

1 **PROPERTY TAX - GOVERNING BODY AND**
2 **VOTER APPROVAL**

3 2000 GENERAL SESSION

4 STATE OF UTAH

5 **Sponsor: L. Steven Poulton**

6 AN ACT RELATING TO THE PROPERTY TAX ACT; REINSTATING THE REQUIREMENT
7 THAT A TAXING ENTITY IS REQUIRED TO OBTAIN GOVERNING BODY APPROVAL
8 AND VOTER APPROVAL TO IMPOSE A TAX RATE THAT EXCEEDS THE CERTIFIED
9 TAX RATE; PROVIDING EXCEPTIONS TO THE GOVERNING BODY AND VOTER
10 APPROVAL REQUIREMENTS; DELETING OBSOLETE LANGUAGE; MAKING
11 TECHNICAL CHANGES; AND PROVIDING FOR RETROSPECTIVE OPERATION.

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

13 AMENDS:

14 **59-2-924**, as last amended by Chapter 353, Laws of Utah 1999

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

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

17 **59-2-924. Report of valuation of property to county auditor and commission --**
18 **Transmittal by auditor to governing bodies -- Certified tax rate -- Adoption of tentative**
19 **budget.**

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

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

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

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

- 28 (i) the statements described in Subsections (1)(a)(i) and (ii);
- 29 (ii) an estimate of the revenue from personal property;
- 30 (iii) the certified tax rate; and
- 31 (iv) all forms necessary to submit a tax levy request.

32 (2) (a) (i) The "certified tax rate" means a tax rate that will provide the same ad valorem
33 property tax revenues for a taxing entity as were collected by that taxing entity for the prior year.

34 (ii) For purposes of this Subsection (2), "ad valorem property tax revenues" do not include:

- 35 (A) collections from redemptions;
- 36 (B) interest; and
- 37 (C) penalties.

38 (iii) Except as provided in Subsection (2)(a)(iv), the certified tax rate shall be calculated
39 by dividing the ad valorem property tax revenues collected for the prior year by the taxing entity
40 by the taxable value established in accordance with Section 59-2-913.

41 (iv) The certified tax rates for the taxing entities described in this Subsection (2)(a)(iv)
42 shall be calculated as follows:

43 (A) except as provided in Subsection (2)(a)(iv)(B), for new taxing entities the certified tax
44 rate is zero;

45 (B) for each municipality incorporated on or after July 1, 1996, the certified tax rate is:

46 (I) in a county of the first, second, or third class, the levy imposed for municipal-type
47 services under Sections 17-34-1 and 17-36-9; and

48 (II) in a county of the fourth, fifth, or sixth class, the levy imposed for general county
49 purposes and such other levies imposed solely for the municipal-type services identified in Section
50 17-34-2 and Subsection 17-36-3(22); and

51 (C) for debt service voted on by the public, the certified tax rate shall be the actual levy
52 imposed by that section, except that the certified tax rates for the following levies shall be
53 calculated in accordance with Section 59-2-913 and this section:

54 (I) school leeways provided for under Sections 11-2-7, 53A-16-110, 53A-17a-125,
55 53A-17a-127, 53A-17a-134, 53A-17a-143, 53A-17a-145, and 53A-21-103; and

56 (II) levies to pay for the costs of state legislative mandates or judicial or administrative
57 orders under Section 59-2-906.3.

58 (v) A judgment levy imposed under Section 59-2-1328 or Section 59-2-1330 shall be

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

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

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

66 (iii) "New growth" means:

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

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

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

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

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

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

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

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

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

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

93 ~~[(g) For the calendar year beginning on January 1, 1999, and ending on December 31,~~
94 ~~1999, a taxing entity's certified tax rate shall be adjusted by the amount necessary to offset the~~
95 ~~adjustment in revenues from uniform fees on tangible personal property under Section 59-2-405.1~~
96 ~~as a result of the adjustment in uniform fees on tangible personal property under Section~~
97 ~~59-2-405.1 enacted by the Legislature during the 1998 Annual General Session.]~~

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

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

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

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

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

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

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

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

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

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

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

121 17A-2-1202(2) is reduced due to a decrease in the certified tax rate under Subsection (2)(c) or
122 (2)(d)(i); and

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

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

131 (5) (a) Except as provided in ~~[Subsections]~~ Subsection (5)(d) ~~[through (f)]~~, for ~~[the]~~
132 ~~calendar [year] years~~ beginning on or after January 1, ~~[1998]~~ 2000, ~~[and ending December 31,~~
133 ~~1998;]~~ to impose a tax rate that exceeds the certified tax rate established in Subsection (2), a taxing
134 entity shall obtain approval ~~[for the]~~ to impose the tax ~~[increase by]~~ rate from a majority ~~[vote]~~ of
135 the:

136 (i) members of the taxing entity's governing body; and

137 (ii) [people] taxing entity's registered voters voting on the imposition of the tax as provided
138 in Subsection (5)(b).

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

141 (i) hold an election on:

142 (A) the fourth Tuesday in June in even-numbered years; or

143 (B) the first Tuesday after the first Monday in August; and

144 (ii) conduct the election according to the procedures and requirements of Title 20A,
145 Election Code, governing ~~[local]~~ the taxing entity's elections.

146 (c) A tax rate imposed by a taxing entity under this Subsection (5) may not exceed the
147 maximum levy permitted by law under Section 59-2-908.

148 (d) Notwithstanding Subsection (5)(a), a school district is not required to ~~[obtain voter]~~
149 meet the approval ~~[under this Subsection]~~ requirements of Subsections (5)(a)(i) and (ii) to impose
150 a tax rate that exceeds the certified tax rate:

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

152 under Section 53A-17a-135;

153 ~~[(ii) under Section 53A-21-103;]~~

154 ~~[(iii) under Section 53A-16-111;]~~

155 ~~[(iv)]~~ (ii) if, on or after January 1, ~~[1997]~~ 1999, but on or before December 31, ~~[1997]~~

156 1999, the school district obtained ~~[voter]~~ approval to impose the tax rate pursuant to a statute other
157 than this section, requiring approval to impose the tax rate from a majority of the:

158 (A) members of the taxing entity's governing body; and

159 (B) taxing entity's registered voters voting on the imposition of the tax rate; or

160 ~~[(v)]~~ (iii) if, on or after January 1, ~~[1998]~~ 2000, the school district obtains ~~[voter]~~ approval

161 to impose the tax rate ~~[under]~~ pursuant to a [statutory provision;] statute other than ~~[the provisions~~

162 ~~of]~~ this section, requiring ~~[voter]~~ approval to impose the tax rate from a majority of the:

163 (A) members of the taxing entity's governing body; and

164 (B) taxing entity's registered voters voting on the imposition of the tax rate.

165 ~~[(e) Notwithstanding Subsection (5)(a), a municipality is not required to obtain voter~~

166 ~~approval under this Subsection (5) to impose a tax rate that exceeds the certified tax rate if:]~~

167 ~~[(i) the municipality meets the requirements of Sections 59-2-918 and 59-2-919; and]~~

168 ~~[(ii) in adopting the resolution required under Section 59-2-919, the municipal legislative~~

169 ~~body obtains approval to impose the tax rate by two-thirds of all members of the municipal~~

170 ~~legislative body.]~~

171 ~~[(f) Notwithstanding Subsection (5)(a), a county or municipality is not required to obtain~~

172 ~~voter approval under this Subsection (5) to impose a tax rate under Section 17A-2-1322 that~~

173 ~~exceeds the certified tax rate calculated for a special service district established under Title 17A,~~

174 ~~Chapter 2, Part 13, Utah Special Service District Act, if the county or municipality obtained voter~~

175 ~~approval to impose a tax on property within the special service district:]~~

176 ~~[(i) under Section 17A-2-1322; and]~~

177 ~~[(ii) on or after June 1, 1996.]~~

178 **Section 2. Retrospective operation.**

179 This act has retrospective operation to January 1, 2000.

Legislative Review Note
as of 12-13-99 3:13 PM

A limited legal review of this legislation raises no obvious constitutional or statutory concerns.

Office of Legislative Research and General Counsel