

Representative Glenn L. Way proposes to substitute the following bill:

PROPERTY TAX INCREASE - NOTICE

REQUIREMENTS

2001 GENERAL SESSION

STATE OF UTAH

Sponsor: Glenn L. Way

This act modifies the Property Tax Act, the State System of Public Education, the Utah Municipal Code, and the County Code to provide that the Legislature may not pass legislation increasing certain property tax levies for education or property tax assessing or collecting unless the Office of the Legislative Fiscal Analyst first publishes notice of the increases on or before the 37th day of a general session. The act provides procedures and requirements for publishing the notice of a property tax increase. The act makes technical changes.

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

AMENDS:

10-6-105, as last amended by Chapter 300, Laws of Utah 1999

17-36-3.5, as enacted by Chapter 300, Laws of Utah 1999

53A-17a-103, as last amended by Chapter 264, Laws of Utah 2000

53A-17a-135, as last amended by Chapter 264, Laws of Utah 2000

59-2-102, as last amended by Chapter 61, Laws of Utah 2000

59-2-906.1, as last amended by Chapters 19 and 322, Laws of Utah 1998

59-2-926, as enacted by Chapter 271, Laws of Utah 1995

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

Section 1. Section **10-6-105** is amended to read:

10-6-105. Fiscal period -- Annual or biennial.

(1) Except as provided in Subsection (2), the fiscal period for each city shall be an annual



26 period beginning July 1 of each year and ending June 30 of the following year.

27 (2) (a) Notwithstanding Subsection (1), the legislative body of a city may, by ordinance,
28 adopt for the city a fiscal period that is a biennial period beginning July 1 and ending June 30 of
29 the second following calendar year.

30 (b) Each city adopting an ordinance under Subsection (2)(a) shall separately specify in its
31 budget the amount of ad valorem property tax it intends to levy and collect during both the first
32 half and the second half of the budget period.

33 (c) Each city that adopts a fiscal period that is a biennial period under Subsection (2)(a)
34 shall:

35 (i) comply with Sections 59-2-912 through [~~59-2-926~~] 59-2-924 as if it had adopted a
36 fiscal period that is an annual period; and

37 (ii) allocate budgeted revenues and expenditures to each of the two annual periods in the
38 biennial budget.

39 (d) The legislative body of each city that adopts a fiscal period that is a biennial period
40 under Subsection (2)(a) shall, within ten days after the adoption of the ordinance adopting the
41 biennial period, deliver a copy of the ordinance to the state auditor.

42 Section 2. Section **17-36-3.5** is amended to read:

43 **17-36-3.5. Fiscal period -- Annual or biennial.**

44 (1) Except as provided in Subsection (2), the fiscal period for each county shall be an
45 annual period beginning on January 1 of each year and ending December 31 of the same calendar
46 year.

47 (2) (a) Notwithstanding Subsection (1), the legislative body of a county may, by ordinance,
48 adopt for the county a fiscal period that is a biennial period beginning January 1 and ending
49 December 31 of the following calendar year.

50 (b) Each county adopting an ordinance under Subsection (2)(a) shall separately specify in
51 its budget the amount of ad valorem property tax it intends to levy and collect during both the first
52 half and the second half of the budget period.

53 (c) Each county that adopts a fiscal period that is a biennial period under Subsection (2)(a)
54 shall:

55 (i) comply with Sections 59-2-912 through [~~59-2-926~~] 59-2-924 as if it had adopted a
56 fiscal period that is an annual period; and

57 (ii) allocate budgeted revenues and expenditures to each of the two annual periods in the
58 biennial budget.

59 (d) The legislative body of each county that adopts a fiscal period that is a biennial period
60 under Subsection (2)(a) shall, within ten days after the adoption of the ordinance adopting the
61 biennial period, deliver a copy of the ordinance to the state auditor.

62 Section 3. Section **53A-17a-103** is amended to read:

63 **53A-17a-103. Definitions.**

64 As used in this chapter:

65 (1) "Basic state-supported school program" or "basic program" means public education
66 programs for kindergarten, elementary, and secondary school students that are operated and
67 maintained for the amount derived by multiplying the number of weighted pupil units for each
68 district by \$2,006, except as otherwise provided in this chapter.

69 (2) "Certified revenue levy" means a preliminary estimate of a property tax levy made by
70 the commission that provides the same amount of ad valorem property tax revenue as was
71 collected for the prior year, plus new growth, but exclusive of revenue from collections from
72 redemptions, interest, and penalties.

73 (3) "Leeway program" or "leeway" means a state-supported voted leeway program or board
74 leeway program authorized under Section 53A-17a-133 or 53A-17a-134.

75 (4) "Pupil in average daily membership (ADM)" means a full-day equivalent pupil.

76 (5) "State-supported minimum school program" or "minimum school program" means
77 public school programs for kindergarten, elementary, and secondary schools.

78 (a) The minimum school program established in the districts shall include the equivalent
79 of a school term of nine months as determined by the State Board of Education.

80 (b) (i) The board shall establish the number of days or equivalent instructional hours that
81 school is held for an academic school year.

82 (ii) Education, enhanced by utilization of technologically enriched delivery systems, when
83 approved by local school boards, shall receive full support by the State Board of Education as it
84 pertains to fulfilling the 990-hour attendance requirements, excluding time spent viewing
85 commercial advertising.

86 (c) The program shall be operated and maintained for the total of the following annual
87 costs:

- 88 (i) the cost of a basic state-supported school program;
- 89 (ii) the amount appropriated in Section 53A-17a-123 for the local program;
- 90 (iii) the amount appropriated in Section 53A-17a-125 for retirement and social security;
- 91 (A) each school district shall receive its share of retirement and social security monies
- 92 based on its total weighted pupil units compared to the total weighted pupil units for all districts
- 93 in the state;
- 94 (B) the monies needed to support retirement and social security shall be determined by
- 95 taking the district's prior year allocation and adjusting it for student growth, for the percentage
- 96 increase in the value of the weighted pupil unit, and the effect of any change in the rates for
- 97 retirement, social security, or both;
- 98 (iv) the amount of the employer contribution required or made in behalf of employees
- 99 under Sections 49-2-301 and 49-3-301;
- 100 (v) the amount of the employer contribution under Section 1400 of the Federal Insurance
- 101 Contribution Act in accordance with Section 67-11-5 for local school boards;
- 102 (vi) the amount appropriated in Chapter 17a:
- 103 (A) for an incentives for excellence program;
- 104 (B) as a contingency fund for the State Board of Education;
- 105 (C) for state-supported transportation;
- 106 (D) for a staff development program;
- 107 (E) for regional service centers;
- 108 (F) for the educational technology initiative program;
- 109 (G) for a school nurse program;
- 110 (H) for a comprehensive guidance program;
- 111 (I) for families, agencies, and communities together for children and youth at risk
- 112 programs;
- 113 (J) for experimental and developmental programs;
- 114 (K) for alternative language services programs;
- 115 (L) for highly impacted schools;
- 116 (M) for character education programs;
- 117 (N) for technology, life, careers, and work-based programs;
- 118 (O) for truancy intervention and prevention programs;

- 119 (P) for a transportation levy program;
120 (Q) for a reading initiative program;
121 (R) for a reading performance improvement scholarship program;
122 (S) for an alternative middle schools program;
123 (T) for a school land trust program; and
124 (U) for an assessment and accountability program; and
125 (vii) the cost of a leeway program.

126 (d) The program includes school construction aid programs authorized under Title 53A,
127 Chapter 21, Public Education Capital Outlay Act.

128 (6) "Weighted pupil unit or units" means the unit of measure of factors that is computed
129 in accordance with this chapter for the purpose of determining the costs of a program on a uniform
130 basis for each district.

131 Section 4. Section **53A-17a-135** is amended to read:

132 **53A-17a-135. Certified revenue levy.**

133 (1) (a) In order to qualify for receipt of the state contribution toward the basic program and
134 as its contribution toward its costs of the basic program, each school district shall impose a
135 minimum basic tax rate per dollar of taxable value that generates \$189,329,826 in revenues
136 statewide.

137 (b) The preliminary estimate for the 2000-01 tax rate is .001845.

138 (c) The State Tax Commission shall certify on or before June 22 the rate that generates
139 \$189,329,826 in revenues statewide.

140 [~~(d) If the minimum basic tax rate exceeds the certified revenue levy as defined in Section~~
141 ~~59-2-102, the state is subject to the notice requirements of Section 59-2-926.]~~

142 [~~(e) For the calendar year beginning on January 1, 1998, and ending December 31, 1998,~~
143 ~~the certified revenue levy shall be increased by the amount necessary to offset the decrease in~~
144 ~~revenues from uniform fees on tangible personal property under Section 59-2-405 as a result of~~
145 ~~the decrease in uniform fees on tangible personal property under Section 59-2-405 enacted by the~~
146 ~~Legislature during the 1997 Annual General Session.]~~

147 [~~(f) For the calendar year beginning on January 1, 1999, and ending on December 31,~~
148 ~~1999, the certified revenue levy shall be adjusted by the amount necessary to offset the adjustment~~
149 ~~in revenues from uniform fees on tangible personal property under Section 59-2-405.1 as a result~~

150 of the adjustment in uniform fees on tangible personal property under Section 59-2-405.1 enacted
151 by the Legislature during the 1998 Annual General Session.]

152 (d) The Legislature may not pass legislation authorizing the imposition of a levy under this
153 section that exceeds the certified revenue levy unless the requirements of Section 59-2-926 have
154 been met.

155 (2) (a) The state shall contribute to each district toward the cost of the basic program in
156 the district that portion which exceeds the proceeds of the levy authorized under Subsection (1).

157 (b) In accord with the state strategic plan for public education and to fulfill its
158 responsibility for the development and implementation of that plan, the Legislature instructs the
159 State Board of Education, the governor, and the Office of Legislative Fiscal Analyst in each of the
160 coming five years to develop budgets that will fully fund student enrollment growth.

161 (3) (a) If the proceeds of the levy authorized under Subsection (1) equal or exceed the cost
162 of the basic program in a school district, no state contribution shall be made to the basic program.

163 (b) The proceeds of the levy authorized under Subsection (1) which exceed the cost of the
164 basic program shall be paid into the Uniform School Fund as provided by law.

165 Section 5. Section **59-2-102** is amended to read:

166 **59-2-102. Definitions.**

167 As used in this chapter and title:

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

172 (2) "Air charter service" means an air carrier operation which requires the customer to hire
173 an entire aircraft rather than book passage in whatever capacity is available on a scheduled trip.

174 (3) "Air contract service" means an air carrier operation available only to customers who
175 engage the services of the carrier through a contractual agreement and excess capacity on any trip
176 and is not available to the public at large.

177 (4) "Aircraft" is as defined in Section 72-10-102.

178 (5) "Airline" means any air carrier operating interstate routes on a scheduled basis which
179 offers to fly passengers or cargo on the basis of available capacity on regularly scheduled routes.

180 (6) "Assessment roll" means a permanent record of the assessment of property as assessed

181 by the county assessor and the commission and may be maintained manually or as a computerized
182 file as a consolidated record or as multiple records by type, classification, or categories.

183 (7) "Certified revenue levy" means a preliminary estimate of a property tax levy made by
184 the commission that provides the same amount of ad valorem property tax revenue as was
185 collected for the prior year, plus new growth, but exclusive of revenue from collections from
186 redemptions, interest, and penalties.

187 (8) "County-assessed commercial vehicle" means:

188 (a) any commercial vehicle, trailer, or semitrailer which is not apportioned under Section
189 41-1a-301 and is not operated interstate to transport the vehicle owner's goods or property in
190 furtherance of the owner's commercial enterprise;

191 (b) any passenger vehicle owned by a business and used by its employees for
192 transportation as a company car or vanpool vehicle; and

193 (c) vehicles which are:

194 (i) especially constructed for towing or wrecking, and which are not otherwise used to
195 transport goods, merchandise, or people for compensation;

196 (ii) used or licensed as taxicabs or limousines;

197 (iii) used as rental passenger cars, travel trailers, or motor homes;

198 (iv) used or licensed in this state for use as ambulances or hearses;

199 (v) especially designed and used for garbage and rubbish collection; or

200 (vi) used exclusively to transport students or their instructors to or from any private,
201 public, or religious school or school activities.

202 (9) (a) Except as provided in Subsection (9)(b), for purposes of Section 59-2-801,
203 "designated tax area" means a tax area created by the overlapping boundaries of only the following
204 taxing entities:

205 (i) a county; and

206 (ii) a school district.

207 (b) Notwithstanding Subsection (9)(a), "designated tax area" includes a tax area created
208 by the overlapping boundaries of:

209 (i) the taxing entities described in Subsection (9)(a); and

210 (ii) (A) a city or town if the boundaries of the school district under Subsection (9)(a) and
211 the boundaries of the city or town are identical; or

212 (B) a special service district if the boundaries of the school district under Subsection (9)(a)
213 are located entirely within the special service district.

214 (10) "Eligible judgment" means a judgment or final order under Section 59-2-1328 or
215 Section 59-2-1330:

216 (a) that became a final and unappealable judgment or order no more than 14 months prior
217 to the day on which the notice required by Subsection 59-2-919(4) is required to be mailed; and

218 (b) for which a taxing entity's share of the judgment or order is greater than or equal to the
219 lesser of:

220 (i) \$1,000; or

221 (ii) 1% of the total ad valorem property taxes collected by the taxing entity in the previous
222 fiscal year.

223 (11) (a) "Escaped property" means any property, whether personal, land, or any
224 improvements to the property, subject to taxation and is:

225 (i) inadvertently omitted from the tax rolls, assigned to the incorrect parcel, or assessed
226 to the wrong taxpayer by the assessing authority;

227 (ii) undervalued or omitted from the tax rolls because of the failure of the taxpayer to
228 comply with the reporting requirements of this chapter; or

229 (iii) undervalued because of errors made by the assessing authority based upon incomplete
230 or erroneous information furnished by the taxpayer.

231 (b) Property which is undervalued because of the use of a different valuation methodology
232 or because of a different application of the same valuation methodology is not "escaped property."

233 (12) "Fair market value" means the amount at which property would change hands
234 between a willing buyer and a willing seller, neither being under any compulsion to buy or sell and
235 both having reasonable knowledge of the relevant facts. For purposes of taxation, "fair market
236 value" shall be determined using the current zoning laws applicable to the property in question,
237 except in cases where there is a reasonable probability of a change in the zoning laws affecting that
238 property in the tax year in question and the change would have an appreciable influence upon the
239 value.

240 (13) "Farm machinery and equipment," for purposes of the exemption provided under
241 Section 59-2-1101, means tractors, milking equipment and storage and cooling facilities, feed
242 handling equipment, irrigation equipment, harvesters, choppers, grain drills and planters, tillage

243 tools, scales, combines, spreaders, sprayers, haying equipment, and any other machinery or
244 equipment used primarily for agricultural purposes; but does not include vehicles required to be
245 registered with the Motor Vehicle Division or vehicles or other equipment used for business
246 purposes other than farming.

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

249 (15) "Geothermal resource" means:

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

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

253 (16) "Improvements" includes all buildings, structures, fixtures, fences, and improvements
254 erected upon or affixed to the land, whether the title has been acquired to the land or not.

255 (17) "Intangible property":

256 (a) means property that is capable of private ownership separate from tangible property;

257 and

258 (b) includes:

259 (i) moneys;

260 (ii) credits;

261 (iii) bonds;

262 (iv) stocks;

263 (v) representative property;

264 (vi) franchises;

265 (vii) licenses;

266 (viii) trade names;

267 (ix) copyrights; and

268 (x) patents.

269 (18) "Metalliferous minerals" includes gold, silver, copper, lead, zinc, and uranium.

270 (19) "Mine" means a natural deposit of either metalliferous or nonmetalliferous valuable
271 mineral.

272 (20) "Mining" means the process of producing, extracting, leaching, evaporating, or
273 otherwise removing a mineral from a mine.

- 274 (21) (a) "Mobile flight equipment" means tangible personal property that is:
275 (i) owned or operated by an:
276 (A) air charter service;
277 (B) air contract service; or
278 (C) airline; and
279 (ii) (A) capable of flight;
280 (B) attached to an aircraft that is capable of flight; or
281 (C) contained in an aircraft that is capable of flight if the tangible personal property is
282 intended to be used:
283 (I) during multiple flights;
284 (II) during a takeoff, flight, or landing; and
285 (III) as a service provided by an air charter service, air contract service, or airline.
286 (b) (i) "Mobile flight equipment" does not include a spare part other than a spare engine
287 that is rotated:
288 (A) at regular intervals; and
289 (B) with an engine that is attached to the aircraft.
290 (ii) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
291 commission may make rules defining the term "regular intervals."
292 (22) "Nonmetalliferous minerals" includes, but is not limited to, oil, gas, coal, salts, sand,
293 rock, gravel, and all carboniferous materials.
294 (23) "Personal property" includes:
295 (a) every class of property as defined in Subsection (24) which is the subject of ownership
296 and not included within the meaning of the terms "real estate" and "improvements";
297 (b) gas and water mains and pipes laid in roads, streets, or alleys;
298 (c) bridges and ferries; and
299 (d) livestock which, for the purposes of the exemption provided under Section 59-2-1112,
300 means all domestic animals, honeybees, poultry, fur-bearing animals, and fish.
301 (24) (a) "Property" means property that is subject to assessment and taxation according to
302 its value.
303 (b) "Property" does not include intangible property as defined in this section.
304 (25) "Public utility," for purposes of this chapter, means the operating property of a

305 railroad, gas corporation, oil or gas transportation or pipeline company, coal slurry pipeline
306 company, electrical corporation, telephone corporation, sewerage corporation, or heat corporation
307 where the company performs the service for, or delivers the commodity to, the public generally
308 or companies serving the public generally, or in the case of a gas corporation or an electrical
309 corporation, where the gas or electricity is sold or furnished to any member or consumers within
310 the state for domestic, commercial, or industrial use. Public utility also means the operating
311 property of any entity or person defined under Section 54-2-1 except water corporations.

312 (26) "Real estate or property" includes:

313 (a) the possession of, claim to, ownership of, or right to the possession of land;

314 (b) all mines, minerals, and quarries in and under the land, all timber belonging to
315 individuals or corporations growing or being on the lands of this state or the United States, and all
316 rights and privileges appertaining to these; and

317 (c) improvements.

318 (27) "Residential property," for the purposes of the reductions and adjustments under this
319 chapter, means any property used for residential purposes as a primary residence. It does not
320 include property used for transient residential use or condominiums used in rental pools.

321 (28) For purposes of Subsection 59-2-801(1)(e), "route miles" means the number of miles
322 calculated by the commission that is:

323 (a) measured in a straight line by the commission; and

324 (b) equal to the distance between a geographical location that begins or ends:

325 (i) at a boundary of the state; and

326 (ii) where an aircraft:

327 (A) takes off; or

328 (B) lands.

329 (29) (a) "State-assessed commercial vehicle" means:

330 (i) any commercial vehicle, trailer, or semitrailer which operates interstate or intrastate to
331 transport passengers, freight, merchandise, or other property for hire; or

332 (ii) any commercial vehicle, trailer, or semitrailer which operates interstate and transports
333 the vehicle owner's goods or property in furtherance of the owner's commercial enterprise.

334 (b) "State-assessed commercial vehicle" does not include vehicles used for hire which are
335 specified in Subsection (8)(c) as county-assessed commercial vehicles.

336 (30) "Taxable value" means fair market value less any applicable reduction allowed for
337 residential property under Section 59-2-103.

338 (31) "Tax area" means a geographic area created by the overlapping boundaries of one or
339 more taxing entities.

340 (32) "Taxing entity" means any county, city, town, school district, special taxing district,
341 or any other political subdivision of the state with the authority to levy a tax on property.

342 (33) "Tax roll" means a permanent record of the taxes charged on property, as extended
343 on the assessment roll and may be maintained on the same record or records as the assessment roll
344 or may be maintained on a separate record properly indexed to the assessment roll. It includes tax
345 books, tax lists, and other similar materials.

346 Section 6. Section 59-2-906.1 is amended to read:

347 **59-2-906.1. Property Tax Valuation Agency Fund -- Creation -- Statewide levy --**
348 **Additional county levy permitted.**

349 (1) (a) There is created the Property Tax Valuation Agency Fund, to be funded by a
350 multicounty assessing and collecting levy not to exceed .0003 as provided in Subsection (2).

351 (b) The multicounty assessing and collecting levy under Subsection (1)(a) shall be imposed
352 annually by each county in the state.

353 (c) The purpose of the multicounty assessing and collecting levy created under Subsection
354 (1)(a) and the disbursement formulas established in Section 59-2-906.2 is to promote the accurate
355 valuation of property, the establishment and maintenance of uniform assessment levels within and
356 among counties, and the efficient administration of the property tax system, including the costs of
357 assessment, collection, and distribution of property taxes.

358 (d) Income derived from the investment of money in the fund created in this Subsection
359 (1) shall be deposited in and become part of the fund.

360 (2) (a) Except as authorized in Subsection (2)(b), beginning in fiscal year 1996-97 to fund
361 the Property Tax Valuation Agency Fund the Legislature shall authorize the amount of the
362 multicounty assessing and collecting levy, except that the multicounty assessing and collecting
363 levy may not exceed the certified revenue levy as defined in Section 53A-17a-103.

364 ~~[(b) If the Legislature authorizes a multicounty assessing and collecting levy that exceeds~~
365 ~~the certified revenue levy, it is subject to the notice requirements of Section 59-2-926.]~~

366 ~~[(c) For the calendar year beginning on January 1, 1998, and ending December 31, 1998,~~

367 ~~the certified revenue levy shall be increased by the amount necessary to offset the decrease in~~
368 ~~revenues from uniform fees on tangible personal property under Section 59-2-405 as a result of~~
369 ~~the decrease in uniform fees on tangible personal property under Section 59-2-405 enacted by the~~
370 ~~Legislature during the 1997 Annual General Session.]~~

371 ~~[(d) For the calendar year beginning on January 1, 1999, and ending on December 31,~~
372 ~~1999, the certified revenue levy shall be adjusted by the amount necessary to offset the adjustment~~
373 ~~in revenues from uniform fees on tangible personal property under Section 59-2-405.1 as a result~~
374 ~~of the adjustment in uniform fees on tangible personal property under Section 59-2-405.1 enacted~~
375 ~~by the Legislature during the 1998 Annual General Session.]~~

376 (b) The Legislature may not pass legislation authorizing the imposition of a levy under this
377 section unless the requirements of Section 59-2-926 have been met.

378 (3) (a) The multicounty assessing and collecting levy authorized by the Legislature under
379 Subsection (2) shall be separately stated on the tax notice as a multicounty assessing and collecting
380 levy.

381 (b) The multicounty assessing and collecting levy authorized by the Legislature under
382 Subsection (2) is:

383 (i) exempt from the redevelopment provisions of Sections 17A-2-1247 and 17A-2-1247.5;

384 (ii) in addition to and exempt from the maximum levies allowable under Section 59-2-908;

385 and

386 (iii) exempt from the notice requirements of Sections 59-2-918 and 59-2-919.

387 (c) Each county shall transmit quarterly to the state treasurer the portion of the .0003
388 multicounty assessing and collecting levy which is above the amount to which that county is
389 entitled to under Section 59-2-906.2.

390 (i) The revenue shall be transmitted no later than the tenth day of the month following the
391 end of the quarter in which the revenue is collected.

392 (ii) If revenue is transmitted after the tenth day of the month following the end of the
393 quarter in which the revenue is collected, the county shall pay an interest penalty at the rate of 10%
394 each year until the revenue is transmitted.

395 (d) The state treasurer shall deposit the revenue from the multicounty assessing and
396 collecting levy, any interest accrued from that levy, and any penalties received under Subsection
397 (3)(c) in the Property Tax Valuation Agency Fund.

398 (4) Each county may levy an additional property tax up to .0002 per dollar of taxable value
399 of taxable property as reported by each county. This levy shall be stated on the tax notice as a
400 county assessing and collecting levy.

401 (a) The purpose of the levy established in this Subsection (4) is to promote the accurate
402 valuation of property, the establishment and maintenance of uniform assessment levels within and
403 among counties, and the efficient administration of the property tax system, including the costs of
404 assessment, collection, and distribution of property taxes.

405 (b) Any levy established in Subsection (4)(a) is:

406 (i) exempt from the redevelopment provisions of Sections 17A-2-1247 and 17A-2-1247.5;

407 (ii) in addition to and exempt from the maximum levies allowable under Section 59-2-908;

408 and

409 (iii) is subject to the notice requirements of Sections 59-2-918 and 59-2-919.

410 Section 7. Section **59-2-926** is amended to read:

411 **59-2-926. Proposed tax increase authorized by Legislature -- Notice -- Contents --**

412 **Dates.**

413 [~~If the state authorizes~~]

414 (1) Beginning with the 2002 General Session, the Legislature may not pass legislation
415 authorizing the imposition of a levy [pursuant to] under Section 53A-17a-135 or 59-2-906.1 that
416 exceeds the certified revenue levy[; the state] unless the requirements of this section are met.

417 (2) Beginning with the 2002 General Session, if the Executive Appropriations Committee
418 of the Legislature recommends proposing a levy under Section 53A-17a-135 or 59-2-906.1 that
419 exceeds the certified revenue levy, the Executive Appropriations Committee shall, on or before
420 the 30th day of the general session, direct the Office of the Legislative Fiscal Analyst to publish
421 a notice [no later than ten days after the last day of the annual legislative general session] that
422 meets the [following] requirements[;] of this section.

423 ~~[(+)] (3) (a) The Office of the Legislative Fiscal Analyst shall [advertise that the state~~
424 ~~authorized a levy that generates revenue in excess of the previous year's ad valorem tax revenue;~~
425 ~~plus new growth, but exclusive of revenue from collections from redemptions, interest, and~~
426 ~~penalties] publish the notice described in this section no later than seven days after the Executive~~
427 ~~Appropriations Committee directs the Office of the Legislative Fiscal Analyst to publish the~~
428 ~~notice.~~

- 429 (b) The notice described in this section:
- 430 (i) shall be published in a newspaper of general circulation in the state~~[-The~~
- 431 ~~advertisement shall be no];~~
- 432 (ii) may not be less than 1/4 page in size ~~[and the type used shall be no smaller than];~~
- 433 (iii) shall be printed in 18 point~~[-and]~~ font or larger;
- 434 (iv) shall be surrounded by a border that is 1/4-inch ~~[border. The advertisement]~~ or more;
- 435 (v) may not be placed in that portion of the newspaper where legal notices and classified
- 436 ~~advertisements appear[-The advertisement];~~
- 437 (vi) shall be ~~[run once:]~~ published one or more times;
- 438 (vii) shall have a heading that reads "Notice of Proposed Tax Increase"; and
- 439 (viii) shall contain a cost estimate that anticipates direct expenditures by any Utah resident,
- 440 and the cost to the overall impacted Utah resident population.
- 441 ~~[(2) The form and content of the notice shall be substantially as follows:]~~
- 442 ~~["NOTICE OF TAX INCREASE]~~
- 443 ~~[The state has budgeted an increase in its property tax revenue from \$_____ to~~
- 444 ~~\$_____ or ____%.]~~
- 445 ~~[The increase in property tax revenues will come from the following sources (include all~~
- 446 ~~of the following provisions):]~~
- 447 ~~[(a) \$_____ of the increase will come from (provide an explanation of the cause of~~
- 448 ~~adjustment or increased revenues, such as reappraisals or factoring orders);]~~
- 449 ~~[(b) \$_____ of the increase will come from natural increases in the value of the tax~~
- 450 ~~base due to (explain cause of new growth, such as new building activity, annexation, etc.);]~~
- 451 ~~[(c) a home valued at \$100,000 in the state of Utah which based on last year's (levy for the~~
- 452 ~~basic state-supported school program, levy for the Property Tax Valuation Agency Fund, or both)~~
- 453 ~~paid \$_____ in property taxes would pay the following:]~~
- 454 ~~[(i) \$_____ if the state of Utah did not budget an increase in property tax revenue~~
- 455 ~~exclusive of new growth; and]~~
- 456 ~~[(ii) \$_____ under the increased property tax revenues exclusive of new growth~~
- 457 ~~budgeted by the state of Utah.]~~
- 458 (4) The Executive Appropriations Committee may request the commission to provide to
- 459 the Executive Appropriations Committee:

460 (a) a calculation of the certified revenue levy for a levy under Section 53A-17a-135 or
461 59-2-906.1; and

462 (b) recommendations regarding whether a levy under Section 53A-17a-135 or 59-2-906.1
463 exceeds the certified revenue levy.