59-2-1115 for qualifying~~  
 3285 ~~exempt primary residential rental personal property, a signed statement described in~~  
 3286 ~~Section 59-2-306 with respect to the qualifying exempt primary residential rental~~  
 3287 ~~personal property may only require the property owner to certify, under penalty of~~  
 3288 ~~perjury, that the property owner qualifies for the exemption authorized under Section~~  
 3289 ~~59-2-1115.]~~
- 3290 ~~[(11)] (10)(a) After an ownership interest in residential property changes, the county~~

- 3291 assessor shall:
- 3292 (i) notify the owner of the residential property that the owner is required to submit a  
 3293 written declaration described in Subsection [~~(11)(d)~~] (10)(d) within 90 days after  
 3294 the day on which the county assessor mails the notice under this Subsection [  
 3295 ~~(11)(a)~~] (10)(a); and
- 3296 (ii) provide the owner of the residential property with the form described in  
 3297 Subsection [~~(11)(e)~~] (10)(e) to make the written declaration described in  
 3298 Subsection [~~(11)(d)~~] (10)(d).
- 3299 (b) A county assessor is not required to provide a notice to an owner of residential  
 3300 property under Subsection [~~(11)(a)~~] (10)(a) if the situs address of the residential  
 3301 property is the same as any one of the following:
- 3302 (i) the mailing address of the residential property owner or the tenant of the  
 3303 residential property;
- 3304 (ii) the address listed on the:
- 3305 (A) residential property owner's driver license; or  
 3306 (B) tenant of the residential property's driver license; or
- 3307 (iii) the address listed on the:
- 3308 (A) residential property owner's voter registration; or  
 3309 (B) tenant of the residential property's voter registration.
- 3310 (c) A county assessor is not required to provide a notice to an owner of residential  
 3311 property under Subsection [~~(11)(a)~~] (10)(a) if:
- 3312 (i) the owner is using a post office box or rural route box located in the county where  
 3313 the residential property is located; and
- 3314 (ii) the residential property is located in a county of the fourth, fifth, or sixth class.
- 3315 (d) An owner of residential property that receives a notice described in Subsection [  
 3316 ~~(11)(a)~~] (10)(a) shall submit a written declaration to the county assessor under penalty  
 3317 of perjury certifying the information contained in the form described in Subsection [  
 3318 ~~(11)(e)~~] (10)(e).
- 3319 (e) The written declaration required by Subsection [~~(11)(d)~~] (10)(d) shall be:
- 3320 (i) signed by the owner of the residential property; and
- 3321 (ii) in substantially the following form:
- 3322 "Residential Property Declaration
- 3323 This form must be submitted to the County Assessor's office where your new residential  
 3324 property is located within 90 days of receipt. Failure to do so will result in the county assessor

3325 taking action that could result in the withdrawal of the primary residential exemption from  
3326 your residential property.

3327 Residential Property Owner Information

3328 Name(s): \_\_\_\_\_

3329 Home Phone: \_\_\_\_\_

3330 Work Phone: \_\_\_\_\_

3331 Mailing Address: \_\_\_\_\_

3332 Residential Property Information

3333 Physical Address: \_\_\_\_\_

3334 Certification

3335 1. Is this property used as a primary residential property or part-year residential  
3336 property for you or another person?

3337 "Part-year residential property" means owned property that is not residential property on  
3338 January 1 of a calendar year but becomes residential property after January 1 of the calendar  
3339 year.

3340 Yes No

3341 2. Will this primary residential property or part-year residential property be occupied  
3342 for 183 or more consecutive calendar days by the owner or another person?

3343 A part-year residential property occupied for 183 or more consecutive calendar days in a  
3344 calendar year by the owner(s) or a tenant is eligible for the exemption.

3345 Yes No

3346 If a property owner or a property owner's spouse claims a residential exemption under  
3347 Utah Code Ann. §59-2-103 for property in this state that is the primary residence of the property  
3348 owner or the property owner's spouse, that claim of a residential exemption shall be considered  
3349 in determining whether the property owner and the property owner's spouse have domicile in  
3350 Utah for income tax purposes.

3351 Signature

3352 Under penalties of perjury, I declare to the best of my knowledge and belief, this  
3353 declaration and accompanying pages are true, correct, and complete.

3354 \_\_\_\_\_(Owner signature) \_\_\_\_\_Date (mm/dd/yyyy)

3355 \_\_\_\_\_(Owner printed name)"

3356 (f) For purposes of a written declaration described in this Subsection [(H)] (10), a county  
3357 may not request information from a property owner beyond the information described  
3358 in the form provided in Subsection [(H)(e)] (10)(e).

- 3359 (g)(i) If, after receiving a written declaration filed under Subsection [~~(11)(d)~~] (10)(d),  
3360 the county determines that the property has been incorrectly qualified or  
3361 disqualified to receive a residential exemption, the county shall:
- 3362 (A) redetermine the property's qualification to receive a residential exemption; and
  - 3363 (B) notify the claimant of the redetermination and the county's reason for the  
3364 redetermination.
- 3365 (ii) The redetermination provided in Subsection [~~(11)(g)(i)(A)~~] (10)(g)(i)(A) is final  
3366 unless:
- 3367 (A) except as provided in Subsection [~~(11)(g)(iii)~~] (10)(g)(iii), the property owner  
3368 appeals the redetermination to the board of equalization in accordance with  
3369 Subsection 59-2-1004(2); or
  - 3370 (B) the county determines that the property is eligible to receive a primary  
3371 residential exemption as part-year residential property.
- 3372 (iii) The board of equalization may not accept an appeal that is filed after the later of:
- 3373 (A) September 15 of the current calendar year; or
  - 3374 (B) the last day of the 45-day period beginning on the day on which the county  
3375 auditor provides the notice under Section 59-2-919.1.
- 3376 (h)(i) If a residential property owner fails to file a written declaration required by  
3377 Subsection [~~(11)(d)~~] (10)(d), the county assessor shall mail to the owner of the  
3378 residential property a notice that:
- 3379 (A) the property owner failed to file a written declaration as required by  
3380 Subsection [~~(11)(d)~~] (10)(d); and
  - 3381 (B) the property owner will no longer qualify to receive the residential exemption  
3382 authorized under Section 59-2-103 for the property that is the subject of the  
3383 written declaration if the property owner does not file the written declaration  
3384 required by Subsection [~~(11)(d)~~] (10)(d) within 30 days after the day on which  
3385 the county assessor mails the notice under this Subsection [~~(11)(h)(i)~~] (10)(h)(i).
- 3386 (ii) If a property owner fails to file a written declaration required by Subsection [  
3387 ~~(11)(d)~~] (10)(d) after receiving the notice described in Subsection [~~(11)(h)(i)~~]  
3388 (10)(h)(i), the property owner no longer qualifies to receive the residential  
3389 exemption authorized under Section 59-2-103 in the calendar year for the property  
3390 that is the subject of the written declaration unless:
- 3391 (A) except as provided in Subsection [~~(11)(h)(iii)~~] (10)(h)(iii), the property owner  
3392 appeals the redetermination to the board of equalization in accordance with

- 3393 Subsection 59-2-1004(2); or
- 3394 (B) the county determines that the property is eligible to receive a primary
- 3395 residential exemption as part-year residential property.
- 3396 (iii) The board of equalization may not accept an appeal that is filed after the later of:
- 3397 (A) September 15 of the current calendar year; or
- 3398 (B) the last day of the 45-day period beginning on the day on which the county
- 3399 auditor provides the notice under Section 59-2-919.1.
- 3400 (iv) A property owner that is disqualified to receive the residential exemption under
- 3401 Subsection ~~[(11)(h)(ii)]~~ (10)(h)(iii) may file an application described in Subsection
- 3402 (1) to determine whether the owner is eligible to receive the residential exemption.
- 3403 (i) The requirements of this Subsection ~~[(11)]~~ (10) do not apply to a county assessor in a
- 3404 county that adopts and enforces an ordinance described in Subsection (1).
- 3405 Section 69. Section **59-2-110** is amended to read:
- 3406 **59-2-110 (Effective 01/01/27). Designation of person to receive notice.**
- 3407 (1)(a) Except as provided in Subsection (1)(b), if this chapter requires a governmental
- 3408 entity ~~[is required under this chapter]~~ to send information or notice to a person, the
- 3409 governmental entity shall send the information or notice to:
- 3410 (i) the person required under the applicable provision of this chapter; and
- 3411 (ii) each person designated in accordance with Subsection (2) by the person described
- 3412 in Subsection (1)(a)(i).
- 3413 (b) If Section 59-2-919.1 or 59-2-1317 requires a governmental entity ~~[is required under~~
- 3414 ~~Section 59-2-919, 59-2-919.1, or 59-2-1317]~~ to send information or notice to a
- 3415 person, the governmental entity shall send the information or notice to:
- 3416 (i) the person required under the applicable section; or
- 3417 (ii) one person designated in accordance with Subsection (2) by the person described
- 3418 in Subsection (1)(b)(i).
- 3419 (2)(a) A person to ~~[whom]~~ which this chapter requires a governmental entity ~~[is required~~
- 3420 ~~under this chapter]~~ to send information or notice may designate a person to receive
- 3421 the information or notice in accordance with Subsection (1).
- 3422 (b) To make a designation described in Subsection (2)(a), the person shall submit a
- 3423 written request to the governmental entity on a form ~~[prescribed by]~~ the commission
- 3424 approves.
- 3425 (3) A person ~~[who]~~ that makes a designation described in Subsection (2) may revoke the
- 3426 designation by submitting a written request to the governmental entity on a form [

3427 ~~prescribed by]the commission approves.~~

3428 Section 70. Section **59-2-306** is amended to read:

3429 **59-2-306 (Effective 01/01/27). Statements by taxpayers -- Power of assessors**  
3430 **respecting statements -- Reporting information to other counties.**

3431 (1)(a) [~~Except as provided in Subsection (1)(e), the]~~ The county assessor may request a  
3432 signed statement from any person setting forth all the real [~~and personal]~~ property  
3433 assessable by the assessor that the person owns, possesses, manages, or has under the  
3434 person's control at 12 noon on January 1.

3435 [~~(b) A request under Subsection (1)(a) shall include a notice of the procedure under~~  
3436 ~~Section 59-2-1005 for appealing the value of the personal property.]~~

3437 [~~(c) A telecommunications service provider shall file a signed statement setting forth the~~  
3438 ~~telecommunications service provider's personal property in accordance with Section~~  
3439 ~~59-2-306.5.]~~

3440 [~~(d) A telecommunications service provider shall claim an exemption for personal~~  
3441 ~~property in accordance with Section 59-2-1115.]~~

3442 (2)(a) Except as provided in Subsection (2)(b) or (c), a person shall file a signed  
3443 statement described in Subsection (1) on or before May 15 of the year the county  
3444 assessor requests the statement described in Subsection (1).

3445 (b) For a county of the first class, a person shall file the signed statement described in  
3446 Subsection (1) on or before the later of:

3447 (i) 60 days after the day on which the county assessor requests the statement; or

3448 (ii) May 15 of the year the county assessor requests the statement described in  
3449 Subsection (1) if, by resolution, the county legislative body of that county adopts  
3450 the deadline described in Subsection (2)(a).

3451 (c) If a county assessor requests a signed statement described in Subsection (1) on or  
3452 after March 16, the person shall file the signed statement within 60 days after the day  
3453 on which the county assessor requests the signed statement.

3454 (3) The signed statement shall include the following:

3455 (a) all property belonging to, claimed by, or in the possession, control, or management  
3456 of the person, any firm of which the person is a member, or any corporation of which  
3457 the person is president, secretary, cashier, or managing agent;

3458 (b) the county in which the property is located or in which the property is taxable; and, if  
3459 taxable in the county in which the signed statement was made, also the city, town,  
3460 school district, road district, or other taxing district in which the property is located or

- 3461 taxable; and
- 3462 (c) all lands in parcels or subdivisions not exceeding 640 acres each, the sections and
- 3463 fractional sections of all tracts of land containing more than 640 acres that have been
- 3464 sectionized by the United States government, and the improvements on those lands[;
- 3465 and] .
- 3466 [~~(d) for a person who owns taxable tangible personal property as defined in Section~~
- 3467 ~~59-2-1115, the person's NAICS code, as classified under the current North American~~
- 3468 ~~Industry Classification System of the federal Executive Office of the President,~~
- 3469 ~~Office of Management and Budget.]~~
- 3470 (4) Every county assessor may subpoena and examine any person in any county in relation
- 3471 to any signed statement but may not require that person to appear in any county other
- 3472 than the county in which the subpoena is served.
- 3473 (5)[~~(a) Except as provided in Subsection (5)(b), if ] If the signed statement discloses~~
- 3474 property in any other county, the county assessor shall file the signed statement and
- 3475 send a copy to the county assessor of each county in which the property is located.
- 3476 [~~(b) If the signed statement discloses personal property of a telecommunications service~~
- 3477 ~~provider, the county assessor shall notify the telecommunications service provider of~~
- 3478 ~~the requirement to file a signed statement in accordance with Section 59-2-306.5.]~~
- 3479 Section 71. Section **59-2-307** is amended to read:
- 3480 **59-2-307 (Effective 01/01/27). Refusal by taxpayer to file signed statement --**
- 3481 **Estimation of value -- Penalty.**
- 3482 (1)(a) Each person that fails to file the signed statement required by Section 59-2-306[~~or~~
- 3483 ~~Section 59-2-306.5], fails to file the signed statement with respect to name and place~~
- 3484 of residence, or fails to appear and testify when requested by the assessor, shall pay a
- 3485 penalty equal to 10% of the estimated tax due, but not less than \$25 for each failure
- 3486 to file a signed and completed statement.
- 3487 [~~(b) The Multicounty Appraisal Trust shall notify the county assessor of a~~
- 3488 ~~telecommunications service provider's failure to file the signed statement.]~~
- 3489 [~~(e)] (b) The assessor shall collect each penalty under Subsection (1)(a) in the manner~~
- 3490 provided by Sections 59-2-1302 and 59-2-1303, except as otherwise provided for in
- 3491 this section, or by a judicial proceeding brought in the name of the assessor.
- 3492 [~~(d)] (c) The assessor shall pay all money recovered under this section into the county~~
- 3493 treasury.
- 3494 (2)(a) Upon a showing of reasonable cause, a county may waive or reduce a penalty

- 3495 imposed under Subsection (1)(a).
- 3496 (b)(i) Except as provided in Subsection (2)(b)(ii), a county assessor may impose a  
 3497 penalty under Subsection (1)(a) on or after May 16 of the year the county assessor  
 3498 requests the statement described in Section 59-2-306~~[-or is due under Section~~  
 3499 ~~59-2-306.5]~~.
- 3500 (ii) A county assessor may not impose a penalty under Subsection (1)(a) until 30 days  
 3501 after the postmark date of mailing of a subsequent notice if the signed statement  
 3502 described in Section 59-2-306 is requested:
- 3503 (A) on or after March 16; or  
 3504 (B) by a county assessor of a county of the first class.
- 3505 (3)(a) If an owner neglects or refuses to file a signed statement requested by an assessor  
 3506 as required under Section 59-2-306:
- 3507 (i) the assessor shall:
- 3508 (A) make a record of the failure to file; and  
 3509 (B) make an estimate of the value of the property of the owner based on known  
 3510 facts and circumstances; and
- 3511 (ii) the assessor of a county of the first class:
- 3512 (A) shall make a subsequent request by mail for the signed statement, informing  
 3513 the owner of the consequences of not filing a signed statement; and  
 3514 (B) may impose a fee for the actual and necessary expenses of the mailing under  
 3515 Subsection (3)(a)(ii)(A).
- 3516 ~~[(b)(i) If a telecommunications service provider neglects or refuses to file a signed~~  
 3517 ~~statement in accordance with Section 59-2-306.5, the Multicounty Appraisal Trust~~  
 3518 ~~shall make:]~~
- 3519 ~~[(A) a record of the failure to file;]~~  
 3520 ~~[(B) a request by mail for the signed statement, informing the telecommunications~~  
 3521 ~~service provider of the consequences of not filing a signed statement; and]~~  
 3522 ~~[(C) an estimate of the value of the personal property of the telecommunications~~  
 3523 ~~service provider based on known facts and circumstances.]~~
- 3524 ~~[(ii) The Multicounty Appraisal Trust may impose a fee for the actual and necessary~~  
 3525 ~~expenses of the mailing under Subsection (3)(b)(i)(B).]~~
- 3526 ~~[(e)]~~ (b) A county board of equalization or the commission may not reduce the value  
 3527 fixed by the assessor in accordance with Subsection (3)(a)(i)~~[-or the Multicounty~~  
 3528 ~~Appraisal Trust in accordance with Subsection (3)(b)(i)].~~

3529 Section 72. Section **59-2-909** is amended to read:

3530 **59-2-909 (Effective 01/01/27). Time for adoption of levy -- County purpose**  
 3531 **requirement.**

3532 The county legislative body of each county shall adopt [~~a proposed or, if the tax rate is~~  
 -3533 ~~not more than the certified tax rate,~~] a final tax rate on the taxable property of the county  
 3534 before June 22 to provide funds for county purposes.

3535 Section 73. Section **59-2-911** is amended to read:

3536 **59-2-911 (Effective 01/01/27). Exceptions to maximum levy limitation.**

3537 (1) The maximum levies set forth in Section 59-2-908 do not apply to and do not include:

- 3538 (a) levies made to pay outstanding judgment debts;
- 3539 (b) levies made in any special improvement districts;
- 3540 (c) levies made for extended services in any county service area;
- 3541 (d) levies made for county library services;
- 3542 (e) levies made for county animal welfare services;
- 3543 (f) levies made to be used for storm water, flood, and water quality control;
- 3544 (g) levies made to share disaster recovery expenses for public facilities and structures as  
 3545 a condition of state assistance when a Presidential Declaration has been issued under  
 3546 the Disaster Relief Act of 1974, 42 U.S.C. Sec. 5121;
- 3547 (h) levies made to pay interest and provide for a sinking fund in connection with any  
 3548 bonded or voter authorized indebtedness, including the bonded or voter authorized  
 3549 indebtedness of county service areas, special service districts, and special  
 3550 improvement districts;
- 3551 (i) levies made to fund local health departments;
- 3552 (j) levies made to fund public transit districts;
- 3553 (k) levies made to establish, maintain, and replenish special improvement guaranty  
 3554 funds;
- 3555 (l) levies made in any special service district;
- 3556 (m) levies made to fund municipal-type services to unincorporated areas of counties  
 3557 under Title 17, Chapter 78, Part 5, Provision of Municipal-Type Services to  
 3558 Unincorporated Areas;
- 3559 (n) levies made to fund the purchase of paramedic or ambulance facilities and equipment  
 3560 and to defray administration, personnel, and other costs of providing emergency  
 3561 medical and paramedic services, but this exception only applies to [~~those counties~~] a  
 3562 county in which the county legislative body adopts a resolution setting forth the

3563 intention to make ~~[those]~~ the levies ~~[has been duly adopted by the county legislative~~  
 3564 ~~body]~~ and ~~[approved by]~~ a majority of the voters of the county voting at a special or  
 3565 general election approves the resolution;

3566 (o) the multicounty and county assessing and collecting levies under Section 59-2-1602;  
 3567 and

3568 (p) all other exceptions to the maximum levy limitation ~~[pursuant to]~~ in accordance with  
 3569 statute.

3570 (2)(a) Upon the retirement of bonds issued for the development of a convention complex  
 3571 described in Section 17-63-904, and notwithstanding Section 59-2-908, any county of  
 3572 the first class, as classified in Section 17-60-104, may continue to impose a property  
 3573 tax levy equivalent to the average property tax levy previously imposed to pay debt  
 3574 service on ~~[those]~~ the retired bonds.

3575 (b) Notwithstanding that the imposition of the levy described in Subsection (2)(a) may  
 3576 not result in an increased amount of ad valorem tax revenue, the levy is subject to the [  
 3577 ~~notice requirements of Section 59-2-919]~~ requirements of Title 20A, Chapter 7, Part  
 3578 9, Tax Increase Voting Requirements.

3579 (c) ~~[The revenue from this]~~ A county shall use the revenue from a continued levy ~~[shall~~  
 3580 ~~be used]~~ only for the funding of convention facilities as defined in Section 59-12-602.  
 3581 Section 74. Section **59-2-912** is amended to read:

3582 **59-2-912 (Effective 01/01/27). Time for adoption of levy -- Certification to county**  
 3583 **auditor.**

3584 (1) Except as provided in Subsection (2), the governing body of each taxing entity shall  
 3585 before June 22 of each year:

3586 (a) adopt ~~[a proposed tax rate, or, if the tax rate is not more than the certified tax rate,]~~ a  
 3587 final tax rate for the taxing entity; and

3588 (b) report the rate and levy, and submit the statement required under Section 59-2-913  
 3589 and any other information ~~[prescribed]~~ the commission requires by rules ~~[of]~~ the  
 3590 commission makes in accordance with Title 63G, Chapter 3, Utah Administrative  
 3591 Rulemaking Act, for the preparation, review, and certification of the tax rate, to the  
 3592 county auditor of the county in which the taxing entity is located.

3593 (2) If the governing body of a taxing entity does not receive the taxing entity's certified tax  
 3594 rate at least seven days ~~[prior to]~~ before the date described in Subsection (1), the  
 3595 governing body of the taxing entity shall, no later than 14 days after receiving the  
 3596 certified tax rate from the county auditor:

3597 (a) adopt [~~a proposed tax rate, or, if the tax rate is not more than the certified tax rate,~~]a  
 3598 final tax rate for the taxing entity; and

3599 (b) comply with the requirements of Subsection (1)(b).

3600 (3)(a) If the governing body of a taxing entity fails to comply with Subsection (1) or (2),  
 3601 the auditor of the county in which the taxing entity is located shall notify the taxing  
 3602 entity by certified mail of the deficiency and forward all available documentation to  
 3603 the commission.

3604 (b) Upon receipt of the notice and documentation from the county auditor under  
 3605 Subsection (3)(a), the commission shall hold a hearing on the matter and certify an  
 3606 appropriate tax rate.

3607 Section 75. Section **59-2-913** is amended to read:

3608 **59-2-913 (Effective 01/01/27). Definitions -- Statement of amount and purpose of**  
 3609 **levy -- Contents of statement -- Filing with county auditor -- Transmittal to commission --**  
 3610 **Calculations for establishing tax levies -- Format of statement.**

3611 (1) As used in this section, [~~"budgeted property tax revenues"~~] "property tax budgeted  
 3612 revenue" does not include property tax revenue received by a taxing entity from personal  
 3613 property that is:

3614 (a) assessed by a county assessor in accordance with Part 3, County Assessment; and

3615 (b) semiconductor manufacturing equipment.

3616 (2)(a) The legislative body of each taxing entity shall file a statement as provided in this  
 3617 section with the county auditor of the county in which the taxing entity is located.

3618 (b) The auditor shall annually transmit the statement to the commission:

3619 (i) before June 22; or

3620 (ii) with the commission's approval[~~of the commission~~], on a [~~subsequent date prior~~  
 3621 ~~to~~] date later than June 22 but before the date required by Section 59-2-1317 for  
 3622 the county treasurer to provide the notice under Section 59-2-1317.

3623 (c) The statement shall contain the amount and purpose of each levy fixed by the  
 3624 legislative body of the taxing entity.

3625 (3) For purposes of establishing the levy set for each of a taxing entity's applicable funds,  
 3626 the legislative body of the taxing entity shall calculate an amount determined by  
 3627 dividing the [~~budgeted property tax revenues~~] property tax budgeted revenue, specified  
 3628 in a budget that [~~has been~~] the taxing entity adopted and approved [~~prior to~~] before setting  
 3629 the levy, by the amount calculated under Subsections 59-2-924(4)(b)(i) through (iv).

3630 (4) The format of the statement under this section shall:

- 3631 (a) be determined by the commission; and  
 3632 (b) cite any applicable statutory provisions that:  
 3633 (i) require a specific levy; or  
 3634 (ii) limit the property tax levy for any taxing entity.  
 3635 (5) The commission may require certification that the information submitted on a statement  
 3636 under this section is true and correct.

3637 Section 76. Section **59-2-918.5** is amended to read:

3638 **59-2-918.5 (Effective 01/01/27). Hearings on judgment levies -- Advertisement.**

3639 (1) A taxing entity may not impose a judgment levy unless ~~[it first advertises its intention to~~  
 3640 ~~do so]~~ the taxing entity advertises and holds a public hearing in accordance with the  
 3641 requirements of this section before imposing the judgment levy.

3642 (2)~~[(a) The advertisement required by this section may be combined with the~~  
 3643 ~~advertisement described in Section 59-2-919.]~~

3644 ~~[(b) The advertisement shall be at least 1/8 of a page in size and shall meet the type,~~  
 3645 ~~placement, and frequency requirements established under Section 59-2-919.]~~

3646 (a) A taxing entity proposing a judgment levy under this section shall publish an  
 3647 advertisement regarding the proposed tax increase:

3648 (i) electronically in accordance with Section 45-1-101; and

3649 (ii) as a class A notice under Section 63G-30-102.

3650 (b) The advertisement shall:

3651 (i) be published for at least 14 days before the day on which the taxing entity  
 3652 conducts the public hearing described in Subsection (1);

3653 (ii) provide the date, time, location, virtual meeting link, and the phone number and  
 3654 internet address where a person may obtain more information about the judgment  
 3655 levy; and

3656 (iii) provide the total amount of the eligible judgment, the duration of the judgment  
 3657 levy, and the tax impact on an average residential and business property located  
 3658 within the taxing entity.

3659 (c)(i) For taxing entities operating ~~[under]~~ on a July 1 through June 30 fiscal year, the  
 3660 public hearing shall be held 10 or more days after notice is provided to property  
 3661 owners ~~[pursuant to]~~ in accordance with Section 59-2-919.1.

3662 (ii) For taxing entities operating ~~[under]~~ on a January 1 through December 31 fiscal  
 3663 year:

3664 (A) for an eligible judgment issued on or after March 1 but on or before

3665 September 15, the public hearing shall be held at the same time as the hearing  
 3666 at which the annual budget is adopted; or  
 3667 (B) for an eligible judgment issued on or after September 16 but on or before the  
 3668 last day of February, the public hearing shall be held 10 or more days after  
 3669 notice is provided to property owners [~~pursuant to~~] in accordance with Section  
 3670 59-2-919.1.

3671 [~~(3) The advertisement shall specify the date, time, and location of the public hearing at~~  
 3672 ~~which the levy will be considered and shall set forth the total amount of the eligible~~  
 3673 ~~judgment and the tax impact on an average residential and business property located~~  
 3674 ~~within the taxing entity.]~~

3675 [~~(4)~~] (3) If the taxing entity does not make a final decision regarding the judgment levy [is  
 3676 not made] at the public hearing, the taxing entity shall announce at the public hearing the  
 3677 scheduled time and place for consideration and adoption of the judgment levy.

3678 [~~(5)~~] (4) [(a) The date, time, and place of a public hearing required under this section shall  
 3679 be included on the notice provided to property owners pursuant to Section 59-2-919.1.]

3680 (a) A public hearing shall be:

3681 (i) open to the public;

3682 (ii) held at a meeting of the taxing entity that:

3683 (A) begins at or after 6 p.m.; and

3684 (B) has no items on the agenda other than discussion and action on the taxing  
 3685 entity's intent to impose a judgment levy, the taxing entity's budget, a special  
 3686 district's or special service district's fee implementation or increase, or a  
 3687 combination of these items; and

3688 (iii) available for individuals to attend or participate either in person or remotely  
 3689 through electronic means.

3690 (b)(i) Except as provided in Subsection (4)(b)(ii), a taxing entity may not schedule a  
 3691 public hearing at the same time as the public hearing of another overlapping  
 3692 taxing entity in the same county.

3693 (ii) The taxing entities in which the power to set tax levies is vested in the same  
 3694 governing board or authority may consolidate the public hearings into one public  
 3695 hearing.

3696 (c) The county auditor shall resolve any conflict in public hearing dates and times after  
 3697 consultation with each affected taxing entity.

3698 [(b) The requirements of Subsections 59-2-919(8)(b)(i) and (c) through (f) apply to a

3699 ~~public hearing required under this section.]~~

3700 Section 77. Section **59-2-919** is amended to read:

3701 **59-2-919 (Effective 01/01/27). Notice and public hearing requirements for**  
 3702 **certain tax increases -- Exceptions -- Audit.**

3703 (1) As used in this section:

3704 ~~[(a) "Additional ad valorem tax revenue" means ad valorem property tax revenue~~  
 3705 ~~generated by the portion of the tax rate that exceeds the taxing entity's certified tax~~  
 3706 ~~rate.]~~

3707 ~~[(b) "Ad valorem tax revenue" means ad valorem property tax revenue not including~~  
 3708 ~~revenue from:]~~

3709 ~~[(i) eligible new growth; or]~~

3710 ~~[(ii) personal property that is:]~~

3711 ~~[(A) assessed by a county assessor in accordance with Part 3, County Assessment;~~  
 3712 ~~and]~~

3713 ~~[(B) semiconductor manufacturing equipment.]~~

3714 ~~[(e)] (a) "Base year" means a taxing entity's fiscal year that immediately precedes the~~  
 3715 ~~fiscal year in which the taxing entity first adopted a budget below last year's property~~  
 3716 ~~tax budgeted revenue.~~

3717 ~~[(d)] (b) "Base year budgeted revenue" means the property tax budgeted revenue,~~  
 3718 ~~excluding eligible new growth, for the base year.~~

3719 ~~[(e) "Calendar year taxing entity" means a taxing entity that operates under a fiscal year~~  
 3720 ~~that begins on January 1 and ends on December 31.]~~

3721 ~~[(f) "County executive calendar year taxing entity" means a calendar year taxing entity~~  
 3722 ~~that operates under the county executive-council form of government described in~~  
 3723 ~~Section 17-62-203.]~~

3724 ~~[(g) "Current calendar year" means the calendar year immediately preceding the~~  
 3725 ~~calendar year for which a calendar year taxing entity seeks to levy a tax rate that~~  
 3726 ~~exceeds the calendar year taxing entity's certified tax rate.]~~

3727 ~~[(h)] (c) "Eligible new growth" means the same as that term is defined in Section~~  
 3728 ~~59-2-924.~~

3729 ~~[(i) "Fiscal year taxing entity" means a taxing entity that operates under a fiscal year that~~  
 3730 ~~begins on July 1 and ends on June 30.]~~

3731 ~~[(j) "Meeting" means the same as that term is defined in Section 52-4-103.]~~

3732 ~~[(k)] (d)(i) "Last year's property tax budgeted revenue" means the revenue a taxing~~

3733 entity budgeted to be generated from a property tax levy for the previous fiscal  
 3734 year.

3735 (ii) "Last year's property tax budgeted revenue" does not include:

3736 [(i)] (A) revenue received by a taxing entity from a debt service levy voted on by  
 3737 the public;

3738 [(ii)] (B) revenue generated by the [eombined] minimum basic tax rate as defined  
 3739 in Section 53F-2-301; or

3740 [(iii)] (C) revenue generated by the charter school levy described in Section  
 3741 53F-2-703.

3742 [(H)] (e) "Truth-in-taxation exemption period" means a six-year period that begins with  
 3743 the base year.

3744 (2) Except as provided in Subsection [(H)] (3) and Sections 59-2-918.5 and 63G-7-704, a  
 3745 taxing entity may not levy a tax rate that exceeds the taxing entity's certified tax rate  
 3746 unless the taxing entity meets[:]

3747 [(a) the requirements of this section that apply to the taxing entity; and]

3748 [(b) all other requirements as may be required by law.] the requirements of Title 20A,  
 3749 Chapter 7, Part 9, Tax Increase Voting Requirements.

3750 [(3)(a) Subject to Subsection (3)(b) and except as provided in Subsection (5), a calendar  
 3751 year taxing entity may levy a tax rate that exceeds the calendar year taxing entity's  
 3752 certified tax rate if the calendar year taxing entity:]

3753 [(i) 14 or more days before the date of the regular general election or municipal  
 3754 general election held in the current calendar year, states at a public meeting:]

3755 [(A) that the calendar year taxing entity intends to levy a tax rate that exceeds the  
 3756 calendar year taxing entity's certified tax rate;]

3757 [(B) the dollar amount of and purpose for additional ad valorem tax revenue that  
 3758 would be generated by the proposed increase in the certified tax rate; and]

3759 [(C) the approximate percentage increase in ad valorem tax revenue for the taxing  
 3760 entity based on the proposed increase described in Subsection (3)(a)(i)(B);]

3761 [(ii) provides notice for the public meeting described in Subsection (3)(a)(i) in  
 3762 accordance with Title 52, Chapter 4, Open and Public Meetings Act, including  
 3763 providing a separate item on the meeting agenda that notifies the public that the  
 3764 calendar year taxing entity intends to make the statement described in Subsection  
 3765 (3)(a)(i);]

3766 [(iii) meets the advertisement requirements of Subsections (6) and (7) before the

3767 calendar year taxing entity conducts the public hearing required by Subsection  
3768 (3)(a)(v);]

3769 [(iv) provides notice by mail:]

3770 [(A) seven or more days before the regular general election or municipal general  
3771 election held in the current calendar year; and]

3772 [(B) as provided in Subsection (3)(c); and]

3773 [(v) conducts a public hearing that is held:]

3774 [(A) in accordance with Subsections (8) and (9); and]

3775 [(B) in conjunction with the public hearing required by Section 17-63-304 or  
3776 17B-1-610.]

3777 [(b)(i) For a county executive calendar year taxing entity, the statement described in  
3778 Subsection (3)(a)(i) shall be made by the:]

3779 [(A) county council;]

3780 [(B) county executive; or]

3781 [(C) both the county council and county executive.]

3782 [(ii) If the county council makes the statement described in Subsection (3)(a)(i) or the  
3783 county council states a dollar amount of additional ad valorem tax revenue that is  
3784 greater than the amount of additional ad valorem tax revenue previously stated by  
3785 the county executive in accordance with Subsection (3)(a)(i), the county executive  
3786 calendar year taxing entity shall:]

3787 [(A) make the statement described in Subsection (3)(a)(i) 14 or more days before  
3788 the county executive calendar year taxing entity conducts the public hearing  
3789 under Subsection (3)(a)(v); and]

3790 [(B) provide the notice required by Subsection (3)(a)(iv) 14 or more days before  
3791 the county executive calendar year taxing entity conducts the public hearing  
3792 required by Subsection (3)(a)(v).]

3793 [(e) The notice described in Subsection (3)(a)(iv):]

3794 [(i) shall be mailed to each owner of property:]

3795 [(A) within the calendar year taxing entity; and]

3796 [(B) listed on the assessment roll;]

3797 [(ii) shall be printed on a separate form that:]

3798 [(A) is developed by the commission;]

3799 [(B) states at the top of the form, in bold upper-case type no smaller than 18 point  
3800 "NOTICE OF PROPOSED TAX INCREASE"; and]

3801           ~~[(C) may be mailed with the notice required by Section 59-2-1317;]~~

3802           ~~[(iii) shall contain for each property described in Subsection (3)(e)(i):]~~

3803           ~~[(A) the value of the property for the current calendar year;]~~

3804           ~~[(B) the tax on the property for the current calendar year; and]~~

3805           ~~[(C) subject to Subsection (3)(d), for the calendar year for which the calendar year~~

3806           ~~taxing entity seeks to levy a tax rate that exceeds the calendar year taxing~~

3807           ~~entity's certified tax rate, the estimated tax on the property;]~~

3808           ~~[(iv) shall contain the following statement:~~

3809           ~~"[Insert name of taxing entity] is proposing a tax increase for [insert applicable calendar~~

3810           ~~year]. This notice contains estimates of the tax on your property and the proposed tax increase~~

3811           ~~on your property as a result of this tax increase. These estimates are calculated on the basis of~~

3812           ~~[insert previous applicable calendar year] data. The actual tax on your property and proposed~~

3813           ~~tax increase on your property may vary from this estimate.";~~]

3814           ~~[(v) shall state the dollar amount of additional ad valorem tax revenue that would be~~

3815           ~~generated each year by the proposed increase in the certified tax rate;]~~

3816           ~~[(vi) shall include a brief statement of the primary purpose for the proposed tax~~

3817           ~~increase, including the taxing entity's intended use of additional ad valorem tax~~

3818           ~~revenue described in Subsection (3)(e)(v);]~~

3819           ~~[(vii) shall state the date, time, and place of the public hearing described in~~

3820           ~~Subsection (3)(a)(v);]~~

3821           ~~[(viii) shall state the Internet address for the taxing entity's public website;]~~

3822           ~~[(ix) may contain other information approved by the commission; and]~~

3823           ~~[(x) if sent in calendar year 2024, 2025, or 2026, shall contain:]~~

3824           ~~[(A) notice that the taxpayer may request electronic notice as described in~~

3825           ~~Subsection 17-71-302(1)(m); and]~~

3826           ~~[(B) instructions describing how to elect to receive a notice as described in~~

3827           ~~Subsection 17-71-302(1)(m).]~~

3828           ~~[(d) For purposes of Subsection (3)(e)(iii)(C), a calendar year taxing entity shall~~

3829           ~~calculate the estimated tax on property on the basis of:]~~

3830           ~~[(i) data for the current calendar year; and]~~

3831           ~~[(ii) the amount of additional ad valorem tax revenue stated in accordance with this~~

3832           ~~section.]~~

3833           ~~[(4) Except as provided in Subsection (5), a fiscal year taxing entity may levy a tax rate that~~

3834           ~~exceeds the fiscal year taxing entity's certified tax rate if the fiscal year taxing entity:]~~

3835 [(a) provides notice by meeting the advertisement requirements of Subsections (6) and  
 3836 (7) before the fiscal year taxing entity conducts the public meeting at which the fiscal  
 3837 year taxing entity's annual budget is adopted; and]

3838 [(b) conducts a public hearing in accordance with Subsections (8) and (9) before the  
 3839 fiscal year taxing entity's annual budget is adopted.]

3840 [(5)(a) A taxing entity is not required to meet the notice or public hearing requirements  
 3841 of Subsection (3) or (4) if the taxing entity is expressly exempted by law from  
 3842 complying with the requirements of this section.]

3843 [(b) A taxing entity is not required to meet the notice requirements of Subsection (3) or  
 3844 (4) if:]

3845 [(i) Section 53F-8-301 allows the taxing entity to levy a tax rate that exceeds that  
 3846 certified tax rate without having to comply with the notice provisions of this  
 3847 section; or]

3848 [(ii) the taxing entity:]

3849 [(A) budgeted less than \$20,000 in ad valorem tax revenue for the previous fiscal  
 3850 year; and]

3851 [(B) sets a budget during the current fiscal year of less than \$20,000 of ad valorem  
 3852 tax revenue.]

3853 [(6)(a) Before holding the public hearing described in Subsection (3)(a)(v) or (4)(b), a  
 3854 taxing entity proposing a tax rate increase under this section shall publish an  
 3855 advertisement regarding the proposed tax increase:]

3856 [(i) electronically in accordance with Section 45-1-101; and]

3857 [(ii) as a class A notice under Section 63G-30-102.]

3858 [(b) The advertisement described in Subsection (6)(a) shall:]

3859 [(i) be published for at least 14 days before the day on which the taxing entity  
 3860 conducts the public hearing described in Subsection (3)(a)(v) or (4)(b); and]

3861 [(ii) substantially be in the following form and content:

3862 "NOTICE OF PROPOSED TAX INCREASE

3863 (NAME OF TAXING ENTITY)

3864 The (name of the taxing entity) is proposing to increase its property tax revenue.

3865 • The (name of the taxing entity) tax on a (insert the average value of a residence in  
 3866 the taxing entity rounded to the nearest thousand dollars) residence would increase from  
 3867 \$\_\_\_\_\_ to \$\_\_\_\_\_, which is \$\_\_\_\_\_ per year.

3868 • The (name of the taxing entity) tax on a (insert the value of a business having the

3869 same value as the average value of a residence in the taxing entity) business would increase  
 3870 from \$\_\_\_\_\_ to \$\_\_\_\_\_, which is \$\_\_\_\_\_ per year.

3871 • If the proposed budget is approved, (name of the taxing entity) would receive an  
 3872 additional \$\_\_\_\_\_ in property tax revenue per year as a result of the tax increase.

3873 • If the proposed budget is approved, (name of the taxing entity) would increase its  
 3874 property tax budgeted revenue by \_\_\_\_% above last year's property tax budgeted revenue  
 3875 excluding eligible new growth.

3876 The (name of the taxing entity) invites all concerned citizens to a public hearing for the  
 3877 purpose of hearing comments regarding the proposed tax increase and to explain the reasons  
 3878 for the proposed tax increase. You have the option to attend or participate in the public hearing  
 3879 in person or online.

### 3880 PUBLIC HEARING

3881 Date/Time: (date)-(time)

3882 Location: (name of meeting place and address of meeting place)

3883 Virtual Meeting Link: (Internet address for remote participation and live streaming  
 3884 options)

3885 To obtain more information regarding the tax increase, citizens may contact the (name  
 3886 of the taxing entity) at (phone number of taxing entity) or visit (Internet address for the taxing  
 3887 entity's public website)."]

3888 [(7) The commission:]

3889 [(a) shall adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative  
 3890 Rulemaking Act, governing the joint use of one advertisement described in  
 3891 Subsection (6) by two or more taxing entities; and]

3892 [(b) subject to Section 45-1-101, may authorize a taxing entity's use of a  
 3893 commission-approved direct notice to each taxpayer if:]

3894 [(i) the direct notice is different and separate from the notice required under Section  
 3895 59-2-919.1; and]

3896 [(ii) the taxing entity petitions the commission for the use of a commission-approved  
 3897 direct notice.]

3898 [(8)(a)(i) On or before June 1, a fiscal year taxing entity shall notify the commission  
 3899 and the county auditor of the date, time, and place of the public hearing described  
 3900 in Subsection (4)(b).]

3901 [(ii) On or before October 1 of the current calendar year, a calendar year taxing entity  
 3902 shall notify the commission and the county auditor of the date, time, and place of

- 3903 the public hearing described in Subsection (3)(a)(v).]
- 3904 [(b)(i) A public hearing described in Subsection (3)(a)(v) or (4)(b) shall be:]
- 3905 [(A) open to the public;]
- 3906 [(B) held at a meeting of the taxing entity with no items on the agenda other than
- 3907 discussion and action on the taxing entity's intent to levy a tax rate that exceeds
- 3908 the taxing entity's certified tax rate, the taxing entity's budget, a special
- 3909 district's or special service district's fee implementation or increase, or a
- 3910 combination of these items; and]
- 3911 [(C) available for individuals to attend or participate either in person or remotely
- 3912 through electronic means.]
- 3913 [(ii) The governing body of a taxing entity conducting a public hearing described in
- 3914 Subsection (3)(a)(v) or (4)(b) shall:]
- 3915 [(A) state the dollar amount of additional ad valorem tax revenue that would be
- 3916 generated each year by the proposed increase in the certified tax rate;]
- 3917 [(B) explain the reasons for the proposed tax increase, including the taxing entity's
- 3918 intended use of additional ad valorem tax revenue described in Subsection
- 3919 (8)(b)(ii)(A);]
- 3920 [(C) if the county auditor compiles the list required by Section 59-2-919.2, present
- 3921 the list at the public hearing and make the list available on the taxing entity's
- 3922 public website; and]
- 3923 [(D) provide an interested party desiring to be heard an opportunity to present oral
- 3924 testimony within reasonable time limits and without unreasonable restriction
- 3925 on the number of individuals allowed to make public comment.]
- 3926 [(e)(i) Except as provided in Subsection (8)(c)(ii), a taxing entity may not schedule a
- 3927 public hearing described in Subsection (3)(a)(v) or (4)(b) at the same time as the
- 3928 public hearing of another overlapping taxing entity in the same county.]
- 3929 [(ii) The taxing entities in which the power to set tax levies is vested in the same
- 3930 governing board or authority may consolidate the public hearings described in
- 3931 Subsection (3)(a)(v) or (4)(b) into one public hearing.]
- 3932 [(d) The county auditor shall resolve any conflict in public hearing dates and times after
- 3933 consultation with each affected taxing entity.]
- 3934 [(e)(i) A taxing entity shall hold a public hearing described in Subsection (3)(a)(v) or
- 3935 (4)(b) beginning at or after 6 p.m.]
- 3936 [(ii) If a taxing entity holds a public meeting for the purpose of addressing general

3937 business of the taxing entity on the same date as a public hearing described in  
 3938 Subsection (3)(a)(v) or (4)(b), the public meeting addressing general business  
 3939 items shall conclude before the beginning of the public hearing described in  
 3940 Subsection (3)(a)(v) or (4)(b).]

3941 [(f)(i) Except as provided in Subsection (8)(f)(ii), a taxing entity may not hold the  
 3942 public hearing described in Subsection (3)(a)(v) or (4)(b) on the same date as  
 3943 another public hearing of the taxing entity.]

3944 [(ii) A taxing entity may hold the following hearings on the same date as a public  
 3945 hearing described in Subsection (3)(a)(v) or (4)(b):]

3946 [(A) a budget hearing;]

3947 [(B) if the taxing entity is a special district or a special service district, a fee  
 3948 hearing described in Section 17B-1-643;]

3949 [(C) if the taxing entity is a town, an enterprise fund hearing described in Section  
 3950 10-5-107.5; or]

3951 [(D) if the taxing entity is a city, an enterprise fund hearing described in Section  
 3952 10-6-135.5.]

3953 [(9)(a) If a taxing entity does not make a final decision on budgeting additional ad  
 3954 valorem tax revenue at a public hearing described in Subsection (3)(a)(v) or (4)(b),  
 3955 the taxing entity shall:]

3956 [(i) announce at that public hearing the scheduled time and place of the next public  
 3957 meeting at which the taxing entity will consider budgeting the additional ad  
 3958 valorem tax revenue; and]

3959 [(ii) if the taxing entity is a fiscal year taxing entity, hold the public meeting  
 3960 described in Subsection (9)(a)(i) before September 1.]

3961 [(b) A calendar year taxing entity may not adopt a final budget that budgets an amount  
 3962 of additional ad valorem tax revenue that exceeds the largest amount of additional ad  
 3963 valorem tax revenue stated at a public meeting under Subsection (3)(a)(i).]

3964 [(e) A public hearing on levying a tax rate that exceeds a fiscal year taxing entity's  
 3965 certified tax rate may coincide with a public hearing on the fiscal year taxing entity's  
 3966 proposed annual budget.]

3967 [(10)(a) A county auditor may conduct an audit to verify a taxing entity's compliance  
 3968 with Subsection (8).]

3969 [(b) If the county auditor, after completing an audit, finds that a taxing entity has failed  
 3970 to meet the requirements of Subsection (8), the county auditor shall prepare and

3971 submit a report of the auditor's findings to the commission.]  
 3972 [(e) The commission may not certify a tax rate that exceeds a taxing entity's certified tax  
 3973 rate if, on or before September 15 of the year in which the taxing entity is required to  
 3974 hold the public hearing described in Subsection (3)(a)(v) or (4)(b), the commission  
 3975 determines that the taxing entity has failed to meet the requirements of Subsection (8).]

3976 [(H)] (3) For a fiscal year within a truth-in-taxation exemption period, a taxing entity may  
 3977 adopt a budget that is equal to or less than the base year budgeted revenue without  
 3978 complying with this section.

3979 Section 78. Section **59-2-919.1** is amended to read:

3980 **59-2-919.1** [~~(Effective 07/01/26)~~] **(Effective 01/01/27). Notice of property valuation**  
 3981 **and tax changes.**

3982 (1) [~~In addition to the notice requirements of Section 59-2-919, the county auditor, on or~~  
 3983 ~~before July 22 of each year,]~~ On or before July 22 of each year, the county auditor shall  
 3984 notify each owner of real estate who is listed on the assessment roll.

3985 (2) The notice described in Subsection (1) shall:

3986 (a) except as provided in Subsection (5), be sent to all owners of real property by mail  
 3987 10 or more days before the day on which[:] the county board of equalization meets;  
 3988 [~~(i) the county board of equalization meets; and]~~  
 3989 [~~(ii) the taxing entity holds a public hearing on the proposed increase in the certified~~  
 3990 ~~tax rate;]~~

3991 (b) be on a form that[-is]:

3992 (i) [~~approved by]~~the commission approves; and  
 3993 (ii) is uniform in content in all counties in the state; and

3994 (c) contain for each property:

3995 (i) the assessor's determination of the value of the property;

3996 (ii) the taxable value of the property;

3997 (iii) for property assessed by the county assessor:

3998 (A) instructions on how the taxpayer may file an application with the county  
 3999 board of equalization to appeal the valuation or equalization of the property  
 4000 under Section 59-2-1004, including instructions for filing an application  
 4001 through electronic means; and

4002 (B) the deadline for the taxpayer to make an application to appeal the valuation or  
 4003 equalization of the property under Section 59-2-1004;

4004 (iv) for property assessed by the commission:

- 4005 (A) instructions on how the taxpayer may file an application with the commission  
 4006 for a hearing on an objection to the valuation or equalization of the property  
 4007 under Section 59-2-1007;
- 4008 (B) the deadline for the taxpayer to apply to the commission for a hearing on an  
 4009 objection to the valuation or equalization of the property under Section  
 4010 59-2-1007; and
- 4011 (C) a statement that the taxpayer may not appeal the valuation or equalization of  
 4012 the property to the county board of equalization;
- 4013 (v) itemized tax information for all applicable taxing entities, including:
- 4014 (A) the dollar amount of the taxpayer's tax liability for the property in the prior  
 4015 year; and
- 4016 (B) the dollar amount of the taxpayer's tax liability under the current rate;
- 4017 (vi) the following, stated separately:
- 4018 (A) the charter school levy described in Section 53F-2-703;
- 4019 (B) the multicounty assessing and collecting levy described in Subsection  
 4020 59-2-1602(2);
- 4021 (C) the county assessing and collecting levy described in Subsection 59-2-1602(4);
- 4022 (D) levies for debt service voted on by the public;
- 4023 (E) levies imposed for special purposes under Section 10-6-133.4;
- 4024 (F) the minimum basic tax rate as defined in Section 53F-2-301; and
- 4025 (G) if applicable, the annual payment described in Subsection 63H-1-501(4)(a);
- 4026 (vii) the tax impact on the property;
- 4027 (viii) the date, time, and place of the required public hearing for [~~each entity~~] the  
 4028 board of equalization;
- 4029 (ix) property tax information pertaining to:
- 4030 (A) taxpayer relief; and
- 4031 (B) the residential exemption described in Section 59-2-103;
- 4032 (x) information specifically authorized to be included on the notice under this chapter;
- 4033 (xi) the last property review date of the property as described in Subsection [  
 4034 59-2-303.1(1)(e)] Section 59-2-303.1;
- 4035 (xii) instructions on how the taxpayer may obtain additional information regarding  
 4036 the valuation of the property, including the characteristics and features of the  
 4037 property, from:
- 4038 (A) a website maintained by the county; or

4039 (B) the statewide web portal developed and maintained by the Multicounty  
 4040 Appraisal Trust under Subsection 59-2-1606(5)(a) for uniform access to  
 4041 property characteristics and features; and

4042 (xiii) other information approved by the commission.

4043 (3) A taxing entity that is subject to the notice requirements of Subsection  
 4044 59-2-918.5(2)(c)(i) or (2)(c)(ii)(B) shall include the date, time, and place of a public  
 4045 hearing in addition to the information Subsection (2) requires.

4046 [~~(3) If a taxing entity that is subject to the notice and hearing requirements of Subsection~~  
 4047 ~~59-2-919(4) proposes a tax increase, the notice described in Subsection (1) shall state, in~~  
 4048 ~~addition to the information required by Subsection (2):]~~

4049 [~~(a) the dollar amount of the taxpayer's tax liability if the proposed increase is approved;]~~

4050 [~~(b) the difference between the dollar amount of the taxpayer's tax liability if the~~  
 4051 ~~proposed increase is approved and the dollar amount of the taxpayer's tax liability~~  
 4052 ~~under the current rate, placed in close proximity to the information described in~~  
 4053 ~~Subsection (2)(c)(viii);]~~

4054 [~~(c) the percentage increase that the dollar amount of the taxpayer's tax liability under~~  
 4055 ~~the proposed tax rate represents as compared to the dollar amount of the taxpayer's~~  
 4056 ~~tax liability under the current tax rate; and]~~

4057 [~~(d) for each taxing entity proposing a tax increase, the dollar amount of additional ad~~  
 4058 ~~valorem tax revenue, as defined in Section 59-2-919, that would be generated each~~  
 4059 ~~year if the proposed tax increase is approved.]~~

4060 (4) In addition to any other tax relief information required under Subsection (2)(c)(ix)(A), a  
 4061 notice sent to a residential property shall:

4062 (a) state, "If you are 65 years old or older, disabled, or experiencing extreme hardship,  
 4063 and this property is your primary residence, you may be eligible to defer payment of  
 4064 this property tax."; and

4065 (b) include a telephone number, or a website address on which a telephone number is  
 4066 prominently listed, that the property owner may call to obtain additional information  
 4067 about applying for a deferral.

4068 (5)(a) Subject to the other provisions of this Subsection (5), a county auditor may  
 4069 provide, at the county auditor's discretion, the notice required by this section to a  
 4070 taxpayer by electronic means if a taxpayer makes an election, according to  
 4071 procedures determined by the county auditor, to receive the notice by electronic  
 4072 means.

- 4073 (b)(i) If a county auditor sends a notice required by this section by electronic means,  
4074 the county auditor shall attempt to verify whether a taxpayer receives the notice.  
4075 (ii) If the county auditor cannot verify receipt of the notice sent by electronic means  
4076 14 days or more before the county board of equalization meets and the taxing  
4077 entity holds a public hearing on a proposed increase in the certified tax rate, the  
4078 county auditor shall send the notice required by this section by mail as provided in  
4079 Subsection (2).
- 4080 (c) A taxpayer may revoke an election to receive the notice required by this section by  
4081 electronic means if the taxpayer provides written notice to the county auditor on or  
4082 before April 30.
- 4083 (d) An election or a revocation of an election under this Subsection (5):  
4084 (i) does not relieve a taxpayer of the duty to pay a tax due under this chapter on or  
4085 before the due date for paying the tax; or  
4086 (ii) does not alter the requirement that a taxpayer appealing the valuation or the  
4087 equalization of the taxpayer's real property submit the application for appeal  
4088 within the time period provided in Subsection 59-2-1004(3).
- 4089 (e) A county auditor shall provide the notice required by this section as provided in  
4090 Subsection (2), until a taxpayer makes a new election in accordance with this  
4091 Subsection (5), if:  
4092 (i) the taxpayer revokes an election in accordance with Subsection (5)(c) to receive  
4093 the notice required by this section by electronic means; or  
4094 (ii) the county auditor finds that the taxpayer's electronic contact information is  
4095 invalid.
- 4096 (f) A person is considered to be a taxpayer for purposes of this Subsection (5) regardless  
4097 of whether the property that is the subject of the notice required by this section is  
4098 exempt from taxation.

4099 Section 79. Section **59-2-920** is amended to read:

4100 **59-2-920 (Effective 01/01/27). Resolution and levy to be forwarded to**  
4101 **commission.**

- 4102 (1) If a taxing entity, after fulfilling the requirements of [~~Section 59-2-919~~] Title 20A,  
4103 Chapter 7, Part 9, Tax Increase Voting Requirements, adopts a resolution to levy a tax  
4104 rate that exceeds the taxing entity's certified tax rate, the taxing entity shall forward the  
4105 resolution to the tax commission along with the statement of the amount and purpose of  
4106 the levy required under Sections 59-2-912 and 59-2-913.

4107 [~~(2) No tax rate in excess of the certified tax rate may be certified by the commission or~~  
 4108 ~~implemented by the taxing entity until the resolution described in Subsection (1) is~~  
 4109 ~~adopted by the governing authority of the taxing entity and submitted to the commission.]~~

4110 (2) The commission may not certify, and a taxing entity may not implement, a tax rate that  
 4111 exceeds the certified tax rate until the governing body of the taxing entity adopts the  
 4112 resolution described in Subsection (1) and submits the resolution to the commission.

4113 Section 80. Section **59-2-921** is amended to read:

4114 **59-2-921 (Effective 01/01/27). Changes in assessment roll -- Rate adjustments --**  
 4115 **Exemption from notice and public hearing provisions.**

4116 (1) On or before September 15 the county board of equalization and, in cases involving the  
 4117 original jurisdiction of the commission or an appeal from the county board of  
 4118 equalization, the commission, shall annually notify each taxing entity of the following  
 4119 changes resulting from actions by the commission or the county board of equalization:

4120 (a) a change in the taxing entity's assessment roll; and

4121 (b) a change in the taxing entity's adopted tax rate.

4122 (2) A taxing entity is not required to comply with the [~~notice and public hearing provisions~~  
 4123 ~~of Section 59-2-919]~~ requirements of Title 20A, Chapter 7, Part 9, Tax Increase Voting  
 4124 Requirements, if the commission, the county board of equalization, or a court of  
 4125 competent jurisdiction:

4126 (a) changes a taxing entity's adopted tax rate; or

4127 (b)(i) makes a reduction in the taxing entity's assessment roll; and

4128 (ii) the taxing entity adopts by resolution an increase in [its] the taxing entity's tax rate  
 4129 above the certified tax rate as a result of the reduction under Subsection (2)(b)(i).

4130 (3) A rate adjustment under this section for:

4131 (a) a taxing entity shall be:

4132 (i) made by the county auditor;

4133 (ii) aggregated;

4134 (iii) reported by the county auditor to the commission; and

4135 (iv) certified by the commission; and

4136 (b) the state shall be made by the commission.

4137 Section 81. Section **59-2-924** is amended to read:

4138 **59-2-924 (Effective 01/01/27). Definitions -- Report of valuation of property to**  
 4139 **county auditor and commission -- Transmittal by auditor to governing bodies --**  
 4140 **Calculation of certified tax rate -- Rulemaking authority -- Adoption of budget -- Notices.**

- 4141 (1) As used in this section:
- 4142 (a)(i) "Ad valorem property tax revenue" means revenue collected in accordance with  
4143 this chapter.
- 4144 (ii) "Ad valorem property tax revenue" does not include:
- 4145 (A) interest;
- 4146 (B) penalties;
- 4147 (C) collections from redemptions; or
- 4148 (D) revenue received by a taxing entity from personal property that is  
4149 semiconductor manufacturing equipment assessed by a county assessor in  
4150 accordance with Part 3, County Assessment.
- 4151 (b) "Adjusted tax increment" means the same as that term is defined in Section  
4152 17C-1-102.
- 4153 (c)(i) "Aggregate taxable value of all property taxed" means:
- 4154 (A) the aggregate taxable value of all real property a county assessor assesses in  
4155 accordance with Part 3, County Assessment, for the current year;
- 4156 (B) the aggregate taxable value of all real and personal property the commission  
4157 assesses in accordance with Part 2, Assessment of Property, for the current  
4158 year; and
- 4159 (C) the aggregate year end taxable value of all personal property a county assessor  
4160 assesses in accordance with Part 3, County Assessment, contained on the prior  
4161 year's tax rolls of the taxing entity.
- 4162 (ii) "Aggregate taxable value of all property taxed" does not include the aggregate  
4163 year end taxable value of personal property that is:
- 4164 (A) semiconductor manufacturing equipment assessed by a county assessor in  
4165 accordance with Part 3, County Assessment; and
- 4166 (B) contained on the prior year's tax rolls of the taxing entity.
- 4167 (d) "Ballot proposition" means legislation a taxing entity shall submit to voters in  
4168 accordance with Section 59-1-1903.
- 4169 [~~(d)~~] (e) "Base taxable value" means:
- 4170 (i) for an authority created under Section 11-58-201, the same as that term is defined  
4171 in Section 11-58-102;
- 4172 (ii) for the Point of the Mountain State Land Authority created in Section 11-59-201,  
4173 the same as that term is defined in Section [~~11-59-207~~] 11-59-208;
- 4174 (iii) for the Utah Fairpark Area Investment and Restoration District created in Section

- 4175 11-70-201, the same as that term is defined in Section 11-70-101;
- 4176 (iv) for an agency created under Section 17C-1-201.5, the same as that term is
- 4177 defined in Section 17C-1-102;
- 4178 (v) for an authority created under Section 63H-1-201, the same as that term is defined
- 4179 in Section 63H-1-102;
- 4180 (vi) for a host local government, the same as that term is defined in Section
- 4181 63N-2-502;
- 4182 (vii) for a housing and transit reinvestment zone or convention center reinvestment
- 4183 zone created under Title 63N, Chapter 3, Part 6, Housing and Transit
- 4184 Reinvestment Zone Act, the same as that term is defined in Section 63N-3-602;
- 4185 (viii) for a home ownership promotion zone created under Title 10, Chapter 21, Part
- 4186 5, Home Ownership Promotion Zone for Municipalities, or Title 17, Chapter 80,
- 4187 Part 5, Home Ownership Promotion Zone, a property's taxable value as shown
- 4188 upon the assessment roll last equalized during the base year, as that term is
- 4189 defined in Section 10-21-101 or Section 17-80-101;
- 4190 (ix) for a first home investment zone created under Title 63N, Chapter 3, Part 16,
- 4191 First Home Investment Zone Act, a property's taxable value as shown upon the
- 4192 assessment roll last equalized during the base year, as that term is defined in
- 4193 Section 63N-3-1601;
- 4194 (x) for a major sporting event venue zone created under Title 63N, Chapter 3, Part
- 4195 17, Major Sporting Event Venue Zone Act, a property's taxable value as shown
- 4196 upon the assessment roll last equalized during the property tax base year, as that
- 4197 term is defined in Section 63N-3-1701; or
- 4198 (xi) for an electrical energy development zone [~~created~~] designated under Section
- 4199 79-6-1104, the value of the property within an electrical energy development
- 4200 zone, as shown on the assessment roll last equalized before the [~~creation~~]
- 4201 designation of the electrical energy development zone[~~, as that term is defined in~~
- 4202 ~~Section 79-6-1104~~].
- 4203 (f) "Calendar year taxing entity" means a taxing entity that operates under a fiscal year
- 4204 that begins on January 1 and ends on December 31.
- 4205 [(e)] (g) "Centrally assessed benchmark value" means an amount equal to the average
- 4206 year end taxable value of real and personal property the commission assesses in
- 4207 accordance with Part 2, Assessment of Property, for the previous three calendar
- 4208 years, adjusted for taxable value attributable to:

- 4209 (i) an annexation to a taxing entity;
- 4210 (ii) an incorrect allocation of taxable value of real or personal property the
- 4211 commission assesses in accordance with Part 2, Assessment of Property; or
- 4212 (iii) a change in value as a result of a change in the method of apportioning the value
- 4213 prescribed by the Legislature, a court, or the commission in an administrative rule
- 4214 or administrative order.

4215 ~~[(f)]~~ (h) "Centrally assessed industry" means the following industry classes the

4216 commission assesses in accordance with Part 2, Assessment of Property:

- 4217 (i) air carrier;
- 4218 (ii) coal;
- 4219 (iii) coal load out property;
- 4220 (iv) electric generation;
- 4221 (v) electric rural;
- 4222 (vi) electric utility;
- 4223 (vii) gas utility;
- 4224 (viii) ground access property;
- 4225 (ix) land only property;
- 4226 (x) liquid pipeline;
- 4227 (xi) metalliferous mining;
- 4228 (xii) nonmetalliferous mining;
- 4229 (xiii) oil and gas gathering;
- 4230 (xiv) oil and gas production;
- 4231 (xv) oil and gas water disposal;
- 4232 (xvi) railroad;
- 4233 (xvii) sand and gravel; and
- 4234 (xviii) uranium.

4235 ~~[(g)]~~ (i)(i) "Centrally assessed new growth" means the greater of:

- 4236 (A) for each centrally assessed industry, zero; or
- 4237 (B) the amount calculated by subtracting the centrally assessed benchmark value
- 4238 for each centrally assessed industry, adjusted for prior year end incremental
- 4239 value, from the taxable value of real and personal property the commission
- 4240 assesses in accordance with Part 2, Assessment of Property, for each centrally
- 4241 assessed industry for the current year, adjusted for current year incremental
- 4242 value.

- 4243 (ii) "Centrally assessed new growth" does not include a change in value for a  
 4244 centrally assessed industry as a result of a change in the method of apportioning  
 4245 the value prescribed by the Legislature, a court, or the commission in an  
 4246 administrative rule or administrative order.
- 4247 ~~[(h)]~~ (j) "Certified tax rate" means a tax rate that will provide the same ad valorem  
 4248 property tax revenue for a taxing entity as ~~[was budgeted by that taxing entity for the~~  
 4249 ~~prior year]~~ last year's property tax budgeted revenue.
- 4250 ~~[(i)]~~ (k) "Community reinvestment agency" means the same as that term is defined in  
 4251 Section 17C-1-102.
- 4252 ~~[(j)]~~ (l) "Eligible new growth" means the greater of:  
 4253 (i) zero; or  
 4254 (ii) the sum of:  
 4255 (A) locally assessed new growth;  
 4256 (B) centrally assessed new growth; and  
 4257 (C) project area new growth or hotel property new growth.
- 4258 (m) "Fiscal year taxing entity" means a taxing entity that operates under a fiscal year that  
 4259 begins on July 1 and ends on June 30.
- 4260 ~~[(k)]~~ (n) "Host local government" means the same as that term is defined in Section  
 4261 63N-2-502.
- 4262 ~~[(l)]~~ (o) "Hotel property" means the same as that term is defined in Section 63N-2-502.
- 4263 ~~[(m)]~~ (p) "Hotel property new growth" means an amount equal to the incremental value  
 4264 that is no longer provided to a host local government as incremental property tax  
 4265 revenue.
- 4266 ~~[(n)]~~ (q) "Incremental property tax revenue" means the same as that term is defined in  
 4267 Section 63N-2-502.
- 4268 ~~[(o)]~~ (r) "Incremental value" means:  
 4269 (i) for an authority created under Section 11-58-201, the amount calculated by  
 4270 multiplying:  
 4271 (A) the difference between the taxable value and the base taxable value of the  
 4272 property that is located within a project area and on which property tax  
 4273 differential is collected; and  
 4274 (B) the number that represents the percentage of the property tax differential that  
 4275 is paid to the authority;  
 4276 (ii) for the Point of the Mountain State Land Authority created in Section 11-59-201,

- 4277 an amount calculated by multiplying:
- 4278 (A) the difference between the current assessed value of the property and the base
- 4279 taxable value; and
- 4280 (B) the number that represents the percentage of the property tax augmentation, as
- 4281 defined in Section [~~11-59-207~~] 11-59-208, that is paid to the Point of the
- 4282 Mountain State Land Authority;
- 4283 (iii) for the Utah Fairpark Area Investment and Restoration District created in Section
- 4284 11-70-201, the amount calculated by multiplying:
- 4285 (A) the difference between the taxable value for the current year and the base
- 4286 taxable value of the property that is located within a project area; and
- 4287 (B) the number that represents the percentage of enhanced property tax revenue,
- 4288 as defined in Section 11-70-101;
- 4289 (iv) for an agency created under Section 17C-1-201.5, the amount calculated by
- 4290 multiplying:
- 4291 (A) the difference between the taxable value and the base taxable value of the
- 4292 property located within a project area and on which tax increment is collected;
- 4293 and
- 4294 (B) the number that represents the adjusted tax increment from that project area
- 4295 that is paid to the agency;
- 4296 (v) for an authority created under Section 63H-1-201, the amount calculated by
- 4297 multiplying:
- 4298 (A) the difference between the taxable value and the base taxable value of the
- 4299 property located within a project area and on which property tax allocation is
- 4300 collected; and
- 4301 (B) the number that represents the percentage of the property tax allocation from
- 4302 that project area that is paid to the authority;
- 4303 (vi) for a housing and transit reinvestment zone or convention center reinvestment
- 4304 zone created in accordance with Title 63N, Chapter 3, Part 6, Housing and Transit
- 4305 Reinvestment Zone Act, an amount calculated by multiplying:
- 4306 (A) the difference between the taxable value and the base taxable value of the
- 4307 property that is located within a housing and transit reinvestment zone or
- 4308 convention center reinvestment zone and on which tax increment is collected;
- 4309 and
- 4310 (B) the number that represents the percentage of the tax increment that is paid to

4311 the housing and transit reinvestment zone or convention center reinvestment  
4312 zone;

4313 (vii) for a host local government, an amount calculated by multiplying:

4314 (A) the difference between the taxable value and the base taxable value of the  
4315 hotel property on which incremental property tax revenue is collected; and

4316 (B) the number that represents the percentage of the incremental property tax  
4317 revenue from that hotel property that is paid to the host local government;

4318 (viii) for a home ownership promotion zone created under Title 10, Chapter 21, Part  
4319 5, Home Ownership Promotion Zone for Municipalities, or Title 17, Chapter 80,  
4320 Part 5, Home Ownership Promotion Zone, an amount calculated by multiplying:

4321 (A) the difference between the taxable value and the base taxable value of the  
4322 property that is located within a home ownership promotion zone and on which  
4323 tax increment is collected; and

4324 (B) the number that represents the percentage of the tax increment that is paid to  
4325 the home ownership promotion zone;

4326 (ix) for a first home investment zone created in accordance with Title 63N, Chapter  
4327 3, Part 16, First Home Investment Zone Act, an amount calculated by multiplying:

4328 (A) the difference between the taxable value and the base taxable value of the  
4329 property that is located within a first home investment zone and on which tax  
4330 increment is collected; and

4331 (B) the number that represents the percentage of the tax increment that is paid to  
4332 the first home investment zone;

4333 (x) for a major sporting event venue zone created [~~pursuant to~~] in accordance with  
4334 Title 63N, Chapter 3, Part 17, Major Sporting Event Venue Zone Act, an amount  
4335 calculated by multiplying:

4336 (A) the difference between the taxable value and the base taxable value of the  
4337 property located within a qualified development zone for a major sporting  
4338 event venue zone and upon which property tax increment is collected; and

4339 (B) the number that represents the percentage of tax increment that is paid to the  
4340 major sporting event venue zone, as approved by a major sporting event venue  
4341 zone committee described in Section 63N-1a-1706; or

4342 (xi) for an electrical energy development zone [~~created~~] designated under Section  
4343 79-6-1104, the amount calculated by multiplying:

4344 (A) the difference between the taxable value and the base taxable value of the

4345 property that is located within the electrical energy developmental zone; and

- 4346 (B) the number that represents the percentage of the tax increment that is paid to a  
 4347 community reinvestment agency and the Electrical Energy Development  
 4348 Investment Fund created in Section 79-6-1105.

4349 (s)(i) "Last year's property tax budgeted revenue" means the revenue a taxing entity  
 4350 budgeted to be generated from a property tax levy for the previous fiscal year.

4351 (ii) "Last year's property tax budgeted revenue" does not include:

4352 (A) revenue received by a taxing entity from a debt service levy voted on by the  
 4353 public;

4354 (B) revenue generated by the minimum basic rate as defined in Section 53F-2-301;  
 4355 or

4356 (C) revenue generated by the charter school levy described in Section 53F-2-703.

4357 ~~[(p)]~~ (t)(i) "Locally assessed new growth" means the greater of:

4358 (A) zero; or

4359 (B) the amount calculated by subtracting the year end taxable value of real  
 4360 property the county assessor assesses in accordance with Part 3, County  
 4361 Assessment, for the previous year, adjusted for prior year end incremental  
 4362 value from the taxable value of real property the county assessor assesses in  
 4363 accordance with Part 3, County Assessment, for the current year, adjusted for  
 4364 current year incremental value.

4365 (ii) "Locally assessed new growth" does not include a change in:

4366 (A) value as a result of factoring in accordance with Section 59-2-704, reappraisal,  
 4367 or another adjustment;

4368 (B) assessed value based on whether a property is allowed a residential exemption  
 4369 for a primary residence under Section 59-2-103;

4370 (C) assessed value based on whether a property is assessed under Part 5, Farmland  
 4371 Assessment Act; or

4372 (D) assessed value based on whether a property is assessed under Part 17, Urban  
 4373 Farming Assessment Act.

4374 ~~[(q)]~~ (u) "Project area" means:

4375 (i) for an authority created under Section 11-58-201, the same as that term is defined  
 4376 in Section 11-58-102;

4377 (ii) for the Utah Fairpark Area Investment and Restoration District created in Section  
 4378 11-70-201, the same as that term is defined in Section 11-70-101;

- 4379 (iii) for an agency created under Section 17C-1-201.5, the same as that term is  
 4380 defined in Section 17C-1-102;
- 4381 (iv) for an authority created under Section 63H-1-201, the same as that term is  
 4382 defined in Section 63H-1-102;
- 4383 (v)(A) for a housing and transit reinvestment zone [~~or convention center~~  
 4384 ~~reinvestment zone~~] created under Title 63N, Chapter 3, Part 6, Housing and  
 4385 Transit Reinvestment Zone Act, the same as [that] the term "housing and transit  
 4386 reinvestment zone" is defined in Section 63N-3-602; or
- 4387 (B) for a convention center reinvestment zone created under Title 63N, Chapter 3,  
 4388 Part 6, Housing and Transit Reinvestment Zone Act, the same as the term  
 4389 "convention center reinvestment zone" is defined in Section 63N-3-602;
- 4390 (vi) for a home ownership promotion zone created under Title 10, Chapter 21, Part 5,  
 4391 Home Ownership Promotion Zone for Municipalities, or Title 17, Chapter 80, Part  
 4392 5, Home Ownership Promotion Zone, the same as [that term] the term "home  
 4393 ownership promotion zone" is defined in Section 10-21-101 or Section 17-80-101;
- 4394 (vii) for a first home investment zone created under Title 63N, Chapter 3, Part 16,  
 4395 First Home Investment Zone Act, the same as that term is defined in Section  
 4396 63N-3-1601; or
- 4397 (viii) for a major sporting event venue zone established under Title 63N, Chapter 3,  
 4398 Part 17, Major Sporting Event Venue Zone Act, the qualified development zone,  
 4399 as defined in Section 63N-3-1701.
- 4400 [(†)] (v) "Project area new growth" means:
- 4401 (i) for an authority created under Section 11-58-201, an amount equal to the  
 4402 incremental value that is no longer provided to an authority as property tax  
 4403 differential;
- 4404 (ii) for the Point of the Mountain State Land Authority created in Section 11-59-201,  
 4405 an amount equal to the incremental value that is no longer provided to the Point of  
 4406 the Mountain State Land Authority as property tax augmentation, as defined in  
 4407 Section [~~11-59-207~~] 11-59-208;
- 4408 (iii) for the Utah Fairpark Area Investment and Restoration District created in Section  
 4409 11-70-201, an amount equal to the incremental value that is no longer provided to  
 4410 the Utah Fairpark Area Investment and Restoration District;
- 4411 (iv) for an agency created under Section 17C-1-201.5, an amount equal to the  
 4412 incremental value that is no longer provided to an agency as tax increment;

- 4413 (v) for an authority created under Section 63H-1-201, an amount equal to the  
 4414 incremental value that is no longer provided to an authority as property tax  
 4415 allocation;
- 4416 (vi) for a housing and transit reinvestment zone or convention center reinvestment  
 4417 zone created under Title 63N, Chapter 3, Part 6, Housing and Transit  
 4418 Reinvestment Zone Act, an amount equal to the incremental value that is no  
 4419 longer provided to a housing and transit reinvestment zone or convention center  
 4420 reinvestment zone as tax increment;
- 4421 (vii) for a home ownership promotion zone created under Title 10, Chapter 21, Part 5,  
 4422 Home Ownership Promotion Zone for Municipalities, or Title 17, Chapter 80, Part  
 4423 5, Home Ownership Promotion Zone, an amount equal to the incremental value  
 4424 that is no longer provided to a home ownership promotion zone as tax increment;
- 4425 (viii) for a first home investment zone created under Title 63N, Chapter 3, Part 16,  
 4426 First Home Investment Zone Act, an amount equal to the incremental value that is  
 4427 no longer provided to a first home investment zone as tax increment; or
- 4428 (ix) for a major sporting event venue zone created under Title 63N, Chapter 3, Part  
 4429 17, Major Sporting Event Venue Zone Act, an amount equal to the incremental  
 4430 value that is no longer provided to the creating entity of a major sporting event  
 4431 venue zone as property tax increment.
- 4432 [~~s~~] w "Project area incremental revenue" means the same as that term is defined in  
 4433 Section 17C-1-1001.
- 4434 [~~t~~] x "Property tax allocation" means the same as that term is defined in Section  
 4435 63H-1-102.
- 4436 [~~u~~] y "Property tax differential" means the same as that term is defined in Sections  
 4437 11-58-102 and 79-6-1104.
- 4438 [~~v~~] z "Tax increment" means:
- 4439 (i) for a project created under Section 17C-1-201.5, the same as that term is defined  
 4440 in Section 17C-1-102;
- 4441 (ii) for a housing and transit reinvestment zone or convention center reinvestment  
 4442 zone created under Title 63N, Chapter 3, Part 6, Housing and Transit  
 4443 Reinvestment Zone Act, the same as the term "property tax increment" is defined  
 4444 in Section 63N-3-602;
- 4445 (iii) for a home ownership promotion zone created under Title 10, Chapter 21, Part 5,  
 4446 Home Ownership Promotion Zone for Municipalities, or Title 17, Chapter 80, Part

- 4447 5, Home Ownership Promotion Zone, the same as that term is defined in Section  
4448 10-21-101 or Section 17-80-101;
- 4449 (iv) for a first home investment zone created under Title 63N, Chapter 3, Part 16,  
4450 First Home Investment Zone Act, the same as that term is defined in Section  
4451 63N-3-1601; or
- 4452 (v) for a major sporting event venue zone created under Title 63N, Chapter 3, Part  
4453 17, Major Sporting Event Venue Zone Act, property tax increment, as that term is  
4454 defined in Section 63N-3-1701.
- 4455 (2) Before June 1 of each year, each county assessor shall deliver to the county auditor and  
4456 the commission the following statements:
- 4457 (a) a statement containing the aggregate valuation of all taxable real property a county  
4458 assessor assesses in accordance with Part 3, County Assessment, for each taxing  
4459 entity; and
- 4460 (b) a statement containing the taxable value of all personal property a county assessor  
4461 assesses in accordance with Part 3, County Assessment, from the prior year end  
4462 values.
- 4463 (3) The county auditor shall, on or before June 8, transmit to the governing body of each  
4464 taxing entity:
- 4465 (a) the statements described in Subsections (2)(a) and (b);
- 4466 (b) an estimate of the revenue from personal property;
- 4467 (c) the certified tax rate; and
- 4468 (d) all forms necessary to submit a tax levy request.
- 4469 (4)(a) Except as otherwise provided in this section, the certified tax rate shall be  
4470 calculated by dividing the amount of ad valorem property tax revenue that~~[a taxing~~  
4471 ~~entity budgeted for the prior year]~~ was in last year's property tax budgeted revenue by  
4472 the amount calculated under Subsection (4)(b).
- 4473 (b) For purposes of Subsection (4)(a), the legislative body of a taxing entity shall  
4474 calculate an amount as follows:
- 4475 (i) calculate for the taxing entity the difference between:
- 4476 (A) the aggregate taxable value of all property taxed; and
- 4477 (B) any adjustments for current year incremental value;
- 4478 (ii) after making the calculation required by Subsection (4)(b)(i), calculate an amount  
4479 determined by increasing or decreasing the amount calculated under Subsection  
4480 (4)(b)(i) by the average of the percentage net change in the value of taxable

- 4481 property for the equalization period for the three calendar years immediately  
 4482 preceding the current calendar year;
- 4483 (iii) after making the calculation required by Subsection (4)(b)(ii), calculate the  
 4484 product of:  
 4485 (A) the amount calculated under Subsection (4)(b)(ii); and  
 4486 (B) the percentage of property taxes collected for the five calendar years  
 4487 immediately preceding the current calendar year; and
- 4488 (iv) after making the calculation required by Subsection (4)(b)(iii), calculate an  
 4489 amount determined by:  
 4490 (A) multiplying the percentage of property taxes collected for the five calendar  
 4491 years immediately preceding the current calendar year by eligible new growth;  
 4492 and  
 4493 (B) subtracting the amount calculated under Subsection (4)(b)(iv)(A) from the  
 4494 amount calculated under Subsection (4)(b)(iii).
- 4495 (5) A certified tax rate for a taxing entity described in this Subsection (5) shall be calculated  
 4496 as follows:
- 4497 (a) except as provided in Subsection (5)(b) or (c), for a new taxing entity, the certified  
 4498 tax rate is zero;
- 4499 (b) for a municipality incorporated on or after July 1, 1996, the certified tax rate is:  
 4500 (i) in a county of the first, second, or third class, the levy imposed for municipal-type  
 4501 services under Title 17, Chapter 78, Part 5, Provision of Municipal-Type Services  
 4502 to Unincorporated Areas; and  
 4503 (ii) in a county of the fourth, fifth, or sixth class, as classified in Section 17-60-104,  
 4504 the levy imposed for general county purposes and such other levies imposed  
 4505 solely for the municipal-type services identified in Section 17-78-501 and  
 4506 Subsection 17-63-101(23);
- 4507 (c) for a community reinvestment agency that received all or a portion of a taxing  
 4508 entity's project area incremental revenue in the prior year under Title 17C, Chapter 1,  
 4509 Part 10, Agency Taxing Authority, the certified tax rate is calculated as described in  
 4510 Subsection (4) except that the commission shall treat the total revenue transferred to  
 4511 the community reinvestment agency as ~~[ad valorem property tax revenue that the~~  
 4512 ~~taxing entity budgeted for the prior year]~~ the amount of last year's budgeted property  
 4513 tax revenue; and
- 4514 (d) for debt service voted on by the public, the certified tax rate is the actual levy

- 4515 imposed by that section, except that a certified tax rate for the following levies shall  
 4516 be calculated in accordance with Section 59-2-913 and this section:
- 4517 (i) a school levy provided for under Section 53F-8-301, 53F-8-302, or 53F-8-303; and  
 4518 (ii) a levy to pay for the costs of state legislative mandates or judicial or  
 4519 administrative orders under Section 59-2-1602.
- 4520 (6)(a) A taxing entity may impose a judgment levy under Section 59-2-1328 or  
 4521 59-2-1330 at a rate that is sufficient to generate only the revenue required to satisfy  
 4522 one or more eligible judgments.
- 4523 (b) The ad valorem property tax revenue generated by a judgment levy described in  
 4524 Subsection (6)(a) may not be considered in establishing a taxing entity's aggregate  
 4525 certified tax rate.
- 4526 (7)(a) For the purpose of calculating the certified tax rate, the county auditor shall use:
- 4527 (i) the taxable value of real property:
- 4528 (A) the county assessor assesses in accordance with Part 3, County Assessment;  
 4529 and  
 4530 (B) contained on the assessment roll;
- 4531 (ii) the year end taxable value of personal property:
- 4532 (A) a county assessor assesses in accordance with Part 3, County Assessment; and  
 4533 (B) contained on the prior year's assessment roll; and
- 4534 (iii) the taxable value of real and personal property the commission assesses in  
 4535 accordance with Part 2, Assessment of Property.
- 4536 (b) For purposes of Subsection (7)(a), taxable value does not include eligible new  
 4537 growth.
- 4538 (8)(a) On or before June 30 of each year[;] :
- 4539 (i) a calendar year taxing entity shall adopt a tentative budget; and  
 4540 (ii) a fiscal year taxing entity shall adopt a final budget.
- 4541 (b) [~~Hf~~] On or before June 30 of the calendar year in which a taxing entity intends to [  
 4542 exceed the certified tax rate] submit a ballot proposition to voters to allow the taxing  
 4543 entity to increase revenue from property tax above last year's budgeted property tax  
 4544 revenue, excluding eligible new growth, the taxing entity shall notify the county  
 4545 auditor of:
- 4546 (i) the taxing entity's intent to exceed [~~the certified tax rate~~] last year's budgeted  
 4547 property tax revenue, excluding eligible new growth; and  
 4548 (ii) the amount by which the taxing entity proposes to [~~exceed the certified tax rate~~]

4549 increase revenue above last year's budgeted property tax revenue, excluding  
 4550 eligible new growth.

4551 (c) The county auditor shall notify property owners of any intent to [~~levy a tax rate that~~  
 4552 ~~exceeds the certified tax rate in accordance with Sections 59-2-919 and 59-2-919.1]~~  
 4553 submit a ballot proposition to voters to allow the taxing entity to increase revenue  
 4554 from property tax above last year's budgeted property tax revenue, excluding eligible  
 4555 new growth, in accordance with Title 20A, Chapter 7, Part 9, Tax Increase Voting  
 4556 Requirements.

4557 (9)(a) Subject to Subsection (9)(d), the commission shall provide notice, through  
 4558 electronic means on or before July 31, to a taxing entity and the Revenue and  
 4559 Taxation Interim Committee if:

4560 (i) the amount calculated under Subsection (9)(b) is 10% or more of the year end  
 4561 taxable value of the real and personal property the commission assesses in  
 4562 accordance with Part 2, Assessment of Property, for the previous year, adjusted  
 4563 for prior year end incremental value; and  
 4564 (ii) the amount calculated under Subsection (9)(c) is 50% or more of the total year  
 4565 end taxable value of the real and personal property of a taxpayer the commission  
 4566 assesses in accordance with Part 2, Assessment of Property, for the previous year.

4567 (b) For purposes of Subsection (9)(a)(i), the commission shall calculate an amount by  
 4568 subtracting the taxable value of real and personal property the commission assesses  
 4569 in accordance with Part 2, Assessment of Property, for the current year, adjusted for  
 4570 current year incremental value, from the year end taxable value of the real and  
 4571 personal property the commission assesses in accordance with Part 2, Assessment of  
 4572 Property, for the previous year, adjusted for prior year end incremental value.

4573 (c) For purposes of Subsection (9)(a)(ii), the commission shall calculate an amount by  
 4574 subtracting the total taxable value of real and personal property of a taxpayer the  
 4575 commission assesses in accordance with Part 2, Assessment of Property, for the  
 4576 current year, from the total year end taxable value of the real and personal property of  
 4577 a taxpayer the commission assesses in accordance with Part 2, Assessment of  
 4578 Property, for the previous year.

4579 (d) The notification under Subsection (9)(a) shall include a list of taxpayers that meet the  
 4580 requirement under Subsection (9)(a)(ii).

4581 Section 82. Section **59-2-924.2** is amended to read:

4582 **59-2-924.2 (Effective 01/01/27). Adjustments to the calculation of a taxing**

4583 **entity's certified tax rate.**

4584 (1) [~~For purposes of this section,~~] As used in this section:

4585 (a) "Annexing county" means a county for which unincorporated area is included within  
4586 a public safety district by annexation.

4587 (b) "Annexing municipality" means a municipality for which area is included within a  
4588 public safety district by annexation.

4589 (c) [~~"certified-~~] "Certified" tax rate" means a certified tax rate calculated in accordance  
4590 with Section 59-2-924.

4591 (d) "Fire district" means a service area under Title 17B, Chapter 2a, Part 9, Service Area  
4592 Act:

4593 (i) created to provide fire protection, paramedic, and emergency services; and

4594 (ii) in the creation of which an election was not required under Subsection  
4595 17B-1-214(3)(d).

4596 (e) "Participating county" means a county for which unincorporated area is included  
4597 within a public safety district at the time of the creation of the public safety district.

4598 (f) "Participating municipality" means a municipality for which area is included within a  
4599 public safety district at the time of the creation of the public safety district.

4600 (g) "Police district" means a service area under Title 17B, Chapter 2a, Part 9, Service  
4601 Area Act, within a county of the first class:

4602 (i) created to provide law enforcement service; and

4603 (ii) in the creation of which an election was not required under Subsection  
4604 17B-1-214(3)(d).

4605 (h) "Public safety district" means a fire district or a police district.

4606 (i) "Public safety service" means:

4607 (i) in the case of a public safety district that is a fire district, fire protection,  
4608 paramedic, and emergency services; and

4609 (ii) in the case of a public safety district that is a police district, law enforcement  
4610 service.

4611 (2) [~~Beginning January 1, 1997, if~~] If a taxing entity receives increased [revenues] revenue  
4612 from uniform fees on tangible personal property under Section 59-2-405, 59-2-405.1,  
4613 59-2-405.2, 59-2-405.3, or 72-10-110.5 as a result of any county imposing a sales and  
4614 use tax under Chapter 12, Part 11, County Option Sales and Use Tax, the taxing entity  
4615 shall decrease [its] the taxing entity's certified tax rate to offset the increased [revenues]  
4616 revenue.

- 4617 (3)(a) [~~Beginning July 1, 1997, if~~] If a county has imposed a sales and use tax under  
 4618 Chapter 12, Part 11, County Option Sales and Use Tax, the county's certified tax rate  
 4619 shall be:
- 4620 (i) decreased on a one-time basis by the amount of the estimated sales and use tax  
 4621 revenue to be distributed to the county under Subsection 59-12-1102(4); and
  - 4622 (ii) increased by the amount necessary to offset the county's reduction in revenue  
 4623 from uniform fees on tangible personal property under Section 59-2-405,  
 4624 59-2-405.1, 59-2-405.2, 59-2-405.3, or 72-10-110.5 as a result of the decrease in  
 4625 the certified tax rate under Subsection (3)(a)(i).
- 4626 (b) The commission shall determine estimates of sales and use tax distributions for  
 4627 purposes of Subsection (3)(a).
- 4628 (4) [~~Beginning January 1, 1998, if~~] If a municipality has imposed an additional resort  
 4629 communities sales and use tax under Section 59-12-402, the municipality's certified tax  
 4630 rate shall be decreased on a one-time basis by the amount necessary to offset the first 12  
 4631 months of estimated revenue from the additional resort communities sales and use tax  
 4632 imposed under Section 59-12-402.
- 4633 (5)(a) This Subsection (5) applies to each county that:
- 4634 (i) establishes a countywide special service district under Title 17D, Chapter 1,  
 4635 Special Service District Act, to provide jail service, as provided in Subsection  
 4636 17D-1-201(10); and
  - 4637 (ii) levies a property tax on behalf of the special service district under Section  
 4638 17D-1-105.
- 4639 (b)(i) The certified tax rate of each county to which this Subsection (5) applies shall  
 4640 be decreased by the amount necessary to reduce county [~~revenues~~] revenue by the  
 4641 same amount of [~~revenues~~] revenue that will be generated by the property tax  
 4642 imposed on behalf of the special service district.
- 4643 (ii) Each decrease under Subsection (5)(b)(i) shall occur contemporaneously with the  
 4644 levy on behalf of the special service district under Section 17D-1-105.
- 4645 (6) The equalized public safety tax rate is determined by:
- 4646 (a) calculating, for each participating county and each participating municipality, the  
 4647 property tax revenue necessary:
    - 4648 (i) in the case of a fire district, to cover all of the costs associated with providing fire  
 4649 protection, paramedic, and emergency services:
      - 4650 (A) for a participating county, in the unincorporated area of the county; and

4651 (B) for a participating municipality, in the municipality; or  
 4652 (ii) in the case of a police district, to cover all the costs associated with providing law  
 4653 enforcement service that the police district board designates to be funded by a  
 4654 property tax:

4655 (A) for a participating county, in the unincorporated area of the county; or

4656 (B) for a participating municipality, in the municipality; and

4657 (b) adding all the amounts calculated under Subsection (4)(a) for all participating  
 4658 counties and all participating municipalities and then dividing that sum by the  
 4659 aggregate taxable value of the property, as adjusted in accordance with Section  
 4660 59-2-913:

4661 (i) for participating counties, in the unincorporated area of all participating counties;  
 4662 and

4663 (ii) for participating municipalities, in all the participating municipalities.

4664 ~~[(6)(a) As used in this Subsection (6):]~~

4665 ~~[(i) "Annexing county" means a county whose unincorporated area is included~~  
~~within~~  
 4666 ~~a public safety district by annexation.]~~

4667 ~~[(ii) "Annexing municipality" means a municipality whose area is included within~~  
~~a~~  
 4668 ~~public safety district by annexation.]~~

4669 ~~[(iii) "Equalized public safety protection tax rate" means the tax rate that results~~  
~~from:]~~

4670 ~~[(A) calculating, for each participating county and each participating~~  
~~municipality,~~  
 4671 ~~the property tax revenue necessary:]~~

4672 ~~[(I) in the case of a fire district, to cover all of the costs associated with~~  
 4673 ~~providing fire protection, paramedic, and emergency services:]~~

4674 ~~[(Aa) for a participating county, in the unincorporated area of the~~  
~~county;~~  
 4675 ~~and]~~

4676 ~~[(Bb) for a participating municipality, in the municipality; or]~~

4677 ~~[(H) in the case of a police district, to cover all the costs:]~~

4678 ~~[(Aa) associated with providing law enforcement service:]~~

4679



4704 ~~[(B) in the creation of which an election was not required under Subsection~~  
 4705 ~~17B-1-214(3)(d).]~~  
 4706 ~~[(viii) "Public safety district" means a fire district or a police district.]~~  
 4707 ~~[(ix) "Public safety service" means:]~~  
 4708 ~~[(A) in the case of a public safety district that is a fire district, fire protection,~~  
 4709 ~~paramedic, and emergency services; and]~~  
 4710 ~~[(B) in the case of a public safety district that is a police district, law~~  
 4711 ~~enforcement~~  
 4712 ~~service.]~~

4712 ~~[(b)]~~ (7)(a) In the first year following creation of a public safety district, the certified tax  
 4713 rate of each participating county and each participating municipality shall be  
 4714 decreased by the amount of the equalized public safety tax rate calculated in  
 4715 accordance with Subsection (6).

4716 ~~[(e)]~~ (b) In the first budget year following annexation to a public safety district, the  
 4717 certified tax rate of each annexing county and each annexing municipality shall be  
 4718 decreased by an amount equal to the amount of revenue budgeted by the annexing  
 4719 county or annexing municipality:

4720 (i) for public safety service; and

4721 (ii) in:

4722 (A) for a taxing entity operating under a January 1 through December 31 fiscal  
 4723 year, the prior calendar year; or

4724 (B) for a taxing entity operating under a July 1 through June 30 fiscal year, the  
 4725 prior fiscal year.

4726 ~~[(d)]~~ (c) Each tax levied under this section by a public safety district shall be considered  
 4727 to be levied by:

4728 (i) each participating county and each annexing county for purposes of the county's  
 4729 tax limitation under Section 59-2-908; and

4730 (ii) each participating municipality and each annexing municipality for purposes of  
 4731 the municipality's tax limitation under Section 10-5-112, for a town, or Section  
 4732 10-6-133, for a city.

4733 ~~[(e)]~~ (d) The calculation of a public safety district's certified tax rate for the year of  
 4734 annexation shall be adjusted to include an amount of revenue equal to one half of the  
 4735 amount of revenue budgeted by the annexing entity for public safety service in the  
 4736 annexing entity's prior fiscal year if:

- 4737 (i) the public safety district operates on a January 1 through December 31 fiscal year;
- 4738 (ii) the public safety district approves an annexation of an entity operating on a July 1
- 4739 through June 30 fiscal year; and
- 4740 (iii) the annexation described in Subsection ~~[(6)(e)(ii)]~~ (7)(d)(ii) takes effect on July 1.
- 4741 ~~[(7)]~~ (8)(a) The base taxable value as defined in Section 17C-1-102 shall be reduced for
- 4742 any year to the extent necessary to provide a community reinvestment agency
- 4743 established under Title 17C, Limited Purpose Local Government Entities -
- 4744 Community Reinvestment Agency Act, with approximately the same amount of
- 4745 money the agency would have received without a reduction in the county's certified
- 4746 tax rate, calculated in accordance with Section 59-2-924, if:
- 4747 (i) in that year there is a decrease in the certified tax rate under Subsection (2) or
- 4748 (3)(a);
- 4749 (ii) the amount of the decrease is more than 20% of the county's certified tax rate of
- 4750 the previous year; and
- 4751 (iii) the decrease results in a reduction of the amount to be paid to the agency under
- 4752 Section 17C-1-403 or 17C-1-404.
- 4753 (b) The base taxable value as defined in Section 17C-1-102 shall be increased in any
- 4754 year to the extent necessary to provide a community reinvestment agency with
- 4755 approximately the same amount of money as the agency would have received without
- 4756 an increase in the certified tax rate that year if:
- 4757 (i) in that year the base taxable value as defined in Section 17C-1-102 is reduced due
- 4758 to a decrease in the certified tax rate under Subsection (2)~~[-or (3)(a)]~~; and
- 4759 (ii) the certified tax rate of a city, school district, special district, or special service
- 4760 district increases independent of the adjustment to the taxable value of the base
- 4761 year.
- 4762 (c) Notwithstanding a decrease in the certified tax rate under Subsection (2) or (3)(a), the
- 4763 amount of money allocated and, when collected, paid each year to a community
- 4764 reinvestment agency established under Title 17C, Limited Purpose Local
- 4765 Government Entities - Community Reinvestment Agency Act, for the payment of
- 4766 bonds or other contract indebtedness, but not for administrative costs, may not be less
- 4767 than ~~[that]~~ the amount would have been without a decrease in the certified tax rate
- 4768 under Subsection (2) or (3)(a).
- 4769 ~~[(8)(a) For the calendar year beginning on January 1, 2014, the calculation of a county~~
- 4770 ~~assessing and collecting levy shall be adjusted by the amount necessary to offset:]~~

- 4771           ~~[(i) any change in the certified tax rate that may result from amendments to Part 16,~~  
 4772           ~~Multicounty Assessing and Collecting Levy, in Laws of Utah 2014, Chapter 270,~~  
 4773           ~~Section 3; and]~~
- 4774           ~~[(ii) the difference in the amount of revenue a taxing entity receives from or~~  
 4775           ~~contributes to the Property Tax Valuation Fund, created in Section 59-2-1602, that~~  
 4776           ~~may result from amendments to Part 16, Multicounty Assessing and Collecting~~  
 4777           ~~Levy, in Laws of Utah 2014, Chapter 270, Section 3.]~~
- 4778           ~~[(b) A taxing entity is not required to comply with the notice and public hearing~~  
 4779           ~~requirements in Section 59-2-919 for an adjustment to the county assessing and~~  
 4780           ~~collecting levy described in Subsection (8)(a).]~~
- 4781           ~~[(9) If a taxing entity receives decreased revenues from uniform fees on tangible personal~~  
 4782           ~~property under Section 59-2-405 as a result of any error in applying uniform fees to~~  
 4783           ~~motor vehicle registration in the calendar year beginning on January 1, 2023, the~~  
 4784           ~~commission may, for the calendar year beginning on January 1, 2024, increase the~~  
 4785           ~~taxing entity's budgeted revenue to offset the decreased revenues.]~~

4786           Section 83. Section **59-2-1004** is amended to read:

4787           **59-2-1004 (Effective 01/01/27). Appeal to county board of equalization -- Real**  
 4788           **property -- Time period for appeal -- Public hearing requirements -- Decision of board --**  
 4789           **Extensions approved by commission -- Appeal to commission.**

4790           (1) As used in this section:

- 4791           (a) "Applicable lien date" means January 1 of the year in which the valuation or  
 4792           equalization of real property is appealed to the county board of equalization.
- 4793           (b) "Final assessed value" means:
- 4794           (i) for real property for which the taxpayer appealed the valuation or equalization to  
 4795           the county board of equalization in accordance with this section, the value given  
 4796           to the real property by the county board of equalization, including a value based  
 4797           on a stipulation of the parties;
- 4798           (ii) for real property for which the taxpayer or a county assessor appealed the  
 4799           valuation or equalization to the commission in accordance with Section 59-2-1006,  
 4800           the value given to the real property by:
- 4801           (A) the commission, if the commission has issued a decision in the appeal or the  
 4802           parties have entered a stipulation; or
- 4803           (B) a county board of equalization, if the commission has not yet issued a decision  
 4804           in the appeal and the parties have not entered a stipulation; or

- 4805 (iii) for real property for which the taxpayer or a county assessor sought judicial  
4806 review of the valuation or equalization in accordance with Section 59-1-602 or  
4807 Title 63G, Chapter 4, Part 4, Judicial Review, the value given the real property by  
4808 the commission.
- 4809 (c) "Inflation adjusted value" means the value of the real property that is the subject of  
4810 the appeal as calculated by changing the final assessed value for the previous taxable  
4811 year for the real property by the median property value change.
- 4812 (d) "Median property value change" means the midpoint of the property value changes  
4813 for all real property that is:  
4814 (i) of the same class of real property as the qualified real property; and  
4815 (ii) located within the same county and within the same market area as the qualified  
4816 real property.
- 4817 (e) "Property value change" means the percentage change in the fair market value of real  
4818 property on or after January 1 of the previous year and before January 1 of the  
4819 current year.
- 4820 (f) "Qualified real property" means real property:  
4821 (i) for which:  
4822 (A) the taxpayer or a county assessor appealed the valuation or equalization for  
4823 the previous taxable year to the county board of equalization in accordance  
4824 with this section or the commission in accordance with Section 59-2-1006;  
4825 (B) the appeal described in Subsection (1)(f)(i)(A)[;] resulted in a final assessed  
4826 value that was lower than the assessed value; and  
4827 (C) the assessed value for the current taxable year is higher than the inflation  
4828 adjusted value; and  
4829 (ii) that, on or after January 1 of the previous taxable year and before January 1 of the  
4830 current taxable year, has not had a qualifying change.
- 4831 (g) "Qualifying change" means one of the following changes to real property that occurs  
4832 on or after January 1 of the previous taxable year and before January 1 of the current  
4833 taxable year:  
4834 (i) a physical improvement if, solely as a result of the physical improvement, the fair  
4835 market value of the physical improvement equals or exceeds the greater of 10% of  
4836 fair market value of the real property or \$20,000;  
4837 (ii) a zoning change, if the fair market value of the real property increases solely as a  
4838 result of the zoning change; or

4839 (iii) a change in the legal description of the real property, if the fair market value of  
4840 the real property increases solely as a result of the change in the legal description  
4841 of the real property.

4842 (h) "Qualifying contract" means a contract for the completed sale of residential property  
4843 that:

4844 (i) involves residential property for which a taxpayer appealed the valuation or  
4845 equalization to the county board of equalization;

4846 (ii) identifies the final sales price for the residential property described in Subsection  
4847 (1)(h)(i); and

4848 (iii) is executed within six months before or after the applicable lien date.

4849 (2)(a) A taxpayer dissatisfied with the valuation or the equalization of the taxpayer's real  
4850 property may make an application to appeal by:

4851 (i) subject to Subsection (2)(d), filing the application with the county board of  
4852 equalization within the time period described in Subsection (3); or

4853 (ii) making an application by telephone within the time period described in  
4854 Subsection (3) if the county legislative body passes a resolution under Subsection  
4855 (11) authorizing a taxpayer to make an application by telephone.

4856 (b)(i) The county board of equalization shall make a rule describing the contents of  
4857 the application.

4858 (ii) In addition to any information the county board of equalization requires, the  
4859 application shall include information about:

4860 (A) the burden of proof in an appeal involving qualified real property; and

4861 (B) the process for the taxpayer to learn the inflation adjusted value of the  
4862 qualified real property.

4863 (c)(i)(A) The county assessor shall notify the county board of equalization of a  
4864 qualified real property's inflation adjusted value within 15 business days after  
4865 the date on which the county assessor receives notice that a taxpayer filed an  
4866 appeal with the county board of equalization.

4867 (B) The county assessor shall notify the commission of a qualified real property's  
4868 inflation adjusted value within 15 business days after the date on which the  
4869 county assessor receives notice that a person dissatisfied with the decision of a  
4870 county board of equalization files an appeal with the commission.

4871 (ii)(A) A person may not appeal a county assessor's calculation of inflation  
4872 adjusted value but may appeal the fair market value of a qualified real property.

4873 (B) A person may appeal a determination of whether, on or after January 1 of the  
 4874 previous taxable year and before January 1 of the current taxable year, real  
 4875 property had a qualifying change.

4876 (d) For purposes of Subsection (2)(a), the county board of equalization shall ensure that  
 4877 a taxpayer has the ability to access and file an application to appeal the valuation or  
 4878 equalization of real property through electronic means.

4879 (3)(a) Except as provided in Subsection (3)(b) and for purposes of Subsection (2), a  
 4880 taxpayer shall make an application to appeal the valuation or the equalization of the  
 4881 taxpayer's real property on or before the later of:

4882 (i) September 15 of the current calendar year; or

4883 (ii) the last day of a 45-day period beginning on the day on which the county auditor  
 4884 provides the notice under Section 59-2-919.1.

4885 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
 4886 commission shall make rules providing for circumstances under which the county  
 4887 board of equalization is required to accept an application to appeal that is filed after  
 4888 the time period prescribed in Subsection (3)(a).

4889 (4)(a) The taxpayer shall include in the application under Subsection (2)(a)[:]

4890 [~~(i)~~] the taxpayer's estimate of the fair market value of the property and any evidence  
 4891 that may indicate that the assessed valuation of the taxpayer's property is  
 4892 improperly equalized with the assessed valuation of comparable properties[~~; and~~].

4893 [~~(ii) a signed statement of the personal property located in a multi-tenant residential  
 4894 property, as that term is defined in Section 59-2-301.8 if the taxpayer:]~~

4895 [~~(A) appeals the value of multi-tenant residential property assessed in accordance  
 4896 with Section 59-2-301.8; and]~~

4897 [~~(B) intends to contest the value of the personal property located within the  
 4898 multi-tenant residential property.]~~

4899 (b) For an appeal involving qualified real property, the county board of equalization  
 4900 shall presume that the fair market value of the qualified real property is equal to the  
 4901 inflation adjusted value.

4902 (5) Subject to Subsection (6), in reviewing evidence submitted to a county board of  
 4903 equalization by or on behalf of an owner or a county assessor, the county board of  
 4904 equalization shall consider and weigh:

4905 (a) the accuracy, reliability, and comparability of the evidence presented by the owner or  
 4906 the county assessor;

- 4907 (b) if submitted, the sales price of relevant property that was under contract for sale as of  
4908 the lien date but sold after the lien date;
- 4909 (c) if submitted, the sales offering price of property that was offered for sale as of the  
4910 lien date but did not sell, including considering and weighing the amount of time for  
4911 which, and manner in which, the property was offered for sale; and
- 4912 (d) if submitted, other evidence that is relevant to determining the fair market value of  
4913 the property.
- 4914 (6)(a) This Subsection (6) applies only to an appeal to a county board of equalization  
4915 involving the valuation or equalization of residential property that is not qualified  
4916 real property.
- 4917 (b) If a qualifying contract is submitted as evidence in an appeal described in Subsection  
4918 (6)(a), the only evidence that the county board of equalization or hearing officer may  
4919 consider to determine that the final sales price identified in the qualifying contract  
4920 does not provide an accurate or reliable indication of the fair market value of the  
4921 residential property is evidence of the following, if submitted:
- 4922 (i) evidence disputing the nature of the qualifying contract as an arms-length  
4923 transaction;
- 4924 (ii) evidence demonstrating that changes in market conditions have occurred in the  
4925 time period between the day on which the qualifying contract was executed and  
4926 the applicable lien date; or
- 4927 (iii) evidence demonstrating that a qualifying change to the residential property has  
4928 occurred in the time period between the day on which the qualifying contract was  
4929 executed and the applicable lien date.
- 4930 (c) In determining the fair market value of residential property in an appeal described in  
4931 Subsection (6)(a), the county board of equalization may not consider any evidence or  
4932 information other than the evidence submitted to the county board of equalization by  
4933 the parties in the appeal.
- 4934 (7)(a) Except as provided in Subsection (7)(b), at least five days before the day on which  
4935 the county board of equalization holds a public hearing on an appeal:
- 4936 (i) the county assessor shall provide the taxpayer any evidence the county assessor  
4937 relies upon in support of the county assessor's valuation; and
- 4938 (ii) the taxpayer shall provide the county assessor any evidence not previously  
4939 provided to the county assessor that the taxpayer relies upon in support of the  
4940 taxpayer's appeal.

- 4941 (b)(i) The deadline described in Subsection (7)(a) does not apply to evidence that is  
4942 commercial information as defined in Section 59-1-404, if:
- 4943 (A) for the purpose of complying with Section 59-1-404, the county assessor  
4944 requires that the taxpayer execute a nondisclosure agreement before the county  
4945 assessor discloses the evidence; and
- 4946 (B) the taxpayer fails to execute the nondisclosure agreement before the deadline  
4947 described in Subsection (7)(a).
- 4948 (ii) The county assessor shall disclose evidence described in Subsection (7)(b)(i) as  
4949 soon as practicable after the county assessor receives the executed nondisclosure  
4950 agreement.
- 4951 (iii) The county assessor shall provide the taxpayer a copy of the nondisclosure  
4952 agreement with reasonable time for the taxpayer to review and execute the  
4953 agreement before the deadline described in Subsection (7)(a) expires.
- 4954 (c) If at the public hearing, a party presents evidence not previously provided to the  
4955 other party, the county board of equalization shall allow the other party to respond to  
4956 the evidence in writing within 10 days after the day on which the public hearing  
4957 occurs.
- 4958 (d)(i) A county board of equalization may adopt rules governing the deadlines  
4959 described in this Subsection (7), if the rules are no less stringent than the  
4960 provisions of this Subsection (7).
- 4961 (ii) A county board of equalization's rule that complies with Subsection (7)(d)(i)  
4962 controls over the provisions of this subsection.
- 4963 (8)(a) The county board of equalization shall meet and hold public hearings as described  
4964 in Section 59-2-1001.
- 4965 (b)(i) For purposes of this Subsection (8)(b), "significant adjustment" means a  
4966 proposed adjustment to the valuation of real property that:
- 4967 (A) is to be made by a county board of equalization; and  
4968 (B) would result in a valuation that differs from the original assessed value by at  
4969 least 20% and \$1,000,000.
- 4970 (ii) When a county board of equalization is going to consider a significant  
4971 adjustment, the county board of equalization shall:
- 4972 (A) list the significant adjustment as a separate item on the agenda of the public  
4973 hearing at which the county board of equalization is going to consider the  
4974 significant adjustment; and

- 4975 (B) for purposes of the agenda described in Subsection (8)(b)(ii)(A), provide a  
4976 description of the property for which the county board of equalization is  
4977 considering a significant adjustment.
- 4978 (c) The county board of equalization shall make a decision on each appeal filed in  
4979 accordance with this section within 60 days after the day on which the taxpayer  
4980 makes an application.
- 4981 (d) The commission may approve the extension of a time period provided for in  
4982 Subsection (8)(c) for a county board of equalization to make a decision on an appeal.
- 4983 (e) Unless the commission approves the extension of a time period under Subsection  
4984 (8)(d), if a county board of equalization fails to make a decision on an appeal within  
4985 the time period described in Subsection (8)(c), the county legislative body shall:
- 4986 (i) list the appeal, by property owner and parcel number, on the agenda for the next  
4987 meeting the county legislative body holds after the expiration of the time period  
4988 described in Subsection (8)(c); and
- 4989 (ii) hear the appeal at the meeting described in Subsection (8)(e)(i).
- 4990 (f) The decision of the county board of equalization shall contain:
- 4991 (i) a determination of the valuation of the property based on fair market value; and  
4992 (ii) a conclusion that the fair market value is properly equalized with the assessed  
4993 value of comparable properties.
- 4994 (g) If no evidence is presented before the county board of equalization, the county board  
4995 of equalization shall presume that the equalization issue has been met.
- 4996 (h)(i) If the fair market value of the property that is the subject of the appeal deviates  
4997 plus or minus 5% from the assessed value of comparable properties, the county  
4998 board of equalization shall adjust the valuation of the appealed property to reflect  
4999 a value equalized with the assessed value of comparable properties.
- 5000 (ii) Subject to Sections 59-2-301.1, 59-2-301.2, ~~59-2-301.3,~~ and 59-2-301.4,  
5001 equalized value established under Subsection (8)(h)(i) shall be the assessed value  
5002 for property tax purposes until the county assessor is able to evaluate and equalize  
5003 the assessed value of all comparable properties to bring all comparable properties  
5004 into conformity with full fair market value.
- 5005 (9)(a) If the decision of the county board of equalization warrants a refund of any  
5006 amount of property taxes paid for the tax year for the real property that is the subject  
5007 of the appeal, the county shall issue the refund directly to the taxpayer that paid the  
5008 property taxes, or an officer or agent of that taxpayer as identified in the information

5009 provided under Subsection (9)(b), regardless of whether the taxpayer is the owner of  
5010 record of the real property at the time the decision is rendered.

5011 (b) A taxpayer entitled to a refund under this section that is not the owner of record of  
5012 the real property subject to the appeal shall, within 10 calendar days after the day on  
5013 which the decision of the county board of equalization is rendered, provide the  
5014 following information to the county board of equalization:

5015 (i) a statement that the taxpayer is entitled to receive the refund under Subsection  
5016 (9)(a);

5017 (ii) the name of the taxpayer, or an officer or agent of that taxpayer, entitled to  
5018 receive the refund;

5019 (iii) the mailing address of the taxpayer, or an officer or agent of that taxpayer, to  
5020 which the taxpayer requests the refund to be sent; and

5021 (iv) any other information requested by the county board of equalization.

5022 (10) If any taxpayer is dissatisfied with the decision of the county board of equalization, the  
5023 taxpayer may file an appeal with the commission as described in Section 59-2-1006.

5024 (11) A county legislative body may pass a resolution authorizing taxpayers owing taxes on  
5025 property assessed by that county to file property tax appeals applications under this  
5026 section by telephone.

5027 Section 84. Section **59-2-1006** is amended to read:

5028 **59-2-1006 (Effective 01/01/27). Appeal to commission -- Duties of auditor --**

5029 **Decision by commission.**

5030 (1) Any person dissatisfied with the decision of the county board of equalization concerning  
5031 the assessment and equalization of any property, or the determination of any exemption  
5032 in which the person has an interest, or a tax relief decision made under designated  
5033 decision-making authority as described in Section 59-2-1101 or Chapter 2a, Tax Relief  
5034 Through Property Tax, may appeal that decision to the commission by[:]

5035 ~~[(a)]~~ filing a notice of appeal specifying the grounds for the appeal with the county  
5036 auditor within 30 days after the final action of the county board or entity with  
5037 designated decision-making authority described in Section 59-2-1101 or Chapter 2a,  
5038 Tax Relief Through Property Tax~~[:and]~~ .

5039 ~~[(b) if the county assessor valued the property in accordance with Section 59-2-301.8~~  
5040 ~~and the taxpayer intends to contest the value of personal property located in a~~  
5041 ~~multi-tenant residential property, as that term is defined in Section 59-2-301.8,~~  
5042 ~~submitting a signed statement of the personal property with the notice of appeal.]~~

- 5043 (2) The auditor shall:
- 5044 (a) file one notice with the commission;
- 5045 (b) certify and transmit to the commission:
- 5046 (i) the minutes of the proceedings of the county board of equalization or entity with
- 5047 designated decision-making authority for the matter appealed;
- 5048 (ii) all documentary evidence received in that proceeding; and
- 5049 (iii) a transcript of any testimony taken at that proceeding that was preserved; and
- 5050 (c) if the appeal is from a hearing where an exemption was granted or denied, certify and
- 5051 transmit to the commission the written decision of:
- 5052 (i) the board of equalization as required by Section 59-2-1102; or
- 5053 (ii) the entity with designated decision-making authority[~~;~~ ~~and~~].
- 5054 [~~(d) any signed statement submitted in accordance with Subsection (1)(b).~~]
- 5055 (3) In reviewing a decision described in Subsection (1), the commission may:
- 5056 (a) admit additional evidence;
- 5057 (b) issue orders that it considers to be just and proper; and
- 5058 (c) make any correction or change in the assessment or order of the county board of
- 5059 equalization or entity with decision-making authority.
- 5060 (4) In reviewing evidence submitted to the commission to decide an appeal under this
- 5061 section, the commission shall consider and weigh:
- 5062 (a) the accuracy, reliability, and comparability of the evidence presented;
- 5063 (b) if submitted, the sales price of relevant property that was under contract for sale as of
- 5064 the lien date but sold after the lien date;
- 5065 (c) if submitted, the sales offering price of property that was offered for sale as of the
- 5066 lien date but did not sell, including considering and weighing the amount of time for
- 5067 which, and manner in which, the property was offered for sale; and
- 5068 (d) if submitted, other evidence that is relevant to determining the fair market value of
- 5069 the property.
- 5070 (5) In reviewing a decision described in Subsection (1), the commission shall adjust
- 5071 property valuations to reflect a value equalized with the assessed value of other
- 5072 comparable properties if:
- 5073 (a) the issue of equalization of property values is raised; and
- 5074 (b) the commission determines that the property that is the subject of the appeal deviates
- 5075 in value plus or minus 5% from the assessed value of comparable properties.
- 5076 (6) The commission shall decide all appeals taken [~~pursuant to~~] in accordance with this

5077 section not later than March 1 of the following year for real property and within 90 days  
 5078 for personal property, and shall report its decision, order, or assessment to the county  
 5079 auditor, who shall make all changes necessary to comply with the decision, order, or  
 5080 assessment.

5081 Section 85. Section **59-2-1115** is repealed and reenacted to read:

5082 **59-2-1115 (Effective 01/01/27). Exemption of business personal property.**

5083 In accordance with Utah Constitution, Article XIII, Section 3, Subsection (2)(a)(iv), the  
 5084 Legislature exempts business personal property, other than business personal property that is  
 5085 subject to a uniform fee.

5086 Section 86. Section **59-2-1330** is amended to read:

5087 **59-2-1330 (Effective 01/01/27). Payment of property taxes -- Payments to**  
 5088 **taxpayer by state or taxing entity -- Refund of penalties paid by taxpayer -- Refund of**  
 5089 **interest paid by taxpayer -- Payment of interest to taxpayer -- Judgment levy --**  
 5090 **Objections to assessments by the commission -- Time periods for making payments to**  
 5091 **taxpayer.**

5092 (1) Unless otherwise specifically provided by statute, property taxes shall be paid directly  
 5093 to the county treasurer:

5094 (a) on the date that the property taxes are due; and

5095 (b) as provided in this chapter.

5096 (2)(a) The county treasurer shall apply a payment that is insufficient to cover both a tax  
 5097 or tax notice charge that is deferred in accordance with Chapter 2a, Part 7,  
 5098 Discretionary Deferral, Chapter 2a, Part 8, Nondiscretionary Deferral for Property  
 5099 with Qualifying Increase, or Chapter 2a, Part 9, Nondiscretionary Deferral for  
 5100 Elderly Property Owners, and a current year property tax or tax notice charge to the  
 5101 current tax year property tax or tax notice charge first.

5102 (b) The county treasurer shall send notice to the property owner:

5103 (i) that the payment was insufficient;

5104 (ii) that the county applied the payment to the tax or tax notice charges for the current  
 5105 tax year; and

5106 (iii) of the amount of tax and tax notice charge that is outstanding.

5107 (3) A taxpayer shall receive payment as provided in this section if a reduction in the amount  
 5108 of any tax levied against any property for which the taxpayer paid a tax or any portion of  
 5109 a tax under this chapter for a calendar year is required by a final and unappealable  
 5110 judgment or order described in Subsection (4) issued by:

- 5111 (a) a county board of equalization;
- 5112 (b) the commission; or
- 5113 (c) a court of competent jurisdiction.
- 5114 (4)(a) For purposes of Subsection (3), the state or any taxing entity that has received
- 5115 property taxes or any portion of property taxes from a taxpayer described in
- 5116 Subsection (2) shall pay the taxpayer if:
- 5117 (i) the taxes the taxpayer paid in accordance with Subsection (3) are collected by an
- 5118 authorized officer of the:
- 5119 (A) county; or
- 5120 (B) state; and
- 5121 (ii) the taxpayer obtains a final and unappealable judgment or order:
- 5122 (A) from a county board of equalization, the commission, or a court of competent
- 5123 jurisdiction;
- 5124 (B) against:
- 5125 (I) the taxing entity or an authorized officer of the taxing entity; or
- 5126 (II) the state or an authorized officer of the state; and
- 5127 (C) ordering a reduction in the amount of any tax levied against any property for
- 5128 which a taxpayer paid a tax or any portion of a tax under this chapter for the
- 5129 calendar year.
- 5130 (b) The amount that the state or a taxing entity shall pay a taxpayer shall be determined
- 5131 in accordance with Subsections (5) through (8).
- 5132 (5) For purposes of Subsections (3) and (4), the amount the state shall pay to a taxpayer is
- 5133 equal to the sum of:
- 5134 (a) if the difference described in this Subsection (5)(a) is greater than \$0, the difference
- 5135 between:
- 5136 (i) the tax the taxpayer paid to the state in accordance with Subsection (3); and
- 5137 (ii) the amount of the taxpayer's tax liability to the state after the reduction in the
- 5138 amount of tax levied against the property in accordance with the final and
- 5139 unappealable judgment or order described in Subsection (4);
- 5140 (b) if the difference described in this Subsection (5)(b) is greater than \$0, the difference
- 5141 between:
- 5142 (i) any penalties the taxpayer paid to the state in accordance with Section 59-2-1331;
- 5143 and
- 5144 (ii) the amount of penalties the taxpayer is liable to pay to the state in accordance

- 5145 with Section 59-2-1331 after the reduction in the amount of tax levied against the  
5146 property in accordance with the final and unappealable judgment or order  
5147 described in Subsection (4);
- 5148 (c) as provided in Subsection (7)(a), interest the taxpayer paid in accordance with  
5149 Section 59-2-1331 on the amounts described in Subsections (5)(a) and (5)(b); and
- 5150 (d) as provided in Subsection (7)(b), interest on the sum of the amounts described in  
5151 Subsections (5)(a), (5)(b), and (5)(c).
- 5152 (6) For purposes of Subsections (3) and (4), the amount a taxing entity shall pay to a  
5153 taxpayer is equal to the sum of:
- 5154 (a) if the difference described in this Subsection (6)(a) is greater than \$0, the difference  
5155 between:
- 5156 (i) the tax the taxpayer paid to the taxing entity in accordance with Subsection (3);  
5157 and
- 5158 (ii) the amount of the taxpayer's tax liability to the taxing entity after the reduction in  
5159 the amount of tax levied against the property in accordance with the final and  
5160 unappealable judgment or order described in Subsection (4);
- 5161 (b) if the difference described in this Subsection (6)(b) is greater than \$0, the difference  
5162 between:
- 5163 (i) any penalties the taxpayer paid to the taxing entity in accordance with Section  
5164 59-2-1331; and
- 5165 (ii) the amount of penalties the taxpayer is liable to pay to the taxing entity in  
5166 accordance with Section 59-2-1331 after the reduction in the amount of tax levied  
5167 against the property in accordance with the final and unappealable judgment or  
5168 order described in Subsection (4);
- 5169 (c) as provided in Subsection (7)(a), interest the taxpayer paid in accordance with  
5170 Section 59-2-1331 on the amounts described in Subsections (6)(a) and (6)(b); and
- 5171 (d) as provided in Subsection (7)(b), interest on the sum of the amounts described in  
5172 Subsections (6)(a), (6)(b), and (6)(c).
- 5173 (7) Except as provided in Subsection (8):
- 5174 (a) interest shall be refunded to a taxpayer on the amount described in Subsection (5)(c)  
5175 or (6)(c) in an amount equal to the amount of interest the taxpayer paid in accordance  
5176 with Section 59-2-1331; and
- 5177 (b) interest shall be paid to a taxpayer on the amount described in Subsection (5)(d) or  
5178 (6)(d):

- 5179 (i) beginning on the later of:
- 5180 (A) the day on which the taxpayer paid the tax in accordance with Subsection (3);
- 5181 or
- 5182 (B) January 1 of the calendar year immediately following the calendar year for
- 5183 which the tax was due;
- 5184 (ii) ending on the day on which the state or a taxing entity pays to the taxpayer the
- 5185 amount required by Subsection (5) or (6); and
- 5186 (iii) at the interest rate earned by the state treasurer on public funds transferred to the
- 5187 Public Treasurers' Investment Fund as defined in Section 51-7-3.
- 5188 (8)(a) The state may not pay or refund interest to a taxpayer under Subsection (7) on any
- 5189 tax the taxpayer paid in accordance with Subsection (3) that exceeds the amount of
- 5190 tax levied by the state for that calendar year as stated on the notice required by
- 5191 Section 59-2-1317.
- 5192 (b) A taxing entity may not pay or refund interest to a taxpayer under Subsection (7) on
- 5193 any tax the taxpayer paid in accordance with Subsection (3) that exceeds the amount
- 5194 of tax levied by the taxing entity for that calendar year as stated on the notice
- 5195 required by Section 59-2-1317.
- 5196 (9)(a) Each taxing entity may levy a tax to pay the taxing entity's share of the final and
- 5197 unappealable judgment or order described in Subsection (4) if:
- 5198 (i) the final and unappealable judgment or order is issued no later than 15 days [~~prior~~
- 5199 ~~to~~] before the date the certified tax rate is set under Section 59-2-924;
- 5200 (ii) the following information is included on the notice under Section [~~59-2-919.1~~
- 5201 59-2-918.5:
- 5202 (A) the amount of the judgment levy; and
- 5203 (B) the term of the judgment levy; and
- 5204 (iii) the final and unappealable judgment or order is an eligible judgment, as defined
- 5205 in Section 59-2-102.
- 5206 (b) The levy under Subsection (9)(a) is in addition to, and exempt from, the maximum
- 5207 levy established for the taxing entity.
- 5208 (c) A taxing entity may divide a judgment levy under this Subsection (9) and impose the
- 5209 judgment levy in more than one subsequent tax year.
- 5210 (10)(a) A taxpayer that objects to the assessment of property assessed by the
- 5211 commission shall pay, on or before the property tax due date established under
- 5212 Subsection 59-2-1331(1) or Section 59-2-1332, the full amount of taxes stated on the

- 5213 notice required by Section 59-2-1317 if:
- 5214 (i) the taxpayer has applied to the commission for a hearing in accordance with
- 5215 Section 59-2-1007 on the objection to the assessment; and
- 5216 (ii) the commission has not issued a written decision on the objection to the
- 5217 assessment in accordance with Section 59-2-1007.
- 5218 (b) A taxpayer that pays the full amount of taxes due under Subsection (10)(a) is not
- 5219 required to pay penalties or interest on an assessment described in Subsection (10)(a)
- 5220 unless:
- 5221 (i) a final and unappealable judgment or order establishing that the property
- 5222 described in Subsection (10)(a) has a value greater than the value stated on the
- 5223 notice required by Section 59-2-1317 is issued by:
- 5224 (A) the commission; or
- 5225 (B) a court of competent jurisdiction; and
- 5226 (ii) the taxpayer fails to pay the additional tax liability resulting from the final and
- 5227 unappealable judgment or order described in Subsection (10)(b)(i) within a 45-day
- 5228 period after the county bills the taxpayer for the additional tax liability.
- 5229 (11)(a) Except as provided in Subsection (11)(b), a payment that is required by this
- 5230 section shall be paid to a taxpayer:
- 5231 (i) within 120 days after the day on which the final and unappealable judgment or
- 5232 order is issued in accordance with Subsection (4); or
- 5233 (ii) if a judgment levy is imposed in accordance with Subsection (9):
- 5234 (A) if the payment to the taxpayer required by this section is \$15,000 or more, no
- 5235 later than December 31 of the first year in which the judgment levy is imposed;
- 5236 and
- 5237 (B) if the payment to the taxpayer required by this section is less than \$15,000,
- 5238 within 120 days after the date the final and unappealable judgment or order is
- 5239 issued in accordance with Subsection (4).
- 5240 (b) A taxpayer may enter into an agreement:
- 5241 (i) that establishes a time period other than a time period described in Subsection
- 5242 (11)(a) for making a payment to the taxpayer that is required by this section; and
- 5243 (ii) with:
- 5244 (A) an authorized officer of a taxing entity for a tax imposed by a taxing entity; or
- 5245 (B) an authorized officer of the state for a tax imposed by the state.
- 5246 Section 87. Section **59-2-1602** is amended to read:

5247 **59-2-1602 (Effective 01/01/27). Property Tax Valuation Fund -- Statewide levy --**  
 5248 **Additional county levy.**

- 5249 (1)(a) There is created a custodial fund known as the "Property Tax Valuation Fund."  
 5250 (b) The fund consists of:  
 5251 (i) deposits made and penalties received under Subsection (3); and  
 5252 (ii) interest on money deposited into the fund.  
 5253 (c) Deposits, penalties, and interest described in Subsection (1)(b) shall be disbursed and  
 5254 used as provided in Section 59-2-1603.
- 5255 (2)(a) Each county shall [~~annually~~]impose annually a multicounty assessing and  
 5256 collecting levy as provided in this Subsection (2).  
 5257 (b) The tax rate of the multicounty assessing and collecting levy is the certified revenue  
 5258 levy rounded up to the sixth decimal place.  
 5259 (c) The state treasurer shall allocate all revenue collected from the multicounty assessing  
 5260 and collecting levy to the Multicounty Appraisal Trust.
- 5261 (3)(a) The county shall separately state the multicounty assessing and collecting levy  
 5262 imposed under Subsection (2) [shall be separately stated] on the tax notice as a  
 5263 multicounty assessing and collecting levy.  
 5264 (b) The multicounty assessing and collecting levy is:  
 5265 (i) exempt from Sections 17C-1-403 through 17C-1-406; and  
 5266 (ii) in addition to and exempt from the maximum levies allowable under Section  
 5267 59-2-908[; ~~and~~] .  
 5268 [(iii) ~~exempt from the notice and public hearing requirements of Section 59-2-919.~~]  
 5269 (c)(i) Each county shall transmit quarterly to the state treasurer the revenue collected  
 5270 from the multicounty assessing and collecting levy.  
 5271 (ii) The [~~revenue transmitted under Subsection (3)(c)(i) shall be transmitted]~~ county  
 5272 shall transmit the revenue described in Subsection (3)(c)(i) no later than the tenth  
 5273 day of the month following the end of the quarter in which the county collects the  
 5274 revenue[ is collected].  
 5275 (iii) If a county transmits revenue described in Subsection (3)(c)(i) after the tenth day  
 5276 of the month following the end of the quarter in which the county collects the  
 5277 revenue, the county shall pay an interest penalty at the rate of 10% each year until  
 5278 the county transmits the revenue.  
 5279 [(iii) ~~If revenue transmitted under Subsection (3)(c)(i) is transmitted after the tenth~~  
 5280 ~~day of the month following the end of the quarter in which the revenue is~~

5281 collected, the county shall pay an interest penalty at the rate of 10% each year  
5282 until the revenue is transmitted.]

5283 (d) The state treasurer shall allocate the penalties received under this Subsection (3) in  
5284 the same manner as ~~[revenue is allocated]~~ the state treasurer allocates the revenue  
5285 under Subsection (2)(c).

5286 (4)(a) A county may levy a county additional property tax in accordance with this  
5287 Subsection (4).

5288 (b) The county additional property tax:

5289 (i) shall be separately stated on the tax notice as a county assessing and collecting  
5290 levy;

5291 (ii) may not be incorporated into the rate of any other levy;

5292 (iii) is exempt from Sections 17C-1-403 through 17C-1-406; and

5293 (iv) is in addition to and exempt from the maximum levies allowable under Section  
5294 59-2-908.

5295 (c) ~~[Revenue]~~ A county shall use revenue collected from the county additional property  
5296 tax~~[-shall be used]~~ to:

5297 (i) promote the accurate valuation and uniform assessment levels of property as  
5298 required by Section 59-2-103;

5299 (ii) promote the efficient administration of the property tax system, including the  
5300 costs of assessment, collection, and distribution of property taxes;

5301 (iii) fund state mandated actions to meet legislative mandates or judicial or  
5302 administrative orders that relate to promoting:

5303 (A) the accurate valuation of property; and

5304 (B) the establishment and maintenance of uniform assessment levels within and  
5305 among counties; and

5306 (iv) establish reappraisal programs that:

5307 (A) are adopted by a resolution or ordinance of the county legislative body; and

5308 (B) conform to rules the commission makes in accordance with Title 63G,  
5309 Chapter 3, Utah Administrative Rulemaking Act.

5310 Section 88. Section **59-12-703** is amended to read:

5311 **59-12-703 (Effective 01/01/27). Base -- Rate -- Imposition of tax -- Expenditure of**  
5312 **revenue -- Administration -- Enactment or repeal of tax -- Effective date -- Notice**  
5313 **requirements.**

5314 (1)(a) Subject to the other provisions of this section, a county legislative body may [

5315 submit an opinion question to the residents of that county, by majority vote of all  
 5316 members of the legislative body, so that each resident of the county, except residents  
 5317 in municipalities that have already imposed a sales and use tax under Part 14, City or  
 5318 Town Option Funding for Botanical, Cultural, Recreational, and Zoological  
 5319 Organizations or Facilities, has an opportunity to express the resident's opinion on the  
 5320 imposition of a] impose a local sales and use tax of .1% on the transactions described  
 5321 in Subsection 59-12-103(1) located within the county, to:

- 5322 (i) fund cultural facilities, recreational facilities, and zoological facilities, botanical  
 5323 organizations, cultural organizations, and zoological organizations, and rural radio  
 5324 stations, in [~~that~~] the county; or
- 5325 (ii) provide funding for a botanical organization, cultural organization, or zoological  
 5326 organization to pay for use of a bus or facility rental if that use of the bus or  
 5327 facility rental is in furtherance of the botanical organization's, cultural  
 5328 organization's, or zoological organization's primary purpose.

5329 [~~(b)~~] The opinion question required by this section shall state:

5330 "~~Shall (insert the name of the county), Utah, be authorized to impose a .1% sales and~~  
 5331 ~~use tax for (list the purposes for which the revenue collected from the sales and use tax shall be~~  
 5332 ~~expended)?"~~"]

5333 [~~(e)~~] (b) A county legislative body may not impose a tax under this section on:

- 5334 (i) the sales and uses described in Section 59-12-104 to the extent the sales and uses  
 5335 are exempt from taxation under Section 59-12-104;
- 5336 (ii) sales and uses within a municipality that has already imposed a sales and use tax  
 5337 under Part 14, City or Town Option Funding for Botanical, Cultural, Recreational,  
 5338 and Zoological Organizations or Facilities; and
- 5339 (iii) except as provided in Subsection (1)(e), amounts paid or charged for food and  
 5340 food ingredients.

5341 [~~(d)~~] (c) For purposes of this Subsection (1), the location of a transaction shall be  
 5342 determined in accordance with Sections 59-12-211 through 59-12-215.

5343 [~~(e)~~] (d) A county legislative body imposing a tax under this section shall impose the tax  
 5344 on the purchase price or sales price for amounts paid or charged for food and food  
 5345 ingredients if the food and food ingredients are sold as part of a bundled transaction  
 5346 attributable to food and food ingredients and tangible personal property other than  
 5347 food and food ingredients.

5348 [~~(f)~~] The election shall follow the procedures outlined in Title 11, Chapter 14, Local

- 5349 ~~Government Bonding Act.]~~
- 5350 (e) Before a county legislative body may impose the tax for the first time, the county
- 5351 legislative body shall:
- 5352 (i) pass an ordinance to impose the tax, contingent upon the voters' approval; and
- 5353 (ii) submit the legislation to the voters of the county, except voters in municipalities
- 5354 that have imposed a sales and use tax under Part 14, City or Town Option Funding
- 5355 for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities,
- 5356 in accordance with Title 20A, Chapter 7, Part 9, Tax Increase Voting
- 5357 Requirements.
- 5358 [~~(2)(a) If the county legislative body determines that a majority of the county's~~
- 5359 ~~registered voters voting on the imposition of the tax have voted in favor of the~~
- 5360 ~~imposition of the tax in accordance with Subsection (1), the county legislative body~~
- 5361 ~~may impose the tax by a majority vote of all members of the legislative body on the~~
- 5362 ~~transactions:]~~
- 5363 [~~(i) described in Subsection (1); and]~~
- 5364 [~~(ii) within the county, including the cities and towns located in the county, except~~
- 5365 ~~those cities and towns that have already imposed a sales and use tax under Part 14,~~
- 5366 ~~City or Town Option Funding for Botanical, Cultural, Recreational, and~~
- 5367 ~~Zoological Organizations or Facilities.]~~
- 5368 [~~(b) A county legislative body may revise county ordinances to reflect statutory changes~~
- 5369 ~~to the distribution formula or eligible recipients of revenue generated from a tax~~
- 5370 ~~imposed under Subsection (2)(a) without submitting an opinion question to residents~~
- 5371 ~~of the county.]~~
- 5372 (2) A county legislative body may revise county ordinances to reflect statutory changes to
- 5373 the distribution formula or eligible recipients of revenue generated from a tax imposed
- 5374 under this section without submitting the legislation to the voters of the county.
- 5375 (3)(a) Except as provided in Subsection (3)(b), a tax authorized under this part shall be
- 5376 administered, collected, enforced, and interpreted in accordance with:
- 5377 (i) the same procedures used to administer, collect, enforce, and interpret the tax
- 5378 under:
- 5379 (A) Part 1, Tax Collection; or
- 5380 (B) Part 2, Local Sales and Use Tax Act; and
- 5381 (ii) Chapter 1, General Taxation Policies.
- 5382 (b) A tax under this part is not subject to Subsections 59-12-205(2) and (4) through (6).

- 5383 (c) A tax authorized under this section is levied for a period of 10 years and may be  
 5384 reauthorized at the end of the 10-year period in accordance with Subsection (4).
- 5385 (4) Except as provided in Subsection (5), a county legislative body shall reauthorize a tax  
 5386 under this part by:
- 5387 (a) passing an ordinance continuing the tax; and  
 5388 (b) submitting the legislation to the voters of the county, except voters in municipalities  
 5389 that have imposed a sales and use tax under Part 14, City or Town Option Funding  
 5390 for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities, in  
 5391 accordance with Title 20A, Chapter 7, Part 9, Tax Increase Voting Requirements.
- 5392 [~~3~~] (5)(a) After the residents of a county of the third, fourth, fifth, or sixth class  
 5393 authorize a tax under this part in accordance with [~~Subsection (1)~~] Subsections (1) and  
 5394 (4) for two consecutive 10-year periods, the tax may be reauthorized only by a  
 5395 majority vote of the members of the county legislative body.
- 5396 (b) For purposes of reauthorizing the tax in accordance with Subsection [~~(3)(a)~~] (5)(a),  
 5397 the county legislative body shall post the purposes for [~~imposing~~] continuing the tax  
 5398 at least 24 hours before the meeting at which the county legislative body votes to  
 5399 reauthorize the tax.
- 5400 [~~(4)~~] (6) Subject to Section 59-12-704, a county shall expend revenue [~~collected from a tax~~  
 5401 ~~imposed under Subsection (2) or (3)] the county collects from a tax imposed in  
 5402 accordance with this part:~~
- 5403 (a) to fund cultural facilities, recreational facilities, and zoological facilities located  
 5404 within the county or a city or town located in the county, except a city or town that  
 5405 has already imposed a sales and use tax under Part 14, City or Town Option Funding  
 5406 for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities;
- 5407 (b) to fund ongoing operating expenses of:  
 5408 (i) recreational facilities described in Subsection [~~(4)(a)~~] (6)(a);  
 5409 (ii) botanical organizations, cultural organizations, and zoological organizations  
 5410 within the county; and  
 5411 (iii) rural radio stations within the county; and
- 5412 (c)(i) as stated in the [~~opinion question described in Subsection (1) if the county~~  
 5413 ~~authorizes the tax in accordance with Subsections (1) and (2)] ballot title for  
 5414 legislation the county submits to voters in accordance with Subsection (1) or (4);  
 5415 or  
 5416 (ii) for the purposes posted by the members of the county legislative body if the~~

- 5417 county legislative body reauthorizes the tax in accordance with Subsection ~~[(3)]~~ (5).
- 5418 ~~[(5)(a) A tax authorized under this part shall be:]~~
- 5419 ~~[(i) except as provided in Subsection (5)(b), administered, collected, enforced, and~~
- 5420 ~~interpreted in accordance with:]~~
- 5421 ~~[(A) the same procedures used to administer, collect, enforce, and interpret the tax~~
- 5422 ~~under:]~~
- 5423 ~~[(I) Part 1, Tax Collection; or]~~
- 5424 ~~[(II) Part 2, Local Sales and Use Tax Act; and]~~
- 5425 ~~[(B) Chapter 1, General Taxation Policies; and]~~
- 5426 ~~[(ii) levied for a period of 10 years and may be reauthorized at the end of the 10-year~~
- 5427 ~~period in accordance with this section.]~~
- 5428 ~~[(b) A tax under this part is not subject to Subsections 59-12-205(2) and (4) through (6).]~~
- 5429 ~~[(6)]~~ (7)(a) For purposes of this Subsection ~~[(6)]~~ (7):
- 5430 (i) "Annexation" means an annexation to a county under Title 17, Chapter 61, Part 2,
- 5431 Consolidation of Counties, or Part 3, County Annexation.
- 5432 (ii) "Annexing area" means an area that is annexed into a county.
- 5433 (b)(i) Except as provided in Subsection ~~[(6)(e) or (d)]~~ (7)(c) or (7)(d), if a county
- 5434 enacts or repeals a tax under this part, the enactment or repeal shall take effect:
- 5435 (A) on the first day of a calendar quarter; and
- 5436 (B) after a 90-day period beginning on the date the commission receives notice
- 5437 meeting the requirements of Subsection ~~[(6)(b)(ii)]~~ (7)(b)(ii) from the county.
- 5438 (ii) The notice described in Subsection ~~[(6)(b)(i)(B)]~~ (7)(b)(i)(B) shall state:
- 5439 (A) that the county will enact or repeal a tax under this part;
- 5440 (B) the statutory authority for the tax described in Subsection ~~[(6)(b)(ii)(A)]~~
- 5441 (7)(b)(ii)(A);
- 5442 (C) the effective date of the tax described in Subsection ~~[(6)(b)(ii)(A)]~~ (7)(b)(ii)(A);
- 5443 and
- 5444 (D) if the county enacts the tax described in Subsection ~~[(6)(b)(ii)(A)]~~ (7)(b)(ii)(A),
- 5445 the rate of the tax.
- 5446 (c)(i) If the billing period for a transaction begins before the effective date of the
- 5447 enactment of the tax under this section, the enactment of the tax takes effect on the
- 5448 first day of the first billing period that begins on or after the effective date of the
- 5449 enactment of the tax.
- 5450 (ii) The repeal of a tax applies to a billing period if the billing statement for the

5451 billing period is produced on or after the effective date of the repeal of the tax  
5452 imposed under this section.

5453 (d)~~(f)~~ If a tax due under this chapter on a catalogue sale is computed on the basis of  
5454 sales and use tax rates published in the catalogue, an enactment or repeal of a tax  
5455 described in Subsection ~~[(6)(b)(i)]~~ (7)(b)(i) takes effect:

5456 ~~[(A)]~~ (i) on the first day of a calendar quarter; and

5457 ~~[(B)]~~ (ii) beginning 60 days after the effective date of the enactment or repeal~~[ under~~  
5458 ~~Subsection (6)(b)(i)]~~.

5459 ~~[(ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~  
5460 ~~the commission may by rule define the term "catalogue sale."]~~

5461 (e)(i) Except as provided in Subsection ~~[(6)(f) or (g)]~~ (7)(f) or (7)(g), if an annexation  
5462 will result in the enactment or repeal of a tax under this part for an annexing area,  
5463 the enactment or repeal shall take effect:

5464 (A) on the first day of a calendar quarter; and

5465 (B) after a 90-day period beginning on the date the commission receives notice  
5466 meeting the requirements of Subsection ~~[(6)(e)(ii)]~~ (7)(e)(ii) from the county  
5467 that annexes the annexing area.

5468 (ii) The notice described in Subsection ~~[(6)(e)(i)(B)]~~ (7)(e)(i)(B) shall state:

5469 (A) that the annexation described in Subsection ~~[(6)(e)(i)]~~ (7)(e)(i) will result in an  
5470 enactment or repeal of a tax under this part for the annexing area;

5471 (B) the statutory authority for the tax described in Subsection ~~[(6)(e)(ii)(A)]~~ (  
5472 7)(e)(ii)(A);

5473 (C) the effective date of the tax described in Subsection ~~[(6)(e)(ii)(A)]~~ (7)(e)(ii)(A);  
5474 and

5475 (D) the rate of the tax described in Subsection ~~[(6)(e)(ii)(A)]~~ (7)(e)(ii)(A).

5476 (f)(i) If the billing period for a transaction begins before the effective date of the  
5477 enactment of the tax under this section, the enactment of the tax takes effect on the  
5478 first day of the first billing period that begins on or after the effective date of the  
5479 enactment of the tax.

5480 (ii) The repeal of a tax applies to a billing period if the billing statement for the  
5481 billing period is produced on or after the effective date of the repeal of the tax  
5482 imposed under this section.

5483 (g)(i) If a tax due under this chapter on a catalogue sale is computed on the basis of  
5484 sales and use tax rates published in the catalogue, an enactment or repeal of a tax

5485 described in Subsection ~~[(6)(e)(i)]~~ (7)(e)(i) takes effect:

5486 (A) on the first day of a calendar quarter; and

5487 (B) beginning 60 days after the effective date of the enactment or repeal~~[-under~~  
5488 Subsection ~~(6)(e)(i)]~~.

5489 ~~[(ii)]~~ (h) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
5490 the commission may by rule define the term "catalogue sale~~[-]~~" for purposes of this  
5491 Subsection (7).

5492 Section 89. Section **59-12-704** is amended to read:

5493 **59-12-704 (Effective 01/01/27). Distribution of revenue -- Advisory board**  
5494 **creation -- Determining operating expenses -- Administrative charge.**

5495 (1) Except as provided in Subsections (7)(b) and (9), and subject to the requirements of this  
5496 section, the county legislative body of a county of the first class shall distribute annually  
5497 any revenue collected under this part to support cultural facilities, recreational facilities,  
5498 and zoological facilities and botanical organizations, cultural organizations, and  
5499 zoological organizations within that first class county as follows:

5500 (a) 30% of the revenue to support cultural facilities and recreational facilities located  
5501 within the county;

5502 (b) 16% of the revenue to support zoological facilities and zoological organizations  
5503 located within the county as provided in Subsection (2);

5504 (c) as provided in Subsection (5), 45% of the revenue to support no more than 22  
5505 botanical organizations and cultural organizations:

5506 (i) each of which has average annual operating expenses of more than \$250,000 as  
5507 determined under Subsection (7); and

5508 (ii) whose activities impact all or a significant region of the county or state; and

5509 (d) 9% of the revenue to botanical organizations and cultural organizations that do not  
5510 receive revenue under Subsection (1)(c) in communities throughout the county as  
5511 determined by the county legislative body.

5512 (2)(a) The distribution described in Subsection (1)(b) shall support no more than three  
5513 zoological facilities and zoological organizations located within the county and  
5514 having average annual operating expenses of \$1,500,000 or more as determined  
5515 under Subsection (7).

5516 (b) For the calendar years that begin on or after January 1, 2025, and on or before  
5517 January 1, 2029, the county shall distribute the 16% of the revenue as follows:

5518 (i) 8.25% of the revenue to support a zoological organization having as the zoological

- 5519 organization's primary purpose the operation of an aviary, or a zoological facility  
5520 that is part of or integrated with an aviary;
- 5521 (ii) an amount equal to the amount distributed during the previous calendar year to  
5522 support a zoological organization having as the zoological organization's primary  
5523 purpose the operation of a zoological park, or a zoological facility that is part of or  
5524 integrated with a zoological park; and
- 5525 (iii) the remaining amount to a zoological organization having as the zoological  
5526 organization's primary purpose the operation of an aquarium, or a zoological  
5527 facility that is part of or integrated with an aquarium.
- 5528 (c) For a calendar year that begins on or after January 1, 2030, the county shall provide  
5529 by ordinance for the distribution of the 16% of revenue to no more than three  
5530 zoological facilities and zoological organizations located within the county and  
5531 having average annual operating expenses of \$1,500,000 or more as determined  
5532 under Subsection (7).
- 5533 (3) If more than one zoological organization or zoological facility qualifies to receive the  
5534 money described in Subsection (2), the county legislative body shall distribute the  
5535 money described in the subsection for which more than one zoological organization or  
5536 zoological facility qualifies to whichever zoological organization or zoological facility  
5537 the county legislative body determines is most appropriate, except that a zoological  
5538 organization or zoological facility may not receive money under more than one  
5539 subsection under Subsection (2).
- 5540 (4) If no zoological organization or zoological facility qualifies to receive money described  
5541 in Subsection (2), the county legislative body shall distribute the money described in the  
5542 subsection for which no zoological organization or zoological facility qualifies among  
5543 the zoological organizations or zoological facilities qualifying for and receiving money  
5544 under the other subsections in proportion to the zoological organizations' or zoological  
5545 facilities' average annual operating expenses as determined under Subsection (7).
- 5546 (5)(a) Subject to Subsection (5)(b), the county legislative body shall distribute the  
5547 money described in Subsection (1)(c) among the botanical organizations and cultural  
5548 organizations in proportion to the botanical organizations' and cultural organizations'  
5549 average annual operating expenses as determined under Subsection (7).
- 5550 (b) The county may not distribute to any botanical organization or cultural organization  
5551 described in Subsection (1)(c) an amount that exceeds 35% of the botanical  
5552 organization's or cultural organization's operating budget.

- 5553 (6)(a) The county legislative body of each county shall create an advisory board to  
5554 advise the county legislative body on disbursement of funds to botanical  
5555 organizations and cultural organizations under Subsection (1)(c).
- 5556 (b)(i) The advisory board under Subsection (6)(a) shall consist of seven members  
5557 appointed by the county legislative body.
- 5558 (ii) In a county of the first class, the Division of Arts and Museums created in Section  
5559 9-6-201 shall appoint two of the seven members of the advisory board under  
5560 Subsection (6)(a).
- 5561 (7)(a) Except as provided in Subsection (7)(b), to be eligible to receive money collected  
5562 by the county under this part, a botanical organization, cultural organization,  
5563 zoological organization, and zoological facility located within a county of the first  
5564 class shall, every year:
- 5565 (i) calculate its average annual operating expenses based upon audited operating  
5566 expenses for three preceding fiscal years; and
- 5567 (ii) submit to the appropriate county legislative body:
- 5568 (A) a verified audit of annual operating expenses for each of those three preceding  
5569 fiscal years; and
- 5570 (B) the average annual operating expenses as calculated under Subsection (7)(a)(i).
- 5571 (b) The county legislative body may waive the operating expenses reporting  
5572 requirements under Subsection (7)(a) for organizations described in Subsection (1)(d).
- 5573 (8) When calculating average annual operating expenses as described in Subsection (7),  
5574 each botanical organization, cultural organization, and zoological organization shall use  
5575 the same three-year fiscal period as determined by the county legislative body.
- 5576 (9)(a) By July 1 of each year, the county legislative body of a first class county may  
5577 index the threshold amount in Subsections (1)(c) and (2)(a).
- 5578 (b) Any change under Subsection (9)(a) shall be rounded off to the nearest \$100.
- 5579 (10)(a) In a county except for a county of the first class, the county legislative body shall  
5580 by ordinance provide for the distribution of the entire amount of the revenue  
5581 generated by the tax imposed by this section:
- 5582 (i) as provided in this Subsection (10); and
- 5583 (ii) as stated in:
- 5584 (A) the ~~[opinion question described in]~~ ballot title for legislation the county  
5585 submits to voters in accordance with Subsection 59-12-703(1) if the county  
5586 authorizes the tax in accordance with ~~[Subsections 59-12-703(1) and (2)]~~

- 5587                    Subsection 59-12-703(1); or
- 5588                    (B) the purposes posted as required in Subsection 59-12-703(3) if the county
- 5589                    legislative body reauthorizes the tax in accordance with Subsection
- 5590                    59-12-703(3).
- 5591                    (b) In accordance with an interlocal agreement established in accordance with Title 11,
- 5592                    Chapter 13, Interlocal Cooperation Act, a county described in Subsection (10)(a) may
- 5593                    distribute to a city, town, or political subdivision within the county revenue generated
- 5594                    by a tax under this part.
- 5595                    (c) The revenue distributed under Subsection (10)(a) or (b) shall be used for one or more
- 5596                    organizations or facilities defined in Section 59-12-702 regardless of whether the
- 5597                    revenue is distributed:
- 5598                    (i) directly by the county described in Subsection (10)(a) to be used for an
- 5599                    organization or facility defined in Section 59-12-702; or
- 5600                    (ii) in accordance with an interlocal agreement described in Subsection (10)(b).
- 5601                    (11) A county legislative body may retain up to 1.5% of the proceeds from a tax under this
- 5602                    part for the cost of administering this part.
- 5603                    (12) The commission shall retain and deposit an administrative charge in accordance with
- 5604                    Section 59-1-306 from the revenue the commission collects from a tax under this part.
- 5605                    Section 90. Section **59-12-1402** is amended to read:
- 5606                    **59-12-1402 (Effective 01/01/27). Opinion question election -- Base -- Rate --**
- 5607                    **Imposition of tax -- Expenditure of revenue -- Enactment or repeal of tax -- Effective**
- 5608                    **date -- Notice requirements.**
- 5609                    (1)(a) Subject to the other provisions of this section, a city or town legislative body
- 5610                    subject to this part may ~~[submit an opinion question to the residents of that city or~~
- 5611                    ~~town, by majority vote of all members of the legislative body, so that each resident of~~
- 5612                    ~~the city or town has an opportunity to express the resident's opinion on the imposition~~
- 5613                    ~~of a local sales and use tax of .1% on the transactions described in Subsection~~
- 5614                    ~~59-12-103(1) located within the city or town;]~~ impose a local sales and use tax of .1%
- 5615                    on the transactions described in Subsection 59-12-103(1) located within the city or
- 5616                    town to:
- 5617                    (i) fund cultural facilities, recreational facilities, and zoological facilities and
- 5618                    botanical organizations, cultural organizations, and zoological organizations in [
- 5619                    that] the city or town; or
- 5620                    (ii) provide funding for a botanical organization, cultural organization, or zoological

5621 organization to pay for use of a bus or facility rental if that use of the bus or  
 5622 facility rental is in furtherance of the botanical organization's, cultural  
 5623 organization's, or zoological organization's primary purpose.

5624 ~~[(b) The opinion question required by this section shall state:~~

5625 ~~"Shall (insert the name of the city or town), Utah, be authorized to impose a .1% sales~~  
 5626 ~~and use tax for (list the purposes for which the revenue collected from the sales and use tax~~  
 5627 ~~shall be expended)?"~~

5628 ~~[(e)] (b) A city or town legislative body may not impose a tax under this section:~~

- 5629 (i) if the county in which the city or town is located imposes a tax under Part 7,  
 5630 County Option Funding for Botanical, Cultural, Recreational, and Zoological  
 5631 Organizations or Facilities;  
 5632 (ii) on the sales and uses described in Section 59-12-104 to the extent the sales and  
 5633 uses are exempt from taxation under Section 59-12-104; and  
 5634 (iii) except as provided in Subsection (1)(e), on amounts paid or charged for food and  
 5635 food ingredients.

5636 ~~[(d)] (c) For purposes of this Subsection (1), the location of a transaction shall be~~  
 5637 ~~determined in accordance with Sections 59-12-211 through 59-12-215.~~

5638 ~~[(e)] (d) A city or town legislative body imposing a tax under this section shall impose~~  
 5639 ~~the tax on the purchase price or sales price for amounts paid or charged for food and~~  
 5640 ~~food ingredients if the food and food ingredients are sold as part of a bundled~~  
 5641 ~~transaction attributable to food and food ingredients and tangible personal property~~  
 5642 ~~other than food and food ingredients.~~

5643 ~~(e) Before a city or town legislative body may impose the tax for the first time, the city~~  
 5644 ~~or town legislative body shall:~~

- 5645 ~~(i) comply with Subsection (6);~~  
 5646 ~~(ii) pass an ordinance to impose the tax, contingent upon the voters' approval; and~~  
 5647 ~~(iii) submit the legislation to the voters of the city or town in accordance with Title~~  
 5648 ~~20A, Chapter 7, Part 9, Tax Increase Voting Requirements.~~

5649 ~~[(f) Except as provided in Subsection (6), the election shall be held at a regular general~~  
 5650 ~~election or a municipal general election, as those terms are defined in Section~~  
 5651 ~~20A-1-102, and shall follow the procedures outlined in Title 11, Chapter 14, Local~~  
 5652 ~~Government Bonding Act.]~~

5653 ~~[(2) If the city or town legislative body determines that a majority of the city's or town's~~  
 5654 ~~registered voters voting on the imposition of the tax have voted in favor of the~~

5655 imposition of the tax as prescribed in Subsection (1), the city or town legislative body  
 5656 may impose the tax by a majority vote of all members of the legislative body.]

5657 (2)(a) Except as provided in Subsection (2)(b), a tax authorized under this part shall be  
 5658 administered, collected, enforced, and interpreted in accordance with:

5659 (i) the same procedures used to administer, collect, enforce, and interpret the tax  
 5660 under:

5661 (A) Part 1, Tax Collection; or

5662 (B) Part 2, Local Sales and Use Tax Act; and

5663 (ii) Chapter 1, General Taxation Policies.

5664 (b) A tax under this section is not subject to Subsections 59-12-205(2) and (4) through  
 5665 (6).

5666 (c) A tax authorized under this section is levied for a period of 10 years and may be  
 5667 reauthorized at the end of the 10-year period in accordance with Subsection (3).

5668 (3) A city or town legislative body shall reauthorize a tax under this part by:

5669 (a) passing an ordinance continuing the tax; and

5670 (b) submitting the legislation to the voters of the city or town in accordance with Title  
 5671 20A, Chapter 7, Part 9, Tax Increase Voting Requirements.

5672 [~~(3)~~] (4) Subject to Section 59-12-1403, a city or town shall expend revenue collected from  
 5673 a tax [imposed under Subsection (2) shall be expended] the city or town collects from a  
 5674 tax imposed in accordance with this part:

5675 (a) to finance cultural facilities, recreational facilities, and zoological facilities within the  
 5676 city or town or within the geographic area of entities that are parties to an interlocal  
 5677 agreement, to which the city or town is a party, providing for cultural facilities,  
 5678 recreational facilities, or zoological facilities;

5679 (b) to finance ongoing operating expenses of:

5680 (i) recreational facilities described in Subsection [~~(3)(a)~~] (4)(a) within the city or town  
 5681 or within the geographic area of entities that are parties to an interlocal agreement,  
 5682 to which the city or town is a party, providing for recreational facilities; or

5683 (ii) botanical organizations, cultural organizations, and zoological organizations  
 5684 within the city or town or within the geographic area of entities that are parties to  
 5685 an interlocal agreement, to which the city or town is a party, providing for the  
 5686 support of botanical organizations, cultural organizations, or zoological  
 5687 organizations; and

5688 (c) as stated in the opinion question described in Subsection (1).

- 5689     ~~[(4)(a) Except as provided in Subsections (4)(b) and (c), a tax authorized under this part~~  
5690         ~~shall be:]~~
- 5691             ~~[(i) administered, collected, enforced, and interpreted in accordance with:]~~
- 5692                 ~~[(A) the same procedures used to administer, collect, enforce, and interpret the tax~~  
5693                     ~~under:]~~
- 5694                 ~~[(I) Part 1, Tax Collection; or]~~
- 5695                 ~~[(H) Part 2, Local Sales and Use Tax Act; and]~~
- 5696             ~~[(B) Chapter 1, General Taxation Policies; and]~~
- 5697             ~~[(ii)(A) levied for a period of eight years; and]~~
- 5698                 ~~[(B) may be reauthorized at the end of the eight-year period in accordance with~~  
5699                     ~~this section.]~~
- 5700     ~~[(b)(i) If a tax under this part is imposed for the first time on or after July 1, 2011,~~  
5701         ~~the tax shall be levied for a period of 10 years.]~~
- 5702     ~~[(ii) If a tax under this part is reauthorized in accordance with Subsection (4)(a) on or~~  
5703         ~~after July 1, 2011, the tax shall be reauthorized for a 10-year period.]~~
- 5704     ~~[(e) A tax under this section is not subject to Subsections 59-12-205(2) and (4) through~~  
5705         ~~(6).]~~
- 5706     (5)(a) For purposes of this Subsection (5):
- 5707             (i) "Annexation" means an annexation to a city or town under Title 10, Chapter 2,  
5708                 Part 8, Annexation.
- 5709             (ii) "Annexing area" means an area that is annexed into a city or town.
- 5710     (b)(i) Except as provided in Subsection (5)(c) or (d), if, ~~[on or after July 1, 2004,]~~ a  
5711         city or town enacts or repeals a tax under this part, the enactment or repeal shall  
5712         take effect:
- 5713             (A) on the first day of a calendar quarter; and
- 5714             (B) after a 90-day period beginning on the date the commission receives notice  
5715                 meeting the requirements of Subsection (5)(b)(ii) from the city or town.
- 5716             (ii) The notice described in Subsection (5)(b)(i)(B) shall state:
- 5717                 (A) that the city or town will enact or repeal a tax under this part;
- 5718                 (B) the statutory authority for the tax described in Subsection (5)(b)(ii)(A);
- 5719                 (C) the effective date of the tax described in Subsection (5)(b)(ii)(A); and
- 5720                 (D) if the city or town enacts the tax described in Subsection (5)(b)(ii)(A), the rate  
5721                     of the tax.
- 5722     (c)(i) If the billing period for a transaction begins before the effective date of the

- 5723 enactment of the tax under this section, the enactment of the tax takes effect on the  
5724 first day of the first billing period that begins on or after the effective date of the  
5725 enactment of the tax.
- 5726 (ii) The repeal of a tax applies to a billing period if the billing statement for the  
5727 billing period is produced on or after the effective date of the repeal of the tax  
5728 imposed under this section.
- 5729 (d)(i) If a tax due under this chapter on a catalogue sale is computed on the basis of  
5730 sales and use tax rates published in the catalogue, an enactment or repeal of a tax  
5731 described in Subsection (5)(b)(i) takes effect:
- 5732 (A) on the first day of a calendar quarter; and  
5733 (B) beginning 60 days after the effective date of the enactment or repeal~~[under~~  
5734 ~~Subsection (5)(b)(i)].~~
- 5735 ~~[(ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,~~  
5736 ~~the commission may by rule define the term "catalogue sale."]~~
- 5737 (e)(i) Except as provided in Subsection (5)(f) or (g), if~~[, for an annexation that occurs~~  
5738 ~~on or after July 1, 2004,]~~ the annexation will result in the enactment or repeal of a  
5739 tax under this part for an annexing area, the enactment or repeal shall take effect:
- 5740 (A) on the first day of a calendar quarter; and  
5741 (B) after a 90-day period beginning on the date the commission receives notice  
5742 meeting the requirements of Subsection (5)(e)(ii) from the city or town that  
5743 annexes the annexing area.
- 5744 (ii) The notice described in Subsection (5)(e)(i)(B) shall state:
- 5745 (A) that the annexation described in Subsection (5)(e)(i) will result in an  
5746 enactment or repeal a tax under this part for the annexing area;  
5747 (B) the statutory authority for the tax described in Subsection (5)(e)(ii)(A);  
5748 (C) the effective date of the tax described in Subsection (5)(e)(ii)(A); and  
5749 (D) the rate of the tax described in Subsection (5)(e)(ii)(A).
- 5750 (f)(i) If the billing period for a transaction begins before the effective date of the  
5751 enactment of the tax under this section, the enactment of the tax takes effect on the  
5752 first day of the first billing period that begins on or after the effective date of the  
5753 enactment of the tax.
- 5754 (ii) The repeal of a tax applies to a billing period if the billing statement for the  
5755 billing period is produced on or after the effective date of the repeal of the tax  
5756 imposed under this section.

5757 (g)~~(i)~~ If a tax due under this chapter on a catalogue sale is computed on the basis of  
 5758 sales and use tax rates published in the catalogue, an enactment or repeal of a tax  
 5759 described in Subsection (5)(e)(i) takes effect:

5760 ~~(A)~~ (i) on the first day of a calendar quarter; and

5761 ~~(B)~~ (ii) beginning 60 days after the effective date of the enactment or repeal ~~under~~  
 5762 ~~Subsection (5)(e)(i)~~].

5763 ~~(i)~~ (h) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,  
 5764 the commission may by rule define the term "catalogue sale~~[-]~~" for purposes of this  
 5765 Subsection (5).

5766 (6)(a) Before a city or town legislative body ~~[submits an opinion question to the~~  
 5767 ~~residents of the city or town under Subsection (1)]~~ passes an ordinance to impose the  
 5768 tax, the city or town legislative body shall:

5769 (i) submit to the county legislative body in which the city or town is located a written  
 5770 notice of the intent to submit the ~~[opinion question]~~ legislation to the residents of  
 5771 the city or town; and

5772 (ii) receive from the county legislative body:

5773 (A) a written resolution passed by the county legislative body stating that the  
 5774 county legislative body is not seeking to impose a tax under Part 7, County  
 5775 Option Funding for Botanical, Cultural, Recreational, and Zoological  
 5776 Organizations or Facilities; or

5777 (B) a written statement that, in accordance with Subsection (6)(b), the results of ~~[a~~  
 5778 ~~county opinion question]~~ the county legislation submitted to the residents of the  
 5779 county under Part 7, County Option Funding for Botanical, Cultural,  
 5780 Recreational, and Zoological Organizations or Facilities, permit the city or  
 5781 town legislative body to submit the ~~[opinion question]~~ legislation to the  
 5782 residents of the city or town ~~in accordance with this part~~].

5783 (b)(i) Within 60 days after the day the county legislative body receives from a city or  
 5784 town legislative body described in Subsection (6)(a) the notice of the intent to  
 5785 submit ~~[an opinion question]~~ the legislation to the residents of the city or town, the  
 5786 county legislative body shall provide the city or town legislative body:

5787 (A) the written resolution described in Subsection (6)(a)(ii)(A); or

5788 (B) written notice that the county legislative body will submit ~~[an opinion question]~~  
 5789 legislation to the residents of the county under Part 7, County Option Funding  
 5790 for Botanical, Cultural, Recreational, and Zoological Organizations or Facilities,

5791 for the county to impose a tax under that part.

5792 (ii) If the county legislative body provides the city or town legislative body the  
5793 written notice that the county legislative body will submit [~~an opinion question~~  
5794 legislation as provided in Subsection (6)(b)(i)(B), the county legislative body shall  
5795 submit the [~~opinion question~~] legislation by no later than, from the date the county  
5796 legislative body sends the written notice, the later of:

5797 (A) a 12-month period;

5798 (B) the next regular primary election; or

5799 (C) the next regular general election.

5800 (iii) Within 30 days of the date of the canvass of the election at which the [~~opinion~~  
5801 ~~question under~~] legislation described in Subsection (6)(b)(ii) is voted on, the  
5802 county legislative body shall provide the city or town legislative body described in  
5803 Subsection (6)(a) written results of the [~~opinion question~~] legislation submitted by  
5804 the county legislative body under Part 7, County Option Funding for Botanical,  
5805 Cultural, Recreational, and Zoological Organizations or Facilities, indicating that:

5806 (A)(I) the city or town legislative body may not impose a tax under this part  
5807 because a majority of the county's registered voters voted in favor of the  
5808 county imposing the tax and the county legislative body by a majority vote  
5809 approved the imposition of the tax; or

5810 (II) for at least 12 months from the date the written results are submitted to the  
5811 city or town legislative body, the city or town legislative body may not  
5812 submit to the county legislative body a written notice of the intent to submit [  
5813 ~~an opinion question~~] legislation under this part because a majority of the  
5814 county's registered voters voted against the county imposing the tax and the  
5815 majority of the registered voters who are residents of the city or town  
5816 described in Subsection (6)(a) voted against the imposition of the county  
5817 tax; or

5818 (B) the city or town legislative body may submit the [~~opinion question~~] legislation  
5819 to the residents of the city or town in accordance with this part because  
5820 although a majority of the county's registered voters voted against the county  
5821 imposing the tax, the majority of the registered voters who are residents of the  
5822 city or town voted for the imposition of the county tax.

5823 (c) Notwithstanding Subsection (6)(b), at any time a county legislative body may  
5824 provide a city or town legislative body described in Subsection (6)(a) a written

5825 resolution passed by the county legislative body stating that the county legislative  
 5826 body is not seeking to impose a tax under Part 7, County Option Funding for  
 5827 Botanical, Cultural, Recreational, and Zoological Organizations or Facilities, which  
 5828 permits the city or town legislative body to submit [~~under Subsection (1) an opinion~~  
 5829 ~~question~~] legislation to the city's or town's residents.

5830 Section 91. Section **59-12-1403** is amended to read:

5831 **59-12-1403 (Effective 01/01/27). Distribution of revenues -- Administrative costs.**

5832 (1)(a) The city or town legislative body shall by ordinance provide for the distribution of  
 5833 the entire amount of the [~~revenues~~] revenue collected from the tax imposed by this  
 5834 part:

5835 (i) in accordance with this section; and

5836 (ii) as stated in the [~~opinion question described in Subsection 59-12-1402(1)~~] ballot  
 5837 title for legislation submitted to voters in accordance with Section 59-12-1402.

5838 (b) A city or town may participate in an interlocal agreement provided for under Section  
 5839 59-12-704 and distribute the [~~revenues~~] revenue collected from the tax imposed by  
 5840 this part to participants in the interlocal agreement.

5841 (c) Subject to Subsection (1)(a), [~~revenues~~] revenue collected from the tax shall be used  
 5842 for one or more organizations or facilities defined in Section 59-12-702.

5843 (2) The commission shall retain and deposit an administrative charge in accordance with  
 5844 Section 59-1-306 from the [~~revenues~~] revenue the commission collects from a tax under  
 5845 this part.

5846 Section 92. Section **59-12-2208** is amended to read:

5847 **59-12-2208 (Effective 01/01/27). Legislative body approval requirements --**

5848 **Notice -- Voter approval requirements.**

5849 (1) Subject to the other provisions of this section, before imposing a sales and use tax under  
 5850 this part, a county, city, or town legislative body shall:

5851 [~~(a) obtain approval to impose the sales and use tax from a majority of the members of~~  
 5852 ~~the county, city, or town legislative body; and]~~

5853 (a) pass an ordinance to impose the tax, contingent upon the voters' approval; and

5854 (b) submit the legislation to the voters of the county, city, or town in accordance with  
 5855 Title 20A, Chapter 7, Part 9, Tax Increase Voting Requirements.

5856 [~~(b) submit an opinion question to the county's, city's, or town's registered voters voting~~  
 5857 ~~on the imposition of the sales and use tax so that each registered voter has the~~  
 5858 ~~opportunity to express the registered voter's opinion on whether a sales and use tax~~

5859 should be imposed under this section.]

5860 [(2) The opinion question required by this section shall state:

5861 "Shall (insert the name of the county, city, or town), Utah, be authorized to impose a  
5862 (insert the tax rate of the sales and use tax) sales and use tax for (list the purposes for which the  
5863 revenues collected from the sales and use tax shall be expended)?" ]

5864 [(3)] (2) [(a) Subject to Subsection (3)(b), the election required by this section shall be  
5865 held:]

5866 [(i) at a regular general election conducted in accordance with the procedures and  
5867 requirements of Title 20A, Election Code, governing regular general elections; or]

5868 [(ii) at a municipal general election conducted in accordance with the procedures and  
5869 requirements of Section 20A-1-202.]

5870 [(b)] (a) [(i)] Subject to Subsection [(3)(b)(ii)] (2)(b), the county clerk of the county in  
5871 which [the opinion question required by this section will be submitted to] a county,  
5872 city, or town legislative body will submit legislation to registered voters shall:

5873 [(A)] (i) provide notice for the county, city, or town, as a class A notice under Section  
5874 63G-30-102, for at least 15 days before the date of the election; and

5875 [(B)] (ii) prepare an affidavit of that posting, showing a copy of the notice and the  
5876 places where [the notice was] the county clerk posted the notice.

5877 [(ii)] (b) The notice under Subsection [(3)(b)(i)] (2)(a)(i) shall:

5878 [(A)] (i) state that [an opinion question will be submitted] the county, city, or town  
5879 legislative body submitted legislation to the county's, city's, or town's registered  
5880 voters [voting] to vote on the imposition of a sales and use tax under this section[  
5881 so that each registered voter has the opportunity to express the registered voter's  
5882 opinion on whether a sales and use tax should be imposed under this section]; and

5883 [(B)] (ii) list the purposes for which [the revenues collected from the sales and use tax  
5884 shall be expended] the county, city, or town legislative body will expend the  
5885 revenue collected.

5886 [(4) A county, city, or town that submits an opinion question to registered voters under this  
5887 section is subject to Section 20A-11-1203.]

5888 [(5)] (3) Subject to Section 59-12-2209, if a county, city, or town legislative body  
5889 determines that a majority of the county's, city's, or town's registered voters voting on  
5890 the imposition of a sales and use tax under this part have voted in favor of the imposition  
5891 of the sales and use tax in accordance with this section, the county, city, or town  
5892 legislative body shall impose the sales and use tax.

5893 ~~[(6)] (4)~~ If, after imposing a sales and use tax under this part, a county, city, or town  
 5894 legislative body seeks to ~~[impose]~~ increase a tax rate for the sales and use tax~~[that~~  
 5895 ~~exceeds or is less than the tax rate stated in the opinion question described in Subsection~~  
 5896 ~~(2) or repeals the tax rate stated in the opinion question described in Subsection (2)]~~ the  
 5897 voters approved in accordance with this section, the county, city, or town legislative  
 5898 body shall:

5899 ~~[(a) obtain approval from a majority of the members of the county, city, or town~~  
 5900 ~~legislative body to impose a tax rate for the sales and use tax that exceeds or is less~~  
 5901 ~~than the tax rate stated in the opinion question described in Subsection (2) or repeals~~  
 5902 ~~the tax rate stated in the opinion question described in Subsection (2); and]~~

5903 ~~[(b) in accordance with the procedures and requirements of this section, submit an~~  
 5904 ~~opinion question to the county's, city's, or town's registered voters voting on the tax~~  
 5905 ~~rate so that each registered voter has the opportunity to express the registered voter's~~  
 5906 ~~opinion on whether to impose a tax rate for the sales and use tax that exceeds or is~~  
 5907 ~~less than the tax rate stated in the opinion question described in Subsection (2) or~~  
 5908 ~~repeal the tax rate stated in the opinion question described in Subsection (2).]~~

5909 ~~(a) pass an ordinance to increase the tax, contingent upon the voters' approval; and~~

5910 ~~(b) submit the legislation to the voters of the county, city, or town in accordance with~~  
 5911 ~~Title 20A, Chapter 7, Part 9, Tax Increase Voting Requirements.~~

5912 Section 93. Section **59-12-2213** is amended to read:

5913 **59-12-2213 (Effective 01/01/27). County, city, or town option sales and use tax to**  
 5914 **fund a system for public transit -- Base -- Rate.**

5915 ~~[(4)]~~ Subject to the requirements of Title 20A, Chapter 7, Part 9, Tax Increase Voting  
 5916 Requirements, and the other provisions of this part, a county, city, or town may impose a  
 5917 sales and use tax under this section of up to:

5918 ~~[(a)]~~ ~~(1)~~ for a county, city, or town other than a county, city, or town described in  
 5919 Subsection ~~[(1)(b)]~~ ~~(2)~~, .25% on the transactions described in Subsection 59-12-103(1)  
 5920 located within the county, city, or town to fund a system for public transit; or

5921 ~~[(b)]~~ ~~(2)~~ for a county, city, or town within which a tax is not imposed under Section  
 5922 59-12-2216, .30% on the transactions described in Subsection 59-12-103(1) located  
 5923 within the county, city, or town, to fund a system for public transit.

5924 ~~[(2) Notwithstanding Section 59-12-2208, a county, city, or town legislative body is not~~  
 5925 ~~required to submit an opinion question to the county's, city's, or town's registered voters~~  
 5926 ~~in accordance with Section 59-12-2208 to impose a sales and use tax under this section~~

5927 if the county, city, or town imposes the sales and use tax under Section 59-12-2216 on or  
 5928 before July 1, 2011.]

5929 Section 94. Section **59-12-2214** is amended to read:

5930 **59-12-2214 (Effective 01/01/27). County, city, or town option sales and use tax to**  
 5931 **fund a system for public transit, an airport facility, a water conservation project, or to be**  
 5932 **deposited into the County of the First Class Highway Projects Fund -- Base -- Rate.**

5933 (1) Subject to the requirements of Title 20A, Chapter 7, Part 9, Tax Increase Voting  
 5934 Requirements, and the other provisions of this part, a county, city, or town may impose a  
 5935 sales and use tax of .25% on the transactions described in Subsection 59-12-103(1)  
 5936 located within the county, city, or town.

5937 (2) Notwithstanding Section 59-12-2212.2, and subject to Subsections (3) and (4), a county,  
 5938 city, or town that imposes a sales and use tax under this section shall expend the [  
 5939 ~~revenues~~] revenue collected from the sales and use tax:

5940 (a) to fund a system for public transit;

5941 (b) to fund a project or service related to an airport facility for the portion of the project  
 5942 or service that is performed within the county, city, or town within which the sales  
 5943 and use tax is imposed:

5944 (i) for a county that imposes the sales and use tax, if the airport facility is part of the  
 5945 regional transportation plan of the area metropolitan planning organization if a  
 5946 metropolitan planning organization exists for the area; or

5947 (ii) for a city or town that imposes the sales and use tax, if:

5948 (A) that city or town is located within a county of the second class;

5949 (B) that city or town owns or operates the airport facility; and

5950 (C) an airline is headquartered in that city or town; or

5951 (c) for a combination of Subsections (2)(a) and (b).

5952 (3) After application of Subsection 59-12-2206(5), a county of the first class, as classified  
 5953 in Section 17-60-104, that imposes a sales and use tax under this section shall expend  
 5954 the [~~revenues~~] revenue collected from the sales and use tax as follows:

5955 (a) 80% of the [~~revenues~~] revenue collected from the sales and use tax shall be expended  
 5956 to fund a system for public transit; and

5957 (b) 20% of the [~~revenues~~] revenue collected from the sales and use tax shall be deposited  
 5958 into the County of the First Class Highway Projects Fund created by Section 72-2-121.

5959 (4)(a) A county of the third class, as classified in Section 17-60-104, that has a portion  
 5960 of the county annexed into a large public transit district and that has imposed a sales

5961 and use tax under this section as of January 1, 2020, may change the list of purposes  
5962 for which the sales and use tax revenue may be expended if:

5963 (i) the proposed uses of the sales and use tax revenue are allowed uses described in  
5964 this section; and

5965 (ii) in coordination with a relevant large public transit district, the county legislative  
5966 body passes an ordinance describing the allowed uses of the sales and use tax  
5967 revenue.

5968 (b) Notwithstanding Section 59-12-2208, and regardless of whether the county  
5969 legislative body submitted imposition of the sales and use tax [~~imposed~~] under this  
5970 section [~~was submitted~~] to the voters as described in Section 59-12-2208, the county  
5971 legislative body is not required to submit [~~an opinion question~~] legislation to the  
5972 county's registered voters to change the allowed uses as described in Subsection (4)(a).

5973 Section 95. Section **59-12-2215** is amended to read:

5974 **59-12-2215 (Effective 01/01/27). City or town option sales and use tax for**  
5975 **highways or to fund a system for public transit -- Base -- Rate.**

5976 (1) Subject to the requirements of Title 20A, Chapter 7, Part 9, Tax Increase Voting  
5977 Requirements, and the other provisions of this part, a city or town may impose a sales  
5978 and use tax of up to .30% on the transactions described in Subsection 59-12-103(1)  
5979 located within the city or town.

5980 (2) A city or town imposing a sales and use tax under this section shall expend the [~~revenues~~]  
5981 revenue collected from the sales and use tax as described in Section 59-12-2212.2.

5982 [~~(3) Notwithstanding Section 59-12-2208, a city, or town legislative body may, but is not~~  
5983 ~~required to, submit an opinion question to the city's, or town's registered voters in~~  
5984 ~~accordance with Section 59-12-2208 to impose a sales and use tax under this section.]~~

5985 Section 96. Section **59-12-2216** is amended to read:

5986 **59-12-2216 (Effective 01/01/27). County option sales and use tax for a fixed**  
5987 **guideway, to fund a system for public transit, or for highways -- Base -- Rate --**  
5988 **Allocation and expenditure of revenues.**

5989 (1) Subject to the requirements of Title 20A, Chapter 7, Part 9, Tax Increase Voting  
5990 Requirements, and the other provisions of this part, a county legislative body may  
5991 impose a sales and use tax of up to .30% on the transactions described in Subsection  
5992 59-12-103(1) within the county, including the cities and towns within the county.

5993 (2)[~~(a) Subject to Subsection (3), before~~] Before obtaining voter approval in accordance  
5994 with Section 59-12-2208[~~,~~] to impose a sales and use tax in accordance with this

- 5995 section:
- 5996 (a) a county legislative body shall adopt a resolution specifying the percentage of [  
5997 ~~revenues the county will receive~~] revenue from the sales and use tax under this section  
5998 that [~~will be allocated~~] the county will allocate to fund uses described in Section  
5999 59-12-2212.2[~~;~~] ; and
- 6000 (b) [~~A~~] a county legislative body of a county of the third through sixth class, as classified  
6001 in Section 17-60-104, that imposes a sales and use tax as described in Subsection (1)  
6002 on or after January 1, 2024, [~~shall specify the percentage of revenues the county will~~  
6003 ~~receive~~] shall adopt a resolution specifying the percentage of revenue from the sales  
6004 and use tax under this section that [~~will be allocated~~] the county will allocate to fund  
6005 uses described in Section 59-12-2212.2 or for public safety purposes as provided in  
6006 Subsection (3)(b).
- 6007 (3)(a) Except as provided in Subsection (2)(b), a county legislative body shall in the  
6008 resolution described in Subsection (2) allocate 100% of the [~~revenues~~] revenue the  
6009 county will receive from the sales and use tax under this section for one or more of  
6010 the purposes described in Section 59-12-2212.2.
- 6011 (b) In addition to the purposes described in Section 59-12-2212.2, a county legislative  
6012 body of a county of the third through sixth class, as classified in Section 17-60-104,  
6013 that imposes a sales and use tax as authorized in this section on or after January 1,  
6014 2024, may allocate [~~revenues~~] revenue to public safety purposes.
- 6015 [~~(4) Notwithstanding Section 59-12-2208, the opinion question required by Section~~  
6016 ~~59-12-2208 shall state the allocations the county legislative body makes in accordance~~  
6017 ~~with this section.~~]
- 6018 [~~(5)~~] (4) The [~~revenues~~] revenue collected from a sales and use tax under this section shall be:  
6019 (a) allocated in accordance with the allocations specified in the resolution under  
6020 Subsection (2); and  
6021 (b) expended as provided in this section.
- 6022 [~~(6)~~] (5) If a county legislative body allocates [~~revenues~~] revenue collected from a sales and  
6023 use tax under this section for a state highway project, before beginning the state highway  
6024 project within the county, the county legislative body shall:  
6025 (a) obtain approval from the Transportation Commission to complete the project; and  
6026 (b) enter into an interlocal agreement established in accordance with Title 11, Chapter  
6027 13, Interlocal Cooperation Act, with the Department of Transportation to complete  
6028 the project.

- 6029     ~~[(7)]~~ (6)(a) If after a county legislative body imposes a sales and use tax under this  
6030             section the county legislative body seeks to change an allocation specified in the  
6031             resolution under Subsection (2), the county legislative body may change the  
6032             allocation by:
- 6033                 (i) adopting a resolution specifying the percentage of ~~[revenues the county will~~  
6034                     ~~receive]~~ revenue from the sales and use tax under this section that ~~[will be allocated]~~  
6035                     the county will allocate to fund one or more of the items described in Section  
6036                     59-12-2212.2 or Subsection (2)(b);~~[-and]~~
  - 6037                 (ii) obtaining approval to change the allocation of the sales and use tax by a majority  
6038                     of all of the members of the county legislative body; and
  - 6039                 (iii) ~~[subject to Subsection (8)(a)]~~ in accordance with Section 59-12-2208:
    - 6040                     (A) ~~[in accordance with Section 59-12-2208, ]~~submitting ~~[an opinion question]~~ the  
6041                     legislation to the county's registered voters voting on changing the allocation[  
6042                     so that each registered voter has the opportunity to express the registered  
6043                     voter's opinion on whether the allocation should be changed]; and
    - 6044                     (B) ~~[in accordance with Section 59-12-2208, ]~~obtaining approval to change the  
6045                     allocation from a majority of the county's registered voters voting on changing  
6046                     the allocation.
  - 6047                 (b) A county of the third through sixth class, as classified in Section 17-60-104, that  
6048                     imposes a sales and use tax as authorized in this section on or after January 1, 2024,  
6049                     that ~~[seeks]~~ passes an ordinance to change the allocation of the ~~[revenues is not~~  
6050                     ~~required to submit the opinion question]~~ revenue is not required to submit the  
6051                     legislation to the county's registered voters.
- 6052     ~~[(8)(a) Notwithstanding Section 59-12-2208, the opinion question required by~~  
6053             ~~Subsection (7)(c)(i) shall state the allocations specified in the resolution adopted in~~  
6054             ~~accordance with Subsection (7)(a) and approved by the county legislative body in~~  
6055             ~~accordance with Subsection (7)(b).]~~
- 6056     ~~[(b) Notwithstanding Section 59-12-2208, a county legislative body of a county of the~~  
6057             ~~third through sixth class that imposes a sales and use tax under this section on or after~~  
6058             ~~January 1, 2024, may, but is not required to, submit an opinion question to the~~  
6059             ~~county's registered voters in accordance with Section 59-12-2208 to impose a sales~~  
6060             ~~and use tax under this section.]~~
- 6061     ~~[(9)]~~ (7) ~~[Revenues]~~ Revenue collected from a sales and use tax under this section that a  
6062             county allocates for a state highway within the county shall be:

- 6063 (a) deposited into the Highway Projects Within Counties Fund created by Section  
 6064 72-2-121.1; and
- 6065 (b) expended as provided in Section 72-2-121.1.
- 6066 ~~[(10)]~~ (8)(a) Notwithstanding Section 59-12-2206 and subject to Subsection ~~[(10)(b)]~~  
 6067 (8)(b), [revenues] revenue collected from a sales and use tax under this section that a  
 6068 county allocates for a project, debt service, or bond issuance cost relating to a  
 6069 highway that is a principal arterial highway or minor arterial highway that is included  
 6070 in a metropolitan planning organization's regional transportation plan, but is not a  
 6071 state highway, shall be transferred to the Department of Transportation if the transfer  
 6072 of the [revenues] revenue is required under an interlocal agreement:
- 6073 (i) entered into on or before January 1, 2010; and
- 6074 (ii) established in accordance with Title 11, Chapter 13, Interlocal Cooperation Act.
- 6075 (b) The Department of Transportation shall expend the [revenues] revenue described in  
 6076 Subsection ~~[(10)(a)]~~ (8)(a) as provided in the interlocal agreement described in  
 6077 Subsection ~~[(10)(a)]~~ (8)(a).

6078 Section 97. Section **59-12-2218** is amended to read:

6079 **59-12-2218 (Effective 01/01/27). County, city, or town option sales and use tax**  
 6080 **for airports, highways, and systems for public transit -- Base -- Rate -- Administration of**  
 6081 **sales and use tax.**

- 6082 (1) Subject to the other provisions of this part, ~~[and subject to]~~ the requirements of Title  
 6083 20A, Chapter 7, Part 9, Tax Increase Voting Requirements, and Subsection ~~[(8)]~~ (7), the  
 6084 following may impose a sales and use tax under this section:
- 6085 (a) if, on April 1, 2009, a county legislative body of a county of the second class, as  
 6086 classified in Section 17-60-104, imposes a sales and use tax under this section, the  
 6087 county legislative body of the county of the second class may impose the sales and  
 6088 use tax on the transactions:
- 6089 (i) described in Subsection 59-12-103(1); and
- 6090 (ii) within the county, including the cities and towns within the county; or
- 6091 (b) if, on April 1, 2009, a county legislative body of a county of the second class, as  
 6092 classified in Section 17-60-104, does not impose a sales and use tax under this  
 6093 section:
- 6094 (i) a city legislative body of a city within the county of the second class, as classified  
 6095 in Section 17-60-104, may impose a sales and use tax under this section on the  
 6096 transactions described in Subsection 59-12-103(1) within that city;

- 6097 (ii) a town legislative body of a town within the county of the second class, as  
6098 classified in Section 17-60-104, may impose a sales and use tax under this section  
6099 on the transactions described in Subsection 59-12-103(1) within that town; and
- 6100 (iii) the county legislative body of the county of the second class, as classified in  
6101 Section 17-60-104, may impose a sales and use tax on the transactions described  
6102 in Subsection 59-12-103(1):
- 6103 (A) within the county, including the cities and towns within the county, if on the  
6104 date the county legislative body provides the notice described in Section  
6105 59-12-2209 to the commission stating that the county will enact a sales and use  
6106 tax under this section, no city or town within that county imposes a sales and  
6107 use tax under this section or has provided the notice described in Section  
6108 59-12-2209 to the commission stating that the city or town will enact a sales  
6109 and use tax under this section; or
- 6110 (B) within the county, except for within a city or town within that county, if, on  
6111 the date the county legislative body provides the notice described in Section  
6112 59-12-2209 to the commission stating that the county will enact a sales and use  
6113 tax under this section, that city or town imposes a sales and use tax under this  
6114 section or has provided the notice described in Section 59-12-2209 to the  
6115 commission stating that the city or town will enact a sales and use tax under  
6116 this section.
- 6117 (2) For purposes of Subsection (1) and subject to the other provisions of this section, a  
6118 county, city, or town legislative body that imposes a sales and use tax under this section  
6119 may impose the tax at a rate of .25%.
- 6120 (3)(a) Except as provided in Subsection (3)(b), and subject to Subsection (4), a sales and  
6121 use tax imposed under this section shall be expended as determined by the county,  
6122 city, or town legislative body for uses described in Section 59-12-2212.2.
- 6123 (b)(i) Notwithstanding Subsection 59-12-2212.2(1)(a), ~~[revenues]~~ a county may use  
6124 revenue collected from a sales and use tax under this section ~~[may only be used]~~  
6125 only for new capacity or congestion mitigation projects~~;~~ and, except as provided  
6126 in Subsection (3)(b)(ii), may not ~~[be expended]~~ expend revenue for operation or  
6127 maintenance purposes.
- 6128 (ii) The restriction ~~[in Subsection (3)(b)(i)]~~ from using revenue for operation or  
6129 maintenance purposes does not apply to any revenue subject to rights or  
6130 obligations under a contract entered into before January 1, 2019, between a

6131 county, city, or town legislative body and a public transit district.

6132 (4) A county, city, or town legislative body may not expend revenue collected within a  
6133 county, city, or town from a tax under this section for a purpose described in Section  
6134 59-12-2212.2 unless the purpose is recommended by:

6135 (a) for a county that is part of a metropolitan planning organization, the metropolitan  
6136 planning organization of which the county is a part; or

6137 (b) for a county that is not part of a metropolitan planning organization, the council of  
6138 governments of which the county is a part.

6139 (5) Before a city or town legislative body may impose a sales and use tax under this section,  
6140 the city or town legislative body shall provide a copy of the notice described in Section  
6141 59-12-2209 that the city or town legislative body provides to the commission:

6142 (a) to the county legislative body within which the city or town is located; and

6143 (b) at the same time as the city or town legislative body provides the notice to the  
6144 commission.

6145 (6) Subject to Section 59-12-2207, the commission shall transmit [~~revenues~~] revenue  
6146 collected within a county, city, or town from a tax under this part that will be expended  
6147 for a purpose described in Section 59-12-2212.2 to the county, city, or town legislative  
6148 body in accordance with Section 59-12-2206.

6149 [~~(7) Notwithstanding Section 59-12-2208, a county, city, or town legislative body may, but  
6150 is not required to, submit an opinion question to the county's, city's, or town's registered  
6151 voters in accordance with Section 59-12-2208 to impose a sales and use tax under this  
6152 section.~~]

6153 [(8)] (7)(a)(i) Notwithstanding any other provision in this section, if the entire  
6154 boundary of a county, city, or town is annexed into a large public transit district, if  
6155 the county, city, or town legislative body wishes to impose a sales and use tax  
6156 under this section, the county, city, or town legislative body shall pass the  
6157 ordinance to impose a sales and use tax under this section on or before June 30,  
6158 2022.

6159 (ii) If the entire boundary of a county, city, or town is annexed into a large public  
6160 transit district, the county, city, or town legislative body may not pass the  
6161 ordinance to impose a sales and use tax under this section on or after July 1, 2022.

6162 (b) Notwithstanding the deadline described in Subsection [(8)(a)] (7)(a), any sales and  
6163 use tax imposed under this section by passage of a county, city, or town ordinance on  
6164 or before June 30, 2022, may remain in effect.

6165 Section 98. Section **59-12-2219** is amended to read:

6166 **59-12-2219 (Effective 01/01/27). County option sales and use tax for highways**  
 6167 **and public transit -- Base -- Rate -- Distribution and expenditure of revenue -- Revenue**  
 6168 **may not supplant existing budgeted transportation revenue.**

6169 (1) Subject to Title 20A, Chapter 7, Part 9, Tax Increase Voting Requirements, the other  
 6170 provisions of this part, and [~~subject to~~] Subsection [(13)] (12), a county legislative body  
 6171 may impose a sales and use tax of .25% on the transactions described in Subsection  
 6172 59-12-103(1) within the county, including the cities and towns within the county.

6173 (2) Subject to Subsection (9), the commission shall distribute sales and use tax revenue  
 6174 collected under this section as provided in Subsections (3) through (8).

6175 (3) After application of Subsection 59-12-2206(5), if the entire boundary of a county that  
 6176 imposes a sales and use tax under this section is annexed into a single public transit  
 6177 district, the commission shall distribute the sales and use tax revenue collected within  
 6178 the county as follows:

6179 (a) .10% shall be transferred to the public transit district in accordance with Section  
 6180 59-12-2206;

6181 (b) .10% shall be distributed as provided in Subsection (6); and

6182 (c) .05% shall be distributed to the county legislative body.

6183 (4) If the entire boundary of a county that imposes a sales and use tax under this section is  
 6184 not annexed into a single public transit district, but a city or town within the county is  
 6185 annexed into a single large public transit district, the commission shall distribute the  
 6186 sales and use tax revenue collected within the county as follows:

6187 (a) for a city or town within the county that is annexed into a single public transit  
 6188 district, the commission shall distribute the sales and use tax revenue collected within  
 6189 that city or town as follows:

6190 (i) .10% shall be transferred to the public transit district in accordance with Section  
 6191 59-12-2206;

6192 (ii) .10% shall be distributed as provided in Subsection (6); and

6193 (iii) .05% shall be distributed to the county legislative body;

6194 (b) for an eligible political subdivision within the county, the commission shall  
 6195 distribute the sales and use tax revenue collected within that eligible political  
 6196 subdivision as follows:

6197 (i) .10% shall be transferred to the eligible political subdivision in accordance with  
 6198 Section 59-12-2206;

- 6199 (ii) .10% shall be distributed as provided in Subsection (6); and  
 6200 (iii) .05% shall be distributed to the county legislative body; and  
 6201 (c) the commission shall distribute the sales and use tax revenue, except for the sales and  
 6202 use tax revenue described in Subsections (4)(a) and (b), as follows:  
 6203 (i) .10% shall be distributed as provided in Subsection (6); and  
 6204 (ii) .15% shall be distributed to the county legislative body.
- 6205 (5) For a county not described in Subsection (3) or (4), if a county of the second, third,  
 6206 fourth, fifth, or sixth class, as classified in Section 17-60-104, imposes a sales and use  
 6207 tax under this section, the commission shall distribute the sales and use tax revenue  
 6208 collected within the county as follows:  
 6209 (a) for a city or town within the county that is annexed into a single public transit  
 6210 district, the commission shall distribute the sales and use tax revenue collected within  
 6211 that city or town as follows:  
 6212 (i) .10% shall be distributed as provided in Subsection (6);  
 6213 (ii) .10% shall be distributed as provided in Subsection (7); and  
 6214 (iii) .05% shall be distributed to the county legislative body;  
 6215 (b) for an eligible political subdivision within the county, the commission shall  
 6216 distribute the sales and use tax revenue collected within that eligible political  
 6217 subdivision as follows:  
 6218 (i) .10% shall be distributed as provided in Subsection (6);  
 6219 (ii) .10% shall be distributed as provided in Subsection (7); and  
 6220 (iii) .05% shall be distributed to the county legislative body; and  
 6221 (c) the commission shall distribute the sales and use tax revenue, except for the sales and  
 6222 use tax revenue described in Subsections (5)(a) and (b), as follows:  
 6223 (i) .10% shall be distributed as provided in Subsection (6); and  
 6224 (ii) .15% shall be distributed to the county legislative body.
- 6225 (6)(a) Subject to Subsection (6)(b), the commission shall make the distributions required  
 6226 by Subsections (3)(b), (4)(a)(ii), (4)(b)(ii), (4)(c)(i), (5)(a)(i), (5)(b)(i), (5)(c)(i), and [  
 6227 ~~(7)(d)(ii)(A)~~] (7)(c)(ii)(A) as follows:  
 6228 (i) 50% of the total revenue collected under Subsections (3)(b), (4)(a)(ii), (4)(b)(ii),  
 6229 (4)(c)(i), (5)(a)(i), (5)(b)(i), (5)(c)(i), and [~~(7)(d)(ii)(A)~~] (7)(c)(ii)(A) within the  
 6230 counties and cities that impose a tax under this section shall be distributed to the  
 6231 unincorporated areas, cities, and towns within those counties and cities on the  
 6232 basis of the percentage that the population of each unincorporated area, city, or

6233 town bears to the total population of all of the counties and cities that impose a tax  
6234 under this section; and

6235 (ii) 50% of the total revenue collected under Subsections (3)(b), (4)(a)(ii), (4)(b)(ii),  
6236 (4)(c)(i), (5)(a)(i), (5)(b)(i), (5)(c)(i), and [~~(7)(d)(ii)(A)~~] (7)(c)(ii)(A) within the  
6237 counties and cities that impose a tax under this section shall be distributed to the  
6238 unincorporated areas, cities, and towns within those counties and cities on the  
6239 basis of the location of the transaction as determined under Sections 59-12-211  
6240 through 59-12-215.

6241 (b)(i) Population for purposes of this Subsection (6) shall be based on, to the extent  
6242 not otherwise required by federal law:

6243 (A) the most recent estimate from the Utah Population Committee created in  
6244 Section 63C-20-103; or

6245 (B) if the Utah Population Committee estimate is not available for each  
6246 municipality and unincorporated area, the adjusted sub-county population  
6247 estimate provided by the Utah Population Committee in accordance with  
6248 Section 63C-20-104.

6249 (ii) If a needed population estimate is not available from the United States Bureau of  
6250 the Census, population figures shall be derived from an estimate from the Utah  
6251 Population Committee.

6252 (7)(a)(i) Subject to the requirements in [~~Subsections~~] Subsection (7)(b) [~~and (e)~~], a  
6253 county legislative body:

6254 (A) for a county that obtained approval from a majority of the county's registered  
6255 voters voting on the imposition of a sales and use tax under this section [~~prior to~~]  
6256 before May 10, 2016, may, in consultation with any cities, towns, or eligible  
6257 political subdivisions within the county, and in compliance with the  
6258 requirements for changing an allocation under Subsection [~~(7)(e)~~] (7)(d),  
6259 allocate the revenue under Subsection (5)(a)(ii) or (5)(b)(ii) by adopting a  
6260 resolution specifying the percentage of revenue under Subsection (5)(a)(ii) or  
6261 (5)(b)(ii) that will be allocated to a public transit district or an eligible political  
6262 subdivision; or

6263 (B) for a county that imposes a sales and use tax under this section on or after  
6264 May 10, 2016, shall, in consultation with any cities, towns, or eligible political  
6265 subdivisions within the county, allocate the revenue under Subsection (5)(a)(ii)  
6266 or (5)(b)(ii) by adopting a resolution specifying the percentage of revenue

6267 under Subsection (5)(a)(ii) or (5)(b)(ii) that will be allocated to a public transit  
6268 district or an eligible political subdivision.

6269 (ii) If a county described in Subsection (7)(a)(i)(A) does not allocate the revenue  
6270 under Subsection (5)(a)(ii) or (5)(b)(ii) in accordance with Subsection (7)(a)(i)(A),  
6271 the commission shall distribute 100% of the revenue under Subsection (5)(a)(ii) or  
6272 (5)(b)(ii) to:

6273 (A) a public transit district for a city or town within the county that is annexed into  
6274 a single public transit district; or

6275 (B) an eligible political subdivision within the county.

6276 (b) If a county legislative body allocates the revenue as described in Subsection (7)(a)(i),  
6277 the county legislative body shall allocate not less than 25% of the revenue under  
6278 Subsection (5)(a)(ii) or (5)(b)(ii) to:

6279 (i) a public transit district for a city or town within the county that is annexed into a  
6280 single public transit district; or

6281 (ii) an eligible political subdivision within the county.

6282 ~~[(e) Notwithstanding Section 59-12-2208, the opinion question described in Section~~  
6283 ~~59-12-2208 shall state the allocations the county legislative body makes in~~  
6284 ~~accordance with this Subsection (7).]~~

6285 ~~[(d)]~~ (c) The commission shall make the distributions required by Subsection (5)(a)(ii) or  
6286 (5)(b)(ii) as follows:

6287 (i) the percentage specified by a county legislative body shall be distributed in  
6288 accordance with a resolution adopted by a county legislative body under  
6289 Subsection (7)(a) to an eligible political subdivision or a public transit district  
6290 within the county; and

6291 (ii) except as provided in Subsection (7)(a)(ii), if a county legislative body allocates  
6292 less than 100% of the revenue under Subsection (5)(a)(ii) or (5)(b)(ii) to a public  
6293 transit district or an eligible political subdivision, the remainder of the revenue  
6294 under Subsection (5)(a)(ii) or (5)(b)(ii) not allocated by a county legislative body  
6295 through a resolution under Subsection (7)(a) shall be distributed as follows:

6296 (A) 50% of the revenue as provided in Subsection (6); and

6297 (B) 50% of the revenue to the county legislative body.

6298 ~~[(e)]~~ (d) If a county legislative body seeks to change an allocation specified in a  
6299 resolution under Subsection (7)(a), the county legislative body may change the  
6300 allocation by:

- 6301 (i) adopting a resolution in accordance with Subsection (7)(a) specifying the  
 6302 percentage of revenue under Subsection (5)(a)(ii) or (5)(b)(ii) that will be  
 6303 allocated to a public transit district or an eligible political subdivision;
- 6304 (ii) obtaining approval to change the allocation of the sales and use tax by a majority  
 6305 of all the members of the county legislative body; and
- 6306 (iii) ~~[subject to Subsection (7)(f)]~~ in accordance with Section 59-12-2208:
- 6307 (A) ~~[in accordance with Section 59-12-2208,]~~submitting ~~[an opinion question]~~ the  
 6308 legislation to the county's registered voters voting on changing the allocation[  
 6309 so that each registered voter has the opportunity to express the registered  
 6310 voter's opinion on whether the allocation should be changed]; and
- 6311 (B) ~~[in accordance with Section 59-12-2208,]~~obtaining approval to change the  
 6312 allocation from a majority of the county's registered voters voting on changing  
 6313 the allocation.
- 6314 ~~[(f) Notwithstanding Section 59-12-2208, the opinion question required by Subsection~~  
 6315 ~~(7)(e)(iii)(A) shall state the allocations specified in the resolution adopted in~~  
 6316 ~~accordance with Subsection (7)(e) and approved by the county legislative body in~~  
 6317 ~~accordance with Subsection (7)(e)(ii).]~~
- 6318 ~~[(g)]~~ (e)(i) If a county makes an allocation by adopting a resolution under Subsection  
 6319 (7)(a) or changes an allocation by adopting a resolution under Subsection ~~[(7)(e)]~~  
 6320 (7)(d), the allocation shall take effect on the first distribution the commission  
 6321 makes under this section after a 90-day period that begins on the date the  
 6322 commission receives written notice meeting the requirements of Subsection [  
 6323 ~~(7)(g)(ii)]~~ (7)(e)(ii) from the county.
- 6324 (ii) The notice ~~[described in Subsection (7)(g)(i)]~~shall state:
- 6325 (A) that the county will make or change the percentage of an allocation under  
 6326 Subsection (7)(a) or ~~[(e)]~~ (7)(d); and
- 6327 (B) the percentage of revenue under Subsection (5)(a)(ii) or (5)(b)(ii) that will be  
 6328 allocated to a public transit district or an eligible political subdivision.
- 6329 (8)(a) If a public transit district is organized after the date a county legislative body first  
 6330 imposes a tax under this section, a change in a distribution required by this section  
 6331 may not take effect until the first distribution the commission makes under this  
 6332 section after a 90-day period that begins on the date the commission receives written  
 6333 notice from the public transit district of the organization of the public transit district.
- 6334 (b) If an eligible political subdivision intends to provide public transit service within a

6335 county after the date a county legislative body first imposes a tax under this section, a  
 6336 change in a distribution required by this section may not take effect until the first  
 6337 distribution the commission makes under this section after a 90-day period that  
 6338 begins on the date the commission receives written notice from the eligible political  
 6339 subdivision stating that the eligible political subdivision intends to provide public  
 6340 transit service within the county.

6341 ~~[(9)(a)(i) Notwithstanding Subsections (3) through (8), for a county that has not~~  
 6342 ~~imposed a sales and use tax under this section before May 8, 2018, and if the~~  
 6343 ~~county imposes a sales and use tax under this section before June 30, 2019, the~~  
 6344 ~~commission shall distribute all of the sales and use tax revenue collected by the~~  
 6345 ~~county before June 30, 2019, to the county for the purposes described in~~  
 6346 ~~Subsection (9)(a)(ii).]~~

6347 ~~[(ii) For any revenue collected by a county pursuant to Subsection (9)(a)(i) before~~  
 6348 ~~June 30, 2019, the county may expend that revenue for:]~~

6349 ~~[(A) reducing transportation related debt;]~~

6350 ~~[(B) a regionally significant transportation facility; or]~~

6351 ~~[(C) a public transit project of regional significance.]~~

6352 ~~[(b)] (9)(a)~~ For a county that has not imposed a sales and use tax under this section  
 6353 before May 8, 2018, and if the county imposes a sales and use tax under this section  
 6354 before June 30, 2019, the commission shall distribute the sales and use tax revenue  
 6355 collected by the county on or after July 1, 2019, as described in Subsections (3)  
 6356 through (8).

6357 ~~[(c)] (b)~~ For a county that has not imposed a sales and use tax under this section before  
 6358 June 30, 2019, if the entire boundary of that county is annexed into a large public  
 6359 transit district, and if the county imposes a sales and use tax under this section on or  
 6360 after July 1, 2019, the commission shall distribute the sales and use tax revenue  
 6361 collected by the county as described in Subsections (3) through (8).

6362 (10)(a) Except as provided in Subsection (10)(b), a county, city, or town may expend  
 6363 revenue collected from a tax under this section, except for revenue the commission  
 6364 distributes in accordance with Subsection (3)(a), (4)(a)(i), (4)(b)(i), or ~~[(7)(d)(i)]~~  
 6365 ~~(7)(c)(i)~~, for a purpose described in Section 59-12-2212.2.

6366 (b) In addition to the uses permitted in Subsection (10)(a), a county of the first class may  
 6367 transfer the portion allocated to the county under this section to a convention center  
 6368 public infrastructure district created in accordance with Section 17D-4-202.1 for

6369 revitalization of a convention center owned by the county within a city of the first  
6370 class and surrounding revitalization projects related to the convention center.

6371 (11)(a) A public transit district or an eligible political subdivision may expend revenue  
6372 the commission distributes in accordance with Subsection (3)(a), (4)(a)(i), (4)(b)(i),  
6373 or ~~[(7)(d)(i)]~~ (7)(c)(i) for capital expenses and service delivery expenses of the public  
6374 transit district or eligible political subdivision.

6375 (b) As provided in Section 59-12-2212.2, for the .10% designated for public transit  
6376 described in Subsection (3)(a) that is not contractually obligated for debt service, [  
6377 ~~beginning on July 1, 2026,~~] a public transit district shall make available to the  
6378 Department of Transportation an amount equal to 10% of the .10% to be used for  
6379 public transit innovation grants as provided in Title 72, Chapter 2, Part 4, Public  
6380 Transit Innovation Grants.

6381 ~~[(12) Notwithstanding Section 59-12-2208, a county, city, or town legislative body may,  
6382 but is not required to, submit an opinion question to the county's, city's, or town's  
6383 registered voters in accordance with Section 59-12-2208 to impose a sales and use tax  
6384 under this section.]~~

6385 ~~[(13)]~~ (12)(a)(i) Notwithstanding any other provision in this section, if the entire  
6386 boundary of a county is annexed into a large public transit district, if the county  
6387 legislative body wishes to impose a sales and use tax under this section, the  
6388 county legislative body shall pass the ordinance to impose a sales and use tax  
6389 under this section on or before June 30, 2022.

6390 (ii) If the entire boundary of a county is annexed into a large public transit district,  
6391 the county legislative body may not pass an ordinance to impose a sales and use  
6392 tax under this section on or after July 1, 2022.

6393 (b) Notwithstanding the deadline described in Subsection ~~[(13)(a)]~~ (12)(a), any sales and  
6394 use tax imposed under this section by passage of a county ordinance on or before  
6395 June 30, 2022, may remain in effect.

6396 ~~[(14)(a) Beginning on July 1, 2020, and subject to Subsection (15), if a county has not  
6397 imposed a sales and use tax under this section, subject to the provisions of this part,  
6398 the legislative body of a city or town described in Subsection (14)(b) may impose a  
6399 .25% sales and use tax on the transactions described in Subsection 59-12-103(1)  
6400 within the city or town.]~~

6401 ~~[(b) The following cities or towns may impose a sales and use tax described in  
6402 Subsection (14)(a):]~~

- 6403            [(i) a city or town that has been annexed into a public transit district; or]
- 6404            [(ii) an eligible political subdivision.]
- 6405            [(e) If a city or town imposes a sales and use tax as provided in this section, the
- 6406            commission shall distribute the sales and use tax revenue collected by the city or
- 6407            town as follows:]
- 6408            [(i) .125% to the city or town that imposed the sales and use tax, to be distributed as
- 6409            provided in Subsection (6); and]
- 6410            [(ii) .125%, as applicable, to:]
- 6411            [(A) the public transit district in which the city or town is annexed; or]
- 6412            [(B) the eligible political subdivision for public transit services.]
- 6413            [(d) If a city or town imposes a sales and use tax under this section and the county
- 6414            subsequently imposes a sales and use tax under this section, the commission shall
- 6415            distribute the sales and use tax revenue collected within the city or town as described
- 6416            in Subsection (14)(c).]
- 6417            [(15)(a)(i) Notwithstanding any other provision in this section, if a city or town
- 6418            legislative body wishes to impose a sales and use tax under this section, the city or
- 6419            town legislative body shall pass the ordinance to impose a sales and use tax under
- 6420            this section on or before June 30, 2022.]
- 6421            [(ii) A city or town legislative body may not pass an ordinance to impose a sales and
- 6422            use tax under this section on or after July 1, 2022.]
- 6423            [(b) Notwithstanding the deadline described in Subsection (15)(a), any sales and use tax
- 6424            imposed under this section by passage of an ordinance by a city or town legislative
- 6425            body on or before June 30, 2022, may remain in effect.]
- 6426            Section 99. Section **59-12-2220** is amended to read:
- 6427            **59-12-2220 (Effective 01/01/27). County option sales and use tax to fund**
- 6428            **highways or a system for public transit -- Base -- Rate.**
- 6429            (1) Subject to Title 20A, Chapter 7, Part 9, Tax Increase Voting Requirements, the other
- 6430            provisions of this part, and [subject to] the requirements of this section, the following
- 6431            counties may impose a sales and use tax under this section:
- 6432            (a) a county legislative body may impose the sales and use tax on the transactions
- 6433            described in Subsection 59-12-103(1) located within the county, including the cities
- 6434            and towns within the county if:
- 6435            (i) the entire boundary of a county is annexed into a large public transit district; and
- 6436            (ii) the maximum amount of sales and use tax authorizations allowed in accordance

- 6437 with Section 59-12-2203 and authorized under the following sections has been  
6438 imposed:
- 6439 (A) Section 59-12-2213;
  - 6440 (B) Section 59-12-2214;
  - 6441 (C) Section 59-12-2215;
  - 6442 (D) Section 59-12-2216;
  - 6443 (E) Section 59-12-2217;
  - 6444 (F) Section 59-12-2218; and
  - 6445 (G) Section 59-12-2219;
- 6446 (b) if the county is not annexed into a large public transit district, the county legislative  
6447 body may impose the sales and use tax on the transactions described in Subsection  
6448 59-12-103(1) located within the county, including the cities and towns within the  
6449 county if:
- 6450 (i) the county is an eligible political subdivision; or
  - 6451 (ii) a city or town within the boundary of the county is an eligible political  
6452 subdivision; or
- 6453 (c) a county legislative body of a county not described in Subsection (1)(a) or (1)(b) may  
6454 impose the sales and use tax on the transactions described in Subsection 59-12-103(1)  
6455 located within the county, including the cities and towns within the county.
- 6456 (2) For purposes of Subsection (1) and subject to the other provisions of this section, a  
6457 county legislative body that imposes a sales and use tax under this section may impose  
6458 the tax at a rate of .2%.
- 6459 (3)(a) The commission shall distribute sales and use tax revenue collected under this  
6460 section as determined by a county legislative body as described in Subsection (3)(b).
- 6461 (b) If a county legislative body imposes a sales and use tax as described in this section,  
6462 the county legislative body may elect to impose a sales and use tax revenue  
6463 distribution as described in Subsection (4), (5), (6), or (7), depending on the class of  
6464 county, and presence and type of a public transit provider in the county.
- 6465 (4) Subject to Subsection (11), and after application of Subsection 59-12-2206(5), if a  
6466 county legislative body imposes a sales and use tax as described in this section, and the  
6467 entire boundary of the county is annexed into a large public transit district, and the  
6468 county is a county of the first class, the commission shall distribute the sales and use tax  
6469 revenue as follows:
- 6470 (a) .10% to a public transit district as described in Subsection (11);

- 6471 (b) .05% to the cities and towns as provided in Subsection (8); and  
6472 (c) .05% to the county legislative body.
- 6473 (5) Subject to Subsection (11), if a county legislative body imposes a sales and use tax as  
6474 described in this section and the entire boundary of the county is annexed into a large  
6475 public transit district, and the county is a county not described in Subsection (4), the  
6476 commission shall distribute the sales and use tax revenue as follows:  
6477 (a) .10% to a public transit district as described in Subsection (11);  
6478 (b) .05% to the cities and towns as provided in Subsection (8); and  
6479 (c) .05% to the county legislative body.
- 6480 (6)(a) Except as provided in Subsection (14)(c), if the entire boundary of a county that  
6481 imposes a sales and use tax as described in this section is not annexed into a single  
6482 public transit district, but a city or town within the county is annexed into a single  
6483 public transit district, or if the city or town is an eligible political subdivision, the  
6484 commission shall distribute the sales and use tax revenue collected within the county  
6485 as provided in Subsection (6)(b) or (c).  
6486 (b) For a city, town, or portion of the county described in Subsection (6)(a) that is  
6487 annexed into the single public transit district, or an eligible political subdivision, the  
6488 commission shall distribute the sales and use tax revenue collected within the portion  
6489 of the county that is within a public transit district or eligible political subdivision as  
6490 follows:  
6491 (i) .05% to a public transit provider as described in Subsection (11);  
6492 (ii) .075% to the cities and towns as provided in Subsection (8); and  
6493 (iii) .075% to the county legislative body.
- 6494 (c) Except as provided in Subsection (14)(c), for a city, town, or portion of the county  
6495 described in Subsection (6)(a) that is not annexed into a single public transit district  
6496 or eligible political subdivision in the county, the commission shall distribute the  
6497 sales and use tax revenue collected within that portion of the county as follows:  
6498 (i) .08% to the cities and towns as provided in Subsection (8); and  
6499 (ii) .12% to the county legislative body.
- 6500 (7) For a county without a public transit service that imposes a sales and use tax as  
6501 described in this section, the commission shall distribute the sales and use tax revenue  
6502 collected within the county as follows:  
6503 (a) .08% to the cities and towns as provided in Subsection (8); and  
6504 (b) .12% to the county legislative body.

- 6505 (8)(a) Subject to Subsections (8)(b) and (c), the commission shall make the distributions  
6506 required by Subsections (4)(b), (5)(b), (6)(b)(ii), (6)(c)(i), and (7)(a) as follows:
- 6507 (i) 50% of the total revenue collected under Subsections (4)(b), (5)(b), (6)(b)(ii),  
6508 (6)(c)(i), and (7)(a) within the counties that impose a tax under Subsections (4)  
6509 through (7) shall be distributed to the unincorporated areas, cities, and towns  
6510 within those counties on the basis of the percentage that the population of each  
6511 unincorporated area, city, or town bears to the total population of all of the  
6512 counties that impose a tax under this section; and
- 6513 (ii) 50% of the total revenue collected under Subsections (4)(b), (5)(b), (6)(b)(ii),  
6514 (6)(c)(i), and (7)(a) within the counties that impose a tax under Subsections (4)  
6515 through (7) shall be distributed to the unincorporated areas, cities, and towns  
6516 within those counties on the basis of the location of the transaction as determined  
6517 under Sections 59-12-211 through 59-12-215.
- 6518 (b)(i) Population for purposes of this Subsection (8) shall be based on, to the extent  
6519 not otherwise required by federal law:
- 6520 (A) the most recent estimate from the Utah Population Committee created in  
6521 Section 63C-20-103; or
- 6522 (B) if the Utah Population Committee estimate is not available for each  
6523 municipality and unincorporated area, the adjusted sub-county population  
6524 estimate provided by the Utah Population Committee in accordance with  
6525 Section 63C-20-104.
- 6526 (ii) If a needed population estimate is not available from the United States Census  
6527 Bureau, population figures shall be derived from an estimate from the Utah  
6528 Population Estimates Committee created by executive order of the governor.
- 6529 (c)(i) Beginning on January 1, 2024, if the Housing and Community Development  
6530 Division within the Department of Workforce Services determines that a city or  
6531 town is ineligible for funds in accordance with Subsection 10-21-202(6),  
6532 beginning the first day of the calendar quarter after receiving 90 days' notice, the  
6533 commission shall distribute the distribution that city or town would have received  
6534 under Subsection (8)(a) to cities or towns to which Subsection 10-21-202(6) does  
6535 not apply.
- 6536 (ii) Beginning on January 1, 2024, if the Housing and Community Development  
6537 Division within the Department of Workforce Services determines that a county is  
6538 ineligible for funds in accordance with Subsection 17-80-202(6), beginning the

6539 first day of the calendar quarter after receiving 90 days' notice, the commission  
6540 shall distribute the distribution that county would have received under Subsection  
6541 (8)(a) to counties to which Subsection 17-80-202(6) does not apply.

6542 (9) If a public transit service is organized after the date a county legislative body first  
6543 imposes a tax under this section, a change in a distribution required by this section may  
6544 not take effect until the first distribution the commission makes under this section after a  
6545 90-day period that begins on the date the commission receives written notice from the  
6546 public transit provider that the public transit service has been organized.

6547 (10)(a) Except as provided in Subsections (10)(b) and (c), a county, city, or town that  
6548 received distributions described in Subsections (4)(b), (4)(c), (5)(b), (5)(c), (6)(b)(ii),  
6549 (6)(b)(iii), (6)(c), and (7) may only expend those funds for a purpose described in  
6550 Section 59-12-2212.2.

6551 (b) If a county described in Subsection (1)(a) that is a county of the first class imposes  
6552 the sales and use tax authorized in this section, the county may also use funds  
6553 distributed in accordance with Subsection (4)(c) for public safety purposes.

6554 (c) In addition to the purposes described in Subsections (10)(a) and (b), for a city  
6555 relevant to a project area, as that term is defined in Section 63N-3-1401, an allowable  
6556 use of revenue from a sales and use tax under this section includes the revitalization  
6557 of a convention center owned by the county within a city of the first class and  
6558 surrounding revitalization projects related to the convention center.

6559 (11)(a) Subject to Subsections (11)(b), (c), and (d), revenue designated for public transit  
6560 as described in this section may be used for capital expenses and service delivery  
6561 expenses of:

6562 (i) a public transit district;

6563 (ii) an eligible political subdivision; or

6564 (iii) another entity providing a service for public transit or a transit facility within the  
6565 relevant county, as those terms are defined in Section 17B-2a-802.

6566 (b)(i)(A) If a county of the first class imposes a sales and use tax described in this  
6567 section, beginning on the date on which the county imposes the sales and use  
6568 tax under this section, and for a three-year period after at least three counties  
6569 described in Subsections (4) and (5) have imposed a tax under this section, or  
6570 until June 30, 2030, whichever comes first, revenue designated for public  
6571 transit within a county of the first class as described in Subsection (4)(a) shall  
6572 be transferred to the County of the First Class Highway Projects Fund created

- 6573 in Section 72-2-121.
- 6574 (B) Revenue deposited into the County of the First Class Highway Projects Fund  
6575 created in Section 72-2-121 as described in Subsection (11)(b)(i)(A) may be  
6576 used for public transit innovation grants as provided in Title 72, Chapter 2, Part  
6577 4, Public Transit Innovation Grants.
- 6578 (ii) If a county of the first class imposes a sales and use tax described in this section,  
6579 beginning on the day three years after the date on which at least three counties  
6580 described in Subsections (4) and (5) have imposed a tax under this section, or  
6581 beginning on July 1, 2030, whichever comes first, for revenue designated for  
6582 public transit as described in Subsection (4)(a):
- 6583 (A) 50% of the revenue from a sales and use tax imposed under this section in a  
6584 county of the first class shall be transferred to the County of the First Class  
6585 Highway Projects Fund created in Section 72-2-121; and
- 6586 (B) 50% of the revenue from a sales and use tax imposed under this section in a  
6587 county of the first class shall be transferred to the Transit Transportation  
6588 Investment Fund created in Subsection [~~72-2-124(9)~~] 72-2-124(10).
- 6589 (c)(i) If a county that is not a county of the first class for which the entire boundary of  
6590 the county is annexed into a large public transit district imposes a sales and use  
6591 tax described in this section, beginning on the date on which the county imposes  
6592 the sales and use tax under this section, and for a three-year period following the  
6593 date on which at least three counties described in Subsections (4) and (5) have  
6594 imposed a tax under this section, or until June 30, 2030, whichever comes first,  
6595 revenue designated for public transit as described in Subsection (5)(a) shall be  
6596 transferred to the relevant county legislative body to be used for a purpose  
6597 described in Subsection (11)(a).
- 6598 (ii) If a county that is not a county of the first class for which the entire boundary of  
6599 the county is annexed into a large public transit district imposes a sales and use  
6600 tax described in this section, beginning on the day three years after the date on  
6601 which at least three counties described in Subsections (4) and (5) have imposed a  
6602 tax under this section, or beginning on July 1, 2030, whichever comes first, for the  
6603 revenue that is designated for public transit in Subsection (5)(a):
- 6604 (A) 50% shall be transferred to the Transit Transportation Investment Fund  
6605 created in Subsection [~~72-2-124(9)~~] 72-2-124(10); and
- 6606 (B) 50% shall be transferred to the relevant county legislative body to be used for

- 6607 a purpose described in Subsection (11)(a).
- 6608 (d) Except as provided in Subsection ~~[(13)(e)]~~ (11)(c), for a county that imposes a sales  
 6609 and use tax under this section, for revenue designated for public transit as described  
 6610 in Subsection (6)(b)(i), the revenue shall be transferred to the relevant county  
 6611 legislative body to be used for a purpose described in Subsection (11)(a).
- 6612 (12) A large public transit district shall send notice to the commission at least 90 days  
 6613 before the earlier of:
- 6614 (a) the date that is three years after the date on which at least three counties described in  
 6615 Subsections (4) and (5) have imposed a tax under this section; or  
 6616 (b) June 30, 2030.
- 6617 (13) For a city described in Subsection (10)(c), during the bondable term of a revitalization  
 6618 project described in Subsection (10)(c), the city shall transfer at least 50%, and may  
 6619 transfer up to 100%, of any revenue the city receives from a distribution under  
 6620 Subsection (4)(b) to a convention center public infrastructure district created in  
 6621 accordance with Section 17D-4-202.1 for revitalization of a convention center owned by  
 6622 the county within a city of the first class and surrounding revitalization projects related  
 6623 to the convention center as permitted in Subsection (10)(c).
- 6624 ~~[(14)(a) Notwithstanding Section 59-12-2208, a county legislative body may, but is not  
 6625 required to, submit an opinion question to the county's registered voters in  
 6626 accordance with Section 59-12-2208 to impose a sales and use tax under this section.]~~
- 6627 ~~[(b)]~~ (14)(a) If a county ~~[passes an ordinance]~~ complies with Section 59-12-2208 to  
 6628 impose a sales and use tax as described in this section, the sales and use tax shall take  
 6629 effect on the first day of the calendar quarter after a 90-day period that begins on the  
 6630 date the commission receives written notice from the county of the ~~[passage of the  
 6631 ordinance]~~ voters' approval of the legislation.
- 6632 ~~[(e)]~~ (b) A county that imposed the local option sales and use tax described in this section  
 6633 before January 1, 2023, may maintain that county's distribution allocation in place as  
 6634 of January 1, 2023.
- 6635 (15)(a) Revenue collected from a sales and use tax under this section may not be used to  
 6636 supplant existing General Fund appropriations that a county, city, or town budgeted  
 6637 for transportation or public transit as of the date the tax becomes effective for a  
 6638 county, city, or town.
- 6639 (b) The limitation under Subsection (15)(a) does not apply to a designated transportation  
 6640 or public transit capital or reserve account a county, city, or town established before

6641 the date the tax becomes effective.

6642 Section 100. Section **59-12-2402** is amended to read:

6643 **59-12-2402 (Effective 01/01/27). Imposition of emergency services tax --**

6644 **Permitted rates -- Expenditure and distribution of tax revenue -- Administration,**

6645 **collection, and enforcement of tax -- Administrative charge.**

6646 (1)(a) The governing body of a qualifying political subdivision may, subject to

6647 Subsection (1)(b), impose a sales and use tax on the transactions described in

6648 Subsection 59-12-103(1) in the following amount:

6649 (i) before January 1, 2027, an amount of up to .33% if the governing body:

6650 (A) first holds a public hearing at which the tax is discussed, subject to Subsection

6651 (2); and

6652 (B) after the public hearing is held, passes an ordinance or resolution approving

6653 the tax; or

6654 (ii) an amount of up to 1% if the governing body obtains approval to impose the tax

6655 from a majority of:

6656 (A) the members of the governing body; and

6657 (B) voters within the qualifying political subdivision voting in an election held [

6658 for that purpose in accordance with Title 11, Chapter 14, Local Government

6659 Bonding Act] in accordance with Title 20A, Chapter 7, Part 9, Tax Increase

6660 Voting Requirements.

6661 (b)(i) A tax imposed by a county under Subsection (1)(a) shall be imposed within all

6662 unincorporated areas of the county.

6663 (ii) A tax imposed by a special service district under Subsection (1)(a) shall be

6664 imposed within the boundaries of each city and town located within the area of the

6665 special service district.

6666 (iii) A tax may not be imposed under this section within:

6667 (A) a portion of a city, town, or the unincorporated area of a county; or

6668 (B) an area in which a tax under this section has already been imposed.

6669 (c) Notwithstanding Subsection (1)(a), a qualifying political subdivision may not impose

6670 a tax under this section on:

6671 (i) the sales and uses described in Section 59-12-104 to the extent the sales and uses

6672 are exempt from taxation under Section 59-12-104; and

6673 (ii) except as provided in Subsection (1)(e), amounts paid or charged for food and

6674 food ingredients.

- 6675 (d) For purposes of this Subsection (1), the location of a transaction is determined in  
6676 accordance with Sections 59-12-211 through 59-12-215.
- 6677 (e) A qualifying political subdivision that imposes a tax under this section shall impose  
6678 the tax on the purchase price or sales price for amounts paid or charged for food and  
6679 food ingredients if the food and food ingredients are sold as part of a bundled  
6680 transaction attributable to food and food ingredients and tangible personal property  
6681 other than food and food ingredients.
- 6682 (2)(a) The governing body of a qualifying political subdivision proposing a tax rate  
6683 described in Subsection (1)(a)(i) shall, as a class A notice under Section 63G-30-102,  
6684 publish notice of the public hearing required by Subsection (1)(a)(i)(A) for at least 14  
6685 days before the day of the public hearing.
- 6686 (b) The notice described in Subsection (2)(a) shall:
- 6687 (i) state the governing body's intent to adopt a tax under this section;
- 6688 (ii) describe the proposed tax rate;
- 6689 (iii) describe the cities, towns, and unincorporated areas within which the proposed  
6690 tax is to be imposed;
- 6691 (iv) specify the date, time, and location of the public hearing; and
- 6692 (v) state that the purpose of the public hearing is to obtain public comments regarding  
6693 the proposed tax.
- 6694 (3) For a county proposing a tax rate described in Subsection (1)(a)(ii), the voter approval  
6695 requirement in Subsection (1)(a)(ii)(B) applies only to voters residing within the  
6696 unincorporated areas of the county.
- 6697 (4)(a) Subject to Subsection (4)(b), a qualifying political subdivision may use money  
6698 collected from a tax imposed under this section to fund emergency services provided  
6699 by, or on behalf of, a qualifying political subdivision.
- 6700 (b) A qualifying political subdivision that imposes a tax under this section may:
- 6701 (i) use money collected from the tax to fund emergency services within an area in  
6702 which the tax is not imposed; and
- 6703 (ii) enter into an agreement authorized by Title 11, Chapter 13, Interlocal  
6704 Cooperation Act, allowing for another qualifying political subdivision to use  
6705 money collected from the tax to fund emergency services.
- 6706 (5)(a) Except as provided in Subsection (5)(b), a tax under this section shall be  
6707 administered, collected, and enforced in accordance with the same procedures used to  
6708 administer, collect, and enforce the tax under:

- 6709 (i)(A) Part 1, Tax Collection; or  
 6710 (B) Part 2, Local Sales and Use Tax Act; and  
 6711 (ii) Chapter 1, General Taxation Policies.
- 6712 (b) A tax under this section is not subject to Subsections 59-12-205(2) through (5).  
 6713 (c) A tax under this section shall be levied for a period of 10 years and may, in  
 6714 accordance with the procedures and requirements for levying a tax under Subsections  
 6715 (1) through (3), be reauthorized at the end of the 10-year period by:  
 6716 (i) the governing body that imposed the tax, for reauthorizing a tax rate described in  
 6717 Subsection (1)(a)(i); or  
 6718 (ii) the governing body that imposed the tax and the qualifying political subdivision's  
 6719 voters, for reauthorizing a tax rate described in Subsection (1)(a)(ii).
- 6720 (d) Except as provided in Subsection (5)(e), the commission shall distribute the revenue  
 6721 the commission collects from a tax imposed under this section directly to the  
 6722 qualifying political subdivision imposing the tax.
- 6723 (e) The commission shall retain and deposit an administrative charge in accordance with  
 6724 Section 59-1-306 from the revenue the commission collects from a tax under this  
 6725 section.

6726 Section 101. Section **59-13-201** is amended to read:

6727 **59-13-201 (Effective 01/01/27). Rate -- Tax basis -- Exemptions -- Revenue**  
 6728 **deposited into the Transportation Fund -- Restricted account for boating uses -- Refunds**  
 6729 **-- Reduction of tax in limited circumstances.**

- 6730 (1)(a)(i) Subject to the provisions of this section and except as provided in Subsection  
 6731 (1)(e), a tax is imposed at the rate of 14.2% of the statewide average rack price of  
 6732 a gallon of motor fuel per gallon upon all motor fuel that is sold, used, or received  
 6733 for sale or used in this state.
- 6734 (ii) Notwithstanding Subsection (1)(a)(i), for the period beginning on July 1, 2023,  
 6735 and ending on December 31, 2023, the rate described in Subsection (1)(a)(i) shall  
 6736 be 34.5 cents per gallon.
- 6737 (b)(i) Until December 31, 2018, and subject to the requirements under Subsection  
 6738 (1)(c), the statewide average rack price of a gallon of motor fuel under Subsection  
 6739 (1)(a) shall be determined by calculating the previous fiscal year statewide  
 6740 average rack price of a gallon of regular unleaded motor fuel, excluding federal  
 6741 and state excise taxes, for the 12 months ending on the previous June 30 as  
 6742 published by an oil pricing service.

- 6743 (ii) Beginning on January 1, 2019, and ending on December 31, 2026, and subject to  
 6744 the requirements under Subsection (1)(c), the statewide average rack price of a  
 6745 gallon of motor fuel under Subsection (1)(a) shall be determined by calculating  
 6746 the previous three fiscal years statewide average rack price of a gallon of regular  
 6747 unleaded motor fuel, excluding federal and state excise taxes, for the 36 months  
 6748 ending on the previous June 30 as published by an oil pricing service.
- 6749 (c)(i) Subject to the requirement in Subsection (1)(c)(ii), the statewide average rack  
 6750 price of a gallon of motor fuel determined under Subsection (1)(b) may not be less  
 6751 than \$1.78 per gallon.
- 6752 (ii) Beginning on January 1, 2019, and ending on December 31, 2026, the  
 6753 commission shall, on January 1, annually adjust the minimum statewide average  
 6754 rack price of a gallon of motor fuel described in Subsection (1)(c)(i) by taking the  
 6755 minimum statewide average rack price of a gallon of motor fuel for the previous  
 6756 calendar year and adding an amount equal to the greater of:
- 6757 (A) an amount calculated by multiplying the minimum statewide average rack  
 6758 price of a gallon of motor fuel for the previous calendar year by the actual  
 6759 percent change during the previous fiscal year in the Consumer Price Index; and  
 6760 (B) 0.
- 6761 (iii) The statewide average rack price of a gallon of motor fuel determined by the  
 6762 commission under Subsection (1)(b) may not exceed:
- 6763 (A) for a calendar year beginning on January 1, 2024, \$2.57 per gallon;  
 6764 (B) for a calendar year beginning on January 1, 2025, \$2.71 per gallon; and  
 6765 (C) for a calendar year beginning on January 1, 2026, \$2.82 per gallon[~~; and~~].  
 6766 [~~(D) for a calendar year beginning on January 1, 2028, and thereafter, \$2.96 per~~  
 6767 ~~gallon.~~]
- 6768 (iv) The minimum statewide average rack price of a gallon of motor fuel described  
 6769 and adjusted under Subsections (1)(c)(i) and (ii) may not exceed the maximum  
 6770 statewide average rack price of a gallon of motor fuel under Subsection (1)(c)(iii).
- 6771 (d)(i) The commission shall annually:
- 6772 [~~(A) determine the statewide average rack price of a gallon of motor fuel in~~  
 6773 ~~accordance with Subsections (1)(b) and (c);]~~
- 6774 [~~(B)] (A) adjust the fuel tax rate imposed under Subsection (1)(a), rounded to the~~  
 6775 ~~nearest one-tenth of a cent, based on the determination under Subsection (1)(b);~~  
 6776 [~~(C)] (B) publish the adjusted fuel tax as a cents per gallon rate; and~~

6777                    [~~(D)~~] (C) post or otherwise make public the adjusted fuel tax rate [as determined in  
6778                    Subsection (1)(d)(i)(B)] no later than 60 days before the annual effective date  
6779                    under Subsection (1)(d)(ii).

6780                    (ii) The tax rate imposed under this Subsection (1) and adjusted as required under  
6781                    Subsection (1)(d)(i) shall take effect on January 1 of each year.

6782                    (e) In lieu of the tax imposed under Subsection (1)(a) and subject to the provisions of  
6783                    this section, a tax is imposed at the rate of 3/19 of the rate imposed under Subsection  
6784                    (1)(a), rounded up to the nearest penny, upon all motor fuels that meet the definition  
6785                    of clean fuel in Section 59-13-102 and are sold, used, or received for sale or use in  
6786                    this state.

6787                    (2) Any increase or decrease in tax rate applies to motor fuel that is imported to the state or  
6788                    sold at refineries in the state on or after the effective date of the rate change.

6789                    (3)(a) No motor fuel tax is imposed upon:

6790                    (i) motor fuel that is brought into and sold in this state in original packages as purely  
6791                    interstate commerce sales;

6792                    (ii) motor fuel that is exported from this state if proof of actual exportation on forms  
6793                    prescribed by the commission is made within 180 days after exportation;

6794                    (iii) motor fuel or components of motor fuel that is sold and used in this state and  
6795                    distilled from coal, oil shale, rock asphalt, bituminous sand, or solid hydrocarbons  
6796                    located in this state; or

6797                    (iv) motor fuel that is sold to the United States government, this state, or the political  
6798                    subdivisions of this state.

6799                    (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
6800                    commission shall make rules governing the procedures for administering the tax  
6801                    exemption provided under Subsection (3)(a)(iv).

6802                    (4) The commission may either collect no tax on motor fuel exported from the state or,  
6803                    upon application, refund the tax paid.

6804                    (5)(a) All revenue received by the commission under this part shall be deposited daily  
6805                    with the state treasurer and credited to the Transportation Fund.

6806                    (b) An appropriation from the Transportation Fund shall be made to the commission to  
6807                    cover expenses incurred in the administration and enforcement of this part and the  
6808                    collection of the motor fuel tax.

6809                    (6)(a) The commission shall determine what amount of motor fuel tax revenue is  
6810                    received from the sale or use of motor fuel used in motorboats registered under Title

6811 73, Chapter 18, State Boating Act, and this amount shall be deposited into a restricted  
6812 revenue account in the General Fund of the state.

6813 (b) The funds from this account shall be used for the construction, improvement,  
6814 operation, and maintenance of state-owned boating facilities and for the payment of  
6815 the costs and expenses of the Division of Outdoor Recreation in administering and  
6816 enforcing Title 73, Chapter 18, State Boating Act.

6817 (7)(a) The United States government or any of its instrumentalities, this state, or a  
6818 political subdivision of this state that has purchased motor fuel from a licensed  
6819 distributor or from a retail dealer of motor fuel and has paid the tax on the motor fuel  
6820 as provided in this section is entitled to a refund of the tax and may file with the  
6821 commission for a quarterly refund.

6822 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
6823 commission shall make rules governing the application and refund provided for in  
6824 Subsection (7)(a).

6825 (8)(a) The commission shall refund annually into the Off-highway Vehicle Account in  
6826 the General Fund an amount equal to .5% of the motor fuel tax revenues collected  
6827 under this section.

6828 (b) This amount shall be used as provided in Section 41-22-19.

6829 (9)(a) Beginning on April 1, 2001, a tax imposed under this section on motor fuel that is  
6830 sold, used, or received for sale or use in this state is reduced to the extent provided in  
6831 Subsection (9)(b) if:

6832 (i) a tax imposed on the basis of the sale, use, or receipt for sale or use of the motor  
6833 fuel is paid to the Navajo Nation;

6834 (ii) the tax described in Subsection (9)(a)(i) is imposed without regard to whether [~~or~~  
6835 ~~not~~]the person required to pay the tax is an enrolled member of the Navajo  
6836 Nation; and

6837 (iii) the commission and the Navajo Nation execute and maintain an agreement as  
6838 provided in this Subsection (9) for the administration of the reduction of tax.

6839 (b)(i) If but for Subsection (9)(a) the motor fuel is subject to a tax imposed by this  
6840 section:

6841 (A) the state shall be paid the difference described in Subsection (9)(b)(ii) if that  
6842 difference is greater than \$0; and

6843 (B) a person may not require the state to provide a refund, a credit, or similar tax  
6844 relief if the difference described in Subsection (9)(b)(ii) is less than or equal to

- 6845                   \$0.
- 6846           (ii) The difference described in Subsection (9)(b)(i) is equal to the difference between:
- 6847                   (A) the amount of tax imposed on the motor fuel by this section; less
- 6848                   (B) the tax imposed and collected by the Navajo Nation on the motor fuel.
- 6849   (c) For purposes of Subsections (9)(a) and (b), the tax paid to the Navajo Nation under a
- 6850   tax imposed by the Navajo Nation on the basis of the sale, use, or receipt for sale or
- 6851   use of motor fuel does not include any interest or penalties a taxpayer may be
- 6852   required to pay to the Navajo Nation.
- 6853   (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
- 6854   commission shall make rules governing the procedures for administering the
- 6855   reduction of tax provided under this Subsection (9).
- 6856   (e) The agreement required under Subsection (9)(a):
- 6857       (i) may not:
- 6858           (A) authorize the state to impose a tax in addition to a tax imposed under this
- 6859           chapter;
- 6860           (B) provide a reduction of taxes greater than or different from the reduction
- 6861           described in this Subsection (9); or
- 6862           (C) affect the power of the state to establish rates of taxation;
- 6863       (ii) shall:
- 6864           (A) be in writing;
- 6865           (B) be signed by:
- 6866               (I) the chair of the commission or the chair's designee; and
- 6867               (II) a person designated by the Navajo Nation that may bind the Navajo Nation;
- 6868           (C) be conditioned on obtaining any approval required by federal law;
- 6869           (D) state the effective date of the agreement; and
- 6870           (E) state any accommodation the Navajo Nation makes related to the construction
- 6871           and maintenance of state highways and other infrastructure within the Utah
- 6872           portion of the Navajo Nation; and
- 6873       (iii) may:
- 6874           (A) notwithstanding Section 59-1-403, authorize the commission to disclose to the
- 6875           Navajo Nation information that is:
- 6876               (I) contained in a document filed with the commission; and
- 6877               (II) related to the tax imposed under this section;
- 6878           (B) provide for maintaining records by the commission or the Navajo Nation; or

6879 (C) provide for inspections or audits of distributors, carriers, or retailers located or  
6880 doing business within the Utah portion of the Navajo Nation.

6881 (f)(i) If, on or after April 1, 2001, the Navajo Nation changes the tax rate of a tax  
6882 imposed on motor fuel, any change in the reduction of taxes under this Subsection  
6883 (9) as a result of the change in the tax rate is not effective until the first day of the  
6884 calendar quarter after a 60-day period beginning on the date the commission  
6885 receives notice:

6886 (A) from the Navajo Nation; and

6887 (B) meeting the requirements of Subsection (9)(f)(ii).

6888 (ii) The notice described in Subsection (9)(f)(i) shall state:

6889 (A) that the Navajo Nation has changed or will change the tax rate of a tax  
6890 imposed on motor fuel;

6891 (B) the effective date of the rate change of the tax described in Subsection  
6892 (9)(f)(ii)(A); and

6893 (C) the new rate of the tax described in Subsection (9)(f)(ii)(A).

6894 (g) If the agreement required by Subsection (9)(a) terminates, a reduction of tax is not  
6895 permitted under this Subsection (9) beginning on the first day of the calendar quarter  
6896 after a 30-day period beginning on the day the agreement terminates.

6897 (h) If there is a conflict between this Subsection (9) and the agreement required by  
6898 Subsection (9)(a), this Subsection (9) governs.

6899 Section 102. Section **59-13-301** is amended to read:

6900 **59-13-301 (Effective 01/01/27). Tax basis -- Rate -- Exemptions -- Revenue**  
6901 **deposited with treasurer and credited to Transportation Fund -- Reduction of tax in**  
6902 **limited circumstances.**

6903 (1)(a) Except as provided in Subsections (2), (3), (11), and (12) and Section 59-13-304,  
6904 a tax is imposed at the same rate imposed under Subsection 59-13-201(1)(a) on the:

6905 (i) removal of undyed diesel fuel from any refinery;

6906 (ii) removal of undyed diesel fuel from any terminal;

6907 (iii) entry into the state of any undyed diesel fuel for consumption, use, sale, or  
6908 warehousing;

6909 (iv) sale of undyed diesel fuel to any person who is not registered as a supplier under  
6910 this part unless the tax has been collected under this section;

6911 (v) any untaxed special fuel blended with undyed diesel fuel; or

6912 (vi) use of untaxed special fuel other than propane or electricity.

- 6913 (b) The tax imposed under this section shall only be imposed once upon any special fuel.  
6914 (2)(a) No special fuel tax is imposed or collected upon dyed diesel fuel which:  
6915 (i) is sold or used for any purpose other than to operate or propel a motor vehicle  
6916 upon the public highways of the state, but this exemption applies only in those  
6917 cases where the purchasers or the users of special fuel establish to the satisfaction  
6918 of the commission that the special fuel was used for purposes other than to operate  
6919 a motor vehicle upon the public highways of the state; or  
6920 (ii) is sold to this state or any of its political subdivisions.
- 6921 (b) No special fuel tax is imposed on undyed diesel fuel or clean fuel that is:  
6922 (i) sold to the United States government or any of its instrumentalities or to this state  
6923 or any of its political subdivisions;  
6924 (ii) exported from this state if proof of actual exportation on forms prescribed by the  
6925 commission is made within 180 days after exportation;  
6926 (iii) used in a vehicle off-highway;  
6927 (iv) used to operate a power take-off unit of a vehicle;  
6928 (v) used for off-highway agricultural uses;  
6929 (vi) used in a separately fueled engine on a vehicle that does not propel the vehicle  
6930 upon the highways of the state; or  
6931 (vii) used in machinery and equipment not registered and not required to be  
6932 registered for highway use.
- 6933 (3) No tax is imposed or collected on special fuel if it is:  
6934 (a)(i) purchased for business use in machinery and equipment not registered and not  
6935 required to be registered for highway use; and  
6936 (ii) used ~~[pursuant to]~~ in accordance with the conditions of a state implementation  
6937 plan approved under Title 19, Chapter 2, Air Conservation Act; or  
6938 (b) propane or electricity.
- 6939 (4) Upon request of a buyer meeting the requirements under Subsection (3), the Division of  
6940 Air Quality shall issue an exemption certificate that may be shown to a seller.
- 6941 (5) The special fuel tax shall be paid by the supplier.
- 6942 (6)(a) The special fuel tax shall be paid by every user who is required by Sections  
6943 59-13-303 and 59-13-305 to obtain a special fuel user permit and file special fuel tax  
6944 reports.  
6945 (b) The user shall receive a refundable credit for special fuel taxes paid on purchases  
6946 which are delivered into vehicles and for which special fuel tax liability is reported.

- 6947 (7)(a) Except as provided under Subsections (7)(b) and (c), all revenue received by the  
6948 commission from taxes and license fees under this part shall be deposited daily with  
6949 the state treasurer and credited to the Transportation Fund.
- 6950 (b) An appropriation from the Transportation Fund shall be made to the commission to  
6951 cover expenses incurred in the administration and enforcement of this part and the  
6952 collection of the special fuel tax.
- 6953 (c) Five dollars of each special fuel user trip permit fee paid under Section 59-13-303  
6954 may be used by the commission as a dedicated credit to cover the costs of electronic  
6955 credentialing as provided in Section 41-1a-303.
- 6956 (8) The commission may either collect no tax on special fuel exported from the state or,  
6957 upon application, refund the tax paid.
- 6958 (9)(a) The United States government or any of its instrumentalities, this state, or a  
6959 political subdivision of this state that has purchased special fuel from a supplier or  
6960 from a retail dealer of special fuel and has paid the tax on the special fuel as provided  
6961 in this section is entitled to a refund of the tax and may file with the commission for a  
6962 quarterly refund in a manner prescribed by the commission.
- 6963 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
6964 commission shall make rules governing the application and refund provided for in  
6965 Subsection (9)(a).
- 6966 (10)(a) The purchaser shall pay the tax on diesel fuel or clean fuel purchased for uses  
6967 under Subsections (2)(b)(i), (iii), (iv), (v), (vi), and (vii) and apply for a refund for the  
6968 tax paid as provided in Subsection (9) and this Subsection (10).
- 6969 (b) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
6970 commission shall make rules governing the application and refund for off-highway  
6971 and nonhighway uses provided under Subsections (2)(b)(iii), (iv), (vi), and (vii).
- 6972 (c) A refund of tax paid under this part on diesel fuel used for nonhighway agricultural  
6973 uses shall be made in accordance with the tax return procedures under Section  
6974 59-13-202.
- 6975 (11)(a) Beginning on April 1, 2001, a tax imposed under this section on special fuel is  
6976 reduced to the extent provided in Subsection (11)(b) if:
- 6977 (i) the Navajo Nation imposes a tax on the special fuel;
- 6978 (ii) the tax described in Subsection (11)(a)(i) is imposed without regard to whether  
6979 the person required to pay the tax is an enrolled member of the Navajo Nation; and
- 6980 (iii) the commission and the Navajo Nation execute and maintain an agreement as

6981 provided in this Subsection (11) for the administration of the reduction of tax.

6982 (b)(i) If but for Subsection (11)(a) the special fuel is subject to a tax imposed by this

6983 section:

6984 (A) the state shall be paid the difference described in Subsection (11)(b)(ii) if that  
6985 difference is greater than \$0; and

6986 (B) a person may not require the state to provide a refund, a credit, or similar tax  
6987 relief if the difference described in Subsection (11)(b)(ii) is less than or equal  
6988 to \$0.

6989 (ii) The difference described in Subsection (11)(b)(i) is equal to the difference  
6990 between:

6991 (A) the amount of tax imposed on the special fuel by this section; less

6992 (B) the tax imposed and collected by the Navajo Nation on the special fuel.

6993 (c) For purposes of Subsections (11)(a) and (b), the tax paid to the Navajo Nation on the  
6994 special fuel does not include any interest or penalties a taxpayer may be required to  
6995 pay to the Navajo Nation.

6996 (d) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the  
6997 commission shall make rules governing the procedures for administering the  
6998 reduction of tax provided under this Subsection (11).

6999 (e) The agreement required under Subsection (11)(a):

7000 (i) may not:

7001 (A) authorize the state to impose a tax in addition to a tax imposed under this  
7002 chapter;

7003 (B) provide a reduction of taxes greater than or different from the reduction  
7004 described in this Subsection (11); or

7005 (C) affect the power of the state to establish rates of taxation;

7006 (ii) shall:

7007 (A) be in writing;

7008 (B) be signed by:

7009 (I) the chair of the commission or the chair's designee; and

7010 (II) a person designated by the Navajo Nation that may bind the Navajo Nation;

7011 (C) be conditioned on obtaining any approval required by federal law;

7012 (D) state the effective date of the agreement; and

7013 (E) state any accommodation the Navajo Nation makes related to the construction  
7014 and maintenance of state highways and other infrastructure within the Utah

7015 portion of the Navajo Nation; and

7016 (iii) may:

7017 (A) notwithstanding Section 59-1-403, authorize the commission to disclose to the  
7018 Navajo Nation information that is:

7019 (I) contained in a document filed with the commission; and

7020 (II) related to the tax imposed under this section;

7021 (B) provide for maintaining records by the commission or the Navajo Nation; or

7022 (C) provide for inspections or audits of suppliers, distributors, carriers, or retailers  
7023 located or doing business within the Utah portion of the Navajo Nation.

7024 (f)(i) If, on or after April 1, 2001, the Navajo Nation changes the tax rate of a tax  
7025 imposed on special fuel, any change in the amount of the reduction of taxes under  
7026 this Subsection (11) as a result of the change in the tax rate is not effective until  
7027 the first day of the calendar quarter after a 60-day period beginning on the date the  
7028 commission receives notice:

7029 (A) from the Navajo Nation; and

7030 (B) meeting the requirements of Subsection (11)(f)(ii).

7031 (ii) The notice described in Subsection (11)(f)(i) shall state:

7032 (A) that the Navajo Nation has changed or will change the tax rate of a tax  
7033 imposed on special fuel;

7034 (B) the effective date of the rate change of the tax described in Subsection  
7035 (11)(f)(ii)(A); and

7036 (C) the new rate of the tax described in Subsection (11)(f)(ii)(A).

7037 (g) If the agreement required by Subsection (11)(a) terminates, a reduction of tax is not  
7038 permitted under this Subsection (11) beginning on the first day of the calendar  
7039 quarter after a 30-day period beginning on the day the agreement terminates.

7040 (h) If there is a conflict between this Subsection (11) and the agreement required by  
7041 Subsection (11)(a), this Subsection (11) governs.

7042 (12)(a)(i) Subject to Subsections (12)(a)(ii) and (iii), a tax imposed under this section  
7043 on compressed natural gas is imposed at a rate of:

7044 (A) until June 30, 2016, 10-1/2 cents per gasoline gallon equivalent;

7045 (B) beginning on July 1, 2016, and until June 30, 2017, 12-1/2 cents per gasoline  
7046 gallon equivalent;

7047 (C) beginning on July 1, 2017, and until June 30, 2018, 14-1/2 cents per gasoline  
7048 gallon equivalent; and

7049 (D) beginning on or after July 1, 2018, 16-1/2 cents per gasoline gallon equivalent.

7050 (ii) Beginning on January 1, 2020, and ending on December 31, 2026, the

7051 commission shall, on January 1, annually adjust the rate of a tax imposed under  
7052 this section on compressed natural gas by taking the rate for the previous calendar  
7053 year and adding an amount equal to the greater of:

7054 (A) an amount calculated by multiplying the rate of a tax imposed under this  
7055 section on compressed natural gas for the previous calendar year by the actual  
7056 percent change during the previous fiscal year in the Consumer Price Index; and

7057 (B) 0.

7058 (iii) The rate of a tax imposed under this section on compressed natural gas

7059 determined by the commission under Subsection (12)(a)(ii) may not exceed 22-1/2  
7060 cents per gasoline gallon equivalent.

7061 (b)(i) Subject to Subsections (12)(b)(ii) and (iii), a tax imposed under this section on  
7062 liquified natural gas is imposed at a rate of:

7063 (A) until June 30, 2016, 10-1/2 cents per diesel gallon equivalent;

7064 (B) beginning on July 1, 2016, and until June 30, 2017, 12-1/2 cents per diesel  
7065 gallon equivalent;

7066 (C) beginning on July 1, 2017, and until June 30, 2018, 14-1/2 cents per diesel  
7067 gallon equivalent; and

7068 (D) beginning on or after July 1, 2018, 16-1/2 cents per diesel gallon equivalent.

7069 (ii) Beginning on January 1, 2020, and ending on December 31, 2026, the

7070 commission shall, on January 1, annually adjust the rate of a tax imposed under  
7071 this section on liquified natural gas by taking the rate for the previous calendar  
7072 year and adding an amount equal to the greater of:

7073 (A) an amount calculated by multiplying the rate of a tax imposed under this  
7074 section on liquified natural gas for the previous calendar year by the actual  
7075 percent change during the previous fiscal year in the Consumer Price Index; and

7076 (B) 0.

7077 (iii) The rate of a tax imposed under this section on liquified natural gas determined

7078 by the commission under Subsection (12)(b)(ii) may not exceed 22-1/2 cents per  
7079 diesel gallon equivalent.

7080 (c)(i) Subject to Subsections (12)(c)(ii) and (iii), a tax imposed under this section on  
7081 hydrogen used to operate or propel a motor vehicle upon the public highways of  
7082 the state is imposed at a rate of:

- 7083 (A) until June 30, 2016, 10-1/2 cents per gasoline gallon equivalent;  
 7084 (B) beginning on July 1, 2016, and until June 30, 2017, 12-1/2 cents per gasoline  
 7085 gallon equivalent;  
 7086 (C) beginning on July 1, 2017, and until June 30, 2018, 14-1/2 cents per gasoline  
 7087 gallon equivalent; and  
 7088 (D) beginning on or after July 1, 2018, 16-1/2 cents per gasoline gallon equivalent.

7089 (ii) Beginning on January 1, 2020, and ending on December 31, 2026, the  
 7090 commission shall, on January 1, annually adjust the rate of a tax imposed under  
 7091 this section on hydrogen used to operate or propel a motor vehicle upon the public  
 7092 highways of the state by taking the rate for the previous calendar year and adding  
 7093 an amount equal to the greater of:

- 7094 (A) an amount calculated by multiplying the rate of a tax imposed under this  
 7095 section on hydrogen used to operate or propel a motor vehicle upon the public  
 7096 highways of the state for the previous calendar year by the actual percent  
 7097 change during the previous fiscal year in the Consumer Price Index; and  
 7098 (B) 0.

7099 (iii) The rate of a tax imposed under this section on hydrogen used to operate or  
 7100 propel a motor vehicle upon the public highways of the state determined by the  
 7101 commission under Subsection (12)(c)(ii) may not exceed 22-1/2 cents per gasoline  
 7102 gallon equivalent.

7103 (d)(i) The commission shall annually:

7104 [~~(A) adjust the fuel tax rates imposed under Subsections (12)(a)(ii), (b)(ii), and~~  
 7105 ~~(c)(ii), rounded to the nearest one-tenth of a cent;]~~

7106 [~~(B)~~ (A) publish the [adjusted] fuel tax as a cents per gallon rate; and

7107 [~~(C)~~ (B) post or otherwise make public the [adjusted] fuel tax rate [as determined  
 7108 in Subsection (12)(d)(i)(A)] no later than 60 days [prior to] before the annual  
 7109 effective date under Subsection (12)(d)(ii).

7110 (ii) The tax rates imposed under this Subsection (12) [~~and adjusted as required under~~  
 7111 ~~Subsection (12)(d)(i)] shall take effect on January 1 of each year.~~

7112 Section 103. Section **63G-7-704** is amended to read:

7113 **63G-7-704 (Effective 01/01/27). Tax levy by political subdivisions for payment of**  
 7114 **claims, judgments, or insurance premiums.**

7115 (1) Notwithstanding any provision of law to the contrary, a political subdivision may levy  
 7116 an annual property tax sufficient to pay:

- 7117 (a) any claim, settlement, or judgment, including interest payments and issuance costs  
 7118 for bonds issued under Subsection 11-14-103(1)(d) to pay the portion of any claim,  
 7119 settlement, or judgment that exceeds \$3,000,000;
- 7120 (b) the costs to defend against any claim, settlement, or judgment; or  
 7121 (c) for the establishment and maintenance of a reserve fund for the payment of claims,  
 7122 settlements, or judgments that may be reasonably anticipated.
- 7123 (2)(a) The payments authorized to pay for punitive damages or to pay the premium for  
 7124 authorized insurance is money spent for a public purpose within the meaning of this  
 7125 section and Utah Constitution, Article XIII, Sec. 5, even though, as a result of the  
 7126 levy, the maximum levy as otherwise restricted by law is exceeded.
- 7127 (b)(i) Except as provided in Subsection (2)(b)(ii), a levy under this section may not  
 7128 exceed .0001 per dollar of taxable value of taxable property.
- 7129 (ii) A levy under Subsection (1)(a) to pay the portion of any claim, settlement, or  
 7130 judgment that exceeds \$3,000,000 may not exceed .001 per dollar of taxable value  
 7131 of taxable property.
- 7132 (c) Except as provided in Subsection 17-63-808(2), the revenues derived from this levy  
 7133 may not be used for any purpose other than those specified in this section.
- 7134 (3) [~~Beginning January 1, 2012, a~~] A local school board may not levy a tax in accordance  
 7135 with this section.
- 7136 (4) A political subdivision that levies an annual property tax under Subsection (1)(a) to pay  
 7137 the portion of any claim, settlement, or judgment[ ~~that exceeds \$3,000,000~~]:
- 7138 (a) shall comply with the notice and public hearing requirements under Section [  
 7139 ~~59-2-919~~] 59-2-918.5; and
- 7140 (b) may levy the annual property tax until the bonds' maturity dates expire.  
 7141 Section 104. Section **72-2-121.1** is amended to read:
- 7142 **72-2-121.1 (Effective 01/01/27). Highway Projects Within Counties Fund --**  
 7143 **Accounting for revenues -- Interest -- Expenditure of revenues.**
- 7144 (1) There is created a special revenue fund within the Transportation Fund known as the  
 7145 "Highway Projects Within Counties Fund."
- 7146 (2) The Highway Projects Within Counties Fund shall be funded by revenues generated by  
 7147 a tax imposed by a county under Section 59-12-2216, if those revenues are allocated:
- 7148 (a) for a state highway within the county; and  
 7149 (b) in accordance with Section 59-12-2216.
- 7150 (3) The department shall make a separate accounting for:

- 7151 (a) the revenues described in Subsection (2); and  
 7152 (b) each county for which revenues are deposited into the Highway Projects Within  
 7153 Counties Fund.
- 7154 (4)(a) The Highway Projects Within Counties Fund shall earn interest.  
 7155 (b) The department shall allocate the interest earned on the Highway Projects Within  
 7156 Counties Fund:  
 7157 (i) proportionately;  
 7158 (ii) to each county's balance in the Highway Projects Within Counties Fund; and  
 7159 (iii) on the basis of each county's balance in the Highway Projects Within Counties  
 7160 Fund.

7161 (5) The department shall expend the revenues and interest deposited into the Highway  
 7162 Projects Within Counties Fund to pay:

- 7163 (a) for a state highway project within the county for which the requirements of  
 7164 Subsection [~~59-12-2216(6)~~] 59-12-2216(5) are met;  
 7165 (b) debt service on a project described in Subsection (5)(a); or  
 7166 (c) bond issuance costs related to a project described in Subsection (5)(a).

7167 Section 105. **Repealer.**

7168 This bill repeals:

7169 Section **20A-7-609.5, Election on referendum challenging local tax law conducted**  
 7170 **entirely by mail.**

7171 Section **20A-7-613, Property tax referendum petition.**

7172 Section **53F-8-402, Special tax to buy school building sites, build and furnish**  
 7173 **schoolhouses, or improve school property.**

7174 Section **59-1-1602, Definitions.**

7175 Section **59-1-1603, Applicability of part.**

7176 Section **59-2-301.3, Definitions -- Assessment of real property subject to a low-income**  
 7177 **housing covenant.**

7178 Section **59-2-301.8, Assessment of multi-tenant residential property.**

7179 Section **59-2-306.5, Valuation of personal property of telecommunications service**  
 7180 **provider -- Reporting information to counties.**

7181 Section **59-2-402, Proportional assessment of transitory personal property brought from**  
 7182 **outside state -- Exemptions -- Reporting requirements -- Penalty for failure to file report --**  
 7183 **Claims for rebates and adjustments.**

7184 Section **59-2-918.6, New and remaining school district budgets -- Advertisement --**

7185 **Public hearing.**7186 Section **59-2-919.2, Consolidated advertisement of public hearings.**7187 Section **59-2-922, Replacement resolution for greater tax rate.**7188 Section **59-2-923, Expenditures of money prior to adoption of budget or tax rate.**7189 Section **59-12-2212.1, Transition provisions.**7190 Section 106. **Effective Date.**

7191 This bill takes effect on January 1, 2027, if the amendment to the Utah Constitution  
7192 proposed by H.J.R. 20, Proposal to Amend Utah Constitution -- Utah Taxpayer Oversight of  
7193 Government Spending, 2026 General Session, passes the Legislature and is approved by a  
7194 majority of those voting on it at the next regular general election.