

1 **PROPERTY TAX - COUNTY ASSESSMENT**
2 **AND COLLECTION AMENDMENTS**

3 2008 GENERAL SESSION

4 STATE OF UTAH

5 **Chief Sponsor: Kay L. McIff**

6 Senate Sponsor: Lyle W. Hillyard

8 **LONG TITLE**

9 **General Description:**

10 This bill amends provisions in the Property Tax Act that relate to the multicounty assessing
11 and collecting levy.

12 **Highlighted Provisions:**

13 This bill:

- 14 ▶ defines terms;
- 15 ▶ provides that the county additional property tax levy is subject to the property tax notice
16 and hearing requirements if the levy is levied within certain counties;
- 17 ▶ requires that after distributions have been made to receiving counties, money remaining in
18 the Property Tax Valuation Fund shall be retained in the fund until the following year; and
- 19 ▶ makes technical changes.

20 **Monies Appropriated in this Bill:**

21 None

22 **Other Special Clauses:**

23 This bill takes effect on January 1, 2009.

24 **Utah Code Sections Affected:**

25 AMENDS:

26 **17C-1-102**, as last amended by Laws of Utah 2007, Chapters 329 and 364

27 **59-2-911**, as last amended by Laws of Utah 1997, Chapter 292

28 **59-2-924**, as last amended by Laws of Utah 2007, Chapters 107 and 329

29 **59-2-926**, as last amended by Laws of Utah 2003, Chapter 320

30 ENACTS:

31 **59-2-1601**, Utah Code Annotated 1953

32 RENUMBERS AND AMENDS:

33 **59-2-1602**, (Renumbered from 59-2-906.1, as last amended by Laws of Utah 2006,
34 Chapters 67 and 359)

35 **59-2-1603**, (Renumbered from 59-2-906.2, as last amended by Laws of Utah 2005,
36 Chapter 195)

37 **59-2-1604**, (Renumbered from 59-2-906.3, as last amended by Laws of Utah 2005,
38 Chapter 195)

39 **59-2-1605**, (Renumbered from 59-2-906.4, as last amended by Laws of Utah 2005,
40 Chapter 195)



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

43 Section 1. Section **17C-1-102** is amended to read:

44 **17C-1-102. Definitions.**

45 As used in this title:

46 (1) "Adjusted tax increment" means:

47 (a) for tax increment under a pre-July 1, 1993 project area plan, tax increment under Section
48 17C-1-403, excluding tax increment under Subsection 17C-1-403(3); and

49 (b) for tax increment under a post-June 30, 1993 project area plan, tax increment under
50 Section 17C-1-404, excluding tax increment under Section 17C-1-406.

51 (2) "Affordable housing" means housing to be owned or occupied by persons and families of
52 low or moderate income, as determined by resolution of the agency.

53 (3) "Agency" or "community development and renewal agency" means a separate body

54 corporate and politic, created under Section 17C-1-201 or as a redevelopment agency under
55 previous law, that is a political subdivision of the state, that is created to undertake or promote urban
56 renewal, economic development, or community development, or any combination of them, as
57 provided in this title, and whose geographic boundaries are coterminous with:

58 (a) for an agency created by a county, the unincorporated area of the county; and

59 (b) for an agency created by a city or town, the boundaries of the city or town.

60 (4) "Annual income" has the meaning as defined under regulations of the U.S. Department of
61 Housing and Urban Development, 24 C.F.R. Sec. 5.609, as amended or as superseded by
62 replacement regulations.

63 (5) "Assessment roll" has the meaning as defined in Section 59-2-102.

64 (6) "Base taxable value" means the taxable value of the property within a project area from
65 which tax increment will be collected, as shown upon the assessment roll last equalized before:

66 (a) for a pre-July 1, 1993 project area plan, the effective date of the project area plan;

67 (b) for a post-June 30, 1993 project area plan:

68 (i) the date of the taxing entity committee's approval of the first project area budget; or

69 (ii) if no taxing entity committee approval is required for the project area budget, the later of:

70 (A) the date the project area plan is adopted by the community legislative body; and

71 (B) the date the agency adopts the first project area budget; or

72 (c) for a project on an inactive industrial site, a year after the date on which the inactive
73 industrial site is sold for remediation and development.

74 (7) "Basic levy" means the portion of a school district's tax levy constituting the minimum
75 basic levy under Section 59-2-902.

76 (8) "Blight" or "blighted" means the condition of an area that meets the requirements of
77 Subsection 17C-2-303(1).

78 (9) "Blight hearing" means a public hearing under Subsection 17C-2-102(1)(a)(i)(C) and
79 Section 17C-2-302 regarding the existence or nonexistence of blight within the proposed urban

80 renewal project area.

81 (10) "Blight study" means a study to determine the existence or nonexistence of blight within
82 a survey area as provided in Section 17C-2-301.

83 (11) "Board" means the governing body of an agency, as provided in Section 17C-1-203.

84 (12) "Budget hearing" means the public hearing on a draft project area budget required under
85 Subsection 17C-2-201(2)(d) for an urban renewal project area budget or Subsection
86 17C-3-201(2)(d) for an economic development project area budget.

87 (13) "Combined incremental value" means the combined total of all incremental values from
88 all urban renewal project areas, except project areas that contain some or all of a military installation
89 or inactive industrial site, within the agency's boundaries under adopted project area plans and
90 adopted project area budgets at the time that a project area budget for a new urban renewal project
91 area is being considered.

92 (14) "Community" means a county, city, or town.

93 (15) "Community development" means development activities within a community, including
94 the encouragement, promotion, or provision of development.

95 (16) "Economic development" means to promote the creation or retention of public or
96 private jobs within the state through:

97 (a) planning, design, development, construction, rehabilitation, business relocation, or any
98 combination of these, within a community; and

99 (b) the provision of office, industrial, manufacturing, warehousing, distribution, parking,
100 public, or other facilities, or other improvements that benefit the state or a community.

101 (17) "Fair share ratio" means the ratio derived by:

102 (a) for a city or town, comparing the percentage of all housing units within the city or town
103 that are publicly subsidized income targeted housing units to the percentage of all housing units within
104 the whole county that are publicly subsidized income targeted housing units; or

105 (b) for the unincorporated part of a county, comparing the percentage of all housing units

106 within the unincorporated county that are publicly subsidized income targeted housing units to the
107 percentage of all housing units within the whole county that are publicly subsidized income targeted
108 housing units.

109 (18) "Family" has the meaning as defined under regulations of the U.S. Department of
110 Housing and Urban Development, 24 C.F.R. Section 5.403, as amended or as superseded by
111 replacement regulations.

112 (19) "Greenfield" means land not developed beyond agricultural or forestry use.

113 (20) "Housing funds" means the funds allocated in an urban renewal project area budget
114 under Section 17C-2-203 for the purposes provided in Subsection 17C-1-412(1).

115 (21) (a) "Inactive industrial site" means land that:

116 (i) consists of at least 1,000 acres;

117 (ii) is occupied by an inactive or abandoned factory, smelter, or other heavy industrial facility;

118 and

119 (iii) requires remediation because of the presence of:

120 (A) hazardous waste, defined as any substance defined, regulated, or listed as a hazardous
121 substance, hazardous material, hazardous waste, toxic waste, pollutant, contaminant, or toxic
122 substance, or identified as hazardous to human health or the environment under state or federal law or
123 regulation; or

124 (B) solid waste.

125 (b) "Inactive industrial site" includes a perimeter of up to 1,500 feet around the land
126 described in Subsection (21)(a).

127 (22) "Income targeted housing" means housing to be owned or occupied by a family whose
128 annual income is at or below 80% of the median annual income for the county in which the housing is
129 located.

130 (23) "Incremental value" means a figure derived by multiplying the marginal value of the
131 property located within an urban renewal project area on which tax increment is collected by a

132 number that represents the percentage of adjusted tax increment from that project area that is paid to
133 the agency.

134 (24) "Loan fund board" means the Olene Walker Housing Loan Fund Board, established
135 under Title 9, Chapter 4, Part 7, Olene Walker Housing Loan Fund.

136 (25) "Marginal value" means the difference between actual taxable value and base taxable
137 value.

138 (26) "Military installation project area" means a project area or a portion of a project area
139 located within a federal military installation ordered closed by the federal Defense Base Realignment
140 and Closure Commission.

141 (27) "Plan hearing" means the public hearing on a draft project area plan required under
142 Subsection 17C-2-102(1)(a)(vi) for an urban renewal project area plan, Subsection
143 17C-3-102(1)(d) for an economic development project area plan, and Subsection 17C-4-102(1)(d)
144 for a community development project area plan.

145 (28) "Post-June 30, 1993 project area plan" means a project area plan adopted on or after
146 July 1, 1993, whether or not amended subsequent to its adoption.

147 (29) "Pre-July 1, 1993 project area plan" means a project area plan adopted before July 1,
148 1993, whether or not amended subsequent to its adoption.

149 (30) "Private," with respect to real property, means:

150 (a) not owned by the United States or any agency of the federal government, a public entity,
151 or any other governmental entity; and

152 (b) not dedicated to public use.

153 (31) "Project area" means the geographic area described in a project area plan or draft
154 project area plan where the urban renewal, economic development, or community development, as
155 the case may be, set forth in the project area plan or draft project area plan takes place or is
156 proposed to take place.

157 (32) "Project area budget" means a multiyear projection of annual or cumulative revenues

158 and expenses and other fiscal matters pertaining to a urban renewal or economic development project
159 area that includes:

- 160 (a) the base taxable value of property in the project area;
- 161 (b) the projected tax increment expected to be generated within the project area;
- 162 (c) the amount of tax increment expected to be shared with other taxing entities;
- 163 (d) the amount of tax increment expected to be used to implement the project area plan,
164 including the estimated amount of tax increment to be used for land acquisition, public improvements,
165 infrastructure improvements, and loans, grants, or other incentives to private and public entities;
- 166 (e) the tax increment expected to be used to cover the cost of administering the project area
167 plan;
- 168 (f) if the area from which tax increment is to be collected is less than the entire project area:
- 169 (i) the tax identification numbers of the parcels from which tax increment will be collected; or
- 170 (ii) a legal description of the portion of the project area from which tax increment will be
171 collected; and
- 172 (g) for property that the agency owns and expects to sell, the expected total cost of the
173 property to the agency and the expected selling price.

174 (33) "Project area plan" means a written plan under Chapter 2, Part 1, Urban Renewal
175 Project Area Plan, Chapter 3, Part 1, Economic Development Project Area Plan, or Chapter 4, Part
176 1, Community Development Project Area Plan, as the case may be, that, after its effective date,
177 guides and controls the urban renewal, economic development, or community development activities
178 within a project area.

179 (34) "Property tax" includes privilege tax and each levy on an ad valorem basis on tangible or
180 intangible personal or real property.

181 (35) "Public entity" means:

- 182 (a) the state, including any of its departments or agencies; or
- 183 (b) a political subdivision of the state, including a county, city, town, school district, local

184 district, special service district, or interlocal cooperation entity.

185 (36) "Publicly owned infrastructure and improvements" means water, sewer, storm drainage,
186 electrical, and other similar systems and lines, streets, roads, curb, gutter, sidewalk, walkways,
187 parking facilities, public transportation facilities, and other facilities, infrastructure, and improvements
188 benefitting the public and to be publicly owned or publicly maintained or operated.

189 (37) "Record property owner" or "record owner of property" means the owner of real
190 property as shown on the records of the recorder of the county in which the property is located and
191 includes a purchaser under a real estate contract if the contract is recorded in the office of the
192 recorder of the county in which the property is located or the purchaser gives written notice of the
193 real estate contract to the agency.

194 (38) "Superfund site":

195 (a) means an area included in the National Priorities List under the Comprehensive
196 Environmental Response, Compensation, and Liability Act of 1980, 42 U.S.C. Sec. 9605; and

197 (b) includes an area formerly included in the National Priorities List, as described in
198 Subsection (38)(a), but removed from the list following remediation that leaves on site the waste that
199 caused the area to be included in the National Priorities List.

200 (39) "Survey area" means an area designated by a survey area resolution for study to
201 determine whether one or more urban renewal projects within the area are feasible.

202 (40) "Survey area resolution" means a resolution adopted by the agency board under
203 Subsection 17C-2-101(1)(a) designating a survey area.

204 (41) "Taxable value" means the value of property as shown on the last equalized assessment
205 roll as certified by the county assessor.

206 (42) (a) "Tax increment" means, except as provided in Subsection (42)(b), the difference
207 between:

208 (i) the amount of property tax revenues generated each tax year by all taxing entities from the
209 area within a project area designated in the project area plan as the area from which tax increment is

210 to be collected, using the current assessed value of the property; and

211 (ii) the amount of property tax revenues that would be generated from that same area using
212 the base taxable value of the property.

213 (b) "Tax increment" does not include taxes levied and collected under Section [~~59-2-906.1~~]
214 59-2-1602 on or after January 1, 1994 upon the taxable property in the project area unless:

215 (i) the project area plan was adopted before May 4, 1993, whether or not the project area
216 plan was subsequently amended; and

217 (ii) the taxes were pledged to support bond indebtedness or other contractual obligations of
218 the agency.

219 (43) "Taxing entity" means a public entity that levies a tax on property within a community.

220 (44) "Taxing entity committee" means a committee representing the interests of taxing entities,
221 created as provided in Section 17C-1-402.

222 (45) "Unincorporated" means not within a city or town.

223 (46) (a) "Urban renewal" means the development activities under a project area plan within
224 an urban renewal project area, including:

225 (i) planning, design, development, demolition, clearance, construction, rehabilitation,
226 environmental remediation, or any combination of these, of part or all of a project area;

227 (ii) the provision of residential, commercial, industrial, public, or other structures or spaces,
228 including recreational and other facilities incidental or appurtenant to them;

229 (iii) altering, improving, modernizing, demolishing, reconstructing, or rehabilitating, or any
230 combination of these, existing structures in a project area;

231 (iv) providing open space, including streets and other public grounds and space around
232 buildings;

233 (v) providing public or private buildings, infrastructure, structures, and improvements; and

234 (vi) providing improvements of public or private recreation areas and other public grounds.

235 (b) "Urban renewal" means "redevelopment," as defined under the law in effect before May

236 1, 2006, if the context requires.

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

238 **59-2-911. Exceptions to maximum levy limitation.**

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

240 (a) levies made to pay outstanding judgment debts;

241 (b) levies made in any special improvement districts;

242 (c) levies made for extended services in any county service area;

243 (d) levies made for county library services;

244 (e) levies made to be used for storm water, flood, and water quality control;

245 (f) levies made to share disaster recovery expenses for public facilities and structures as a

246 condition of state assistance when a Presidential Declaration has been issued under the Disaster Relief

247 Act of 1974, 42 U.S.C. Sec. 5121;

248 (g) levies made to pay interest and provide for a sinking fund in connection with any bonded

249 or voter authorized indebtedness, including the bonded or voter authorized indebtedness of county

250 service areas, special service districts, and special improvement districts;

251 (h) levies made to fund local health departments;

252 (i) levies made to fund public transit districts;

253 (j) levies made to establish, maintain, and replenish special improvement guaranty funds;

254 (k) levies made in any special service district;

255 (l) levies made to fund municipal-type services to unincorporated areas of counties under

256 Title 17, Chapter 34, Municipal-type Services to Unincorporated Areas;

257 (m) levies made to fund the purchase of paramedic or ambulance facilities and equipment

258 and to defray administration, personnel, and other costs of providing emergency medical and

259 paramedic services, but this exception only applies to those counties in which a resolution setting forth

260 the intention to make those levies has been duly adopted by the county legislative body and approved

261 by a majority of the voters of the county voting at a special or general election;

262 (n) levies made to pay for the costs of state legislative mandates or judicial or administrative
263 orders under Section [~~59-2-906.3~~] 59-2-1604;

264 (o) the multicounty and county assessing and collecting levies made to promote accurate
265 property valuations, uniform assessment levels, and the efficient administration of the property tax
266 system under Section [~~59-2-906.1~~] 59-2-1602; and

267 (p) all other exceptions to the maximum levy limitation pursuant to statute.

268 (2) (a) Upon the retirement of bonds issued for the development of a convention complex
269 described in Section 17-12-4, and notwithstanding Section 59-2-908, any county of the first class
270 may continue to impose a property tax levy equivalent to the average property tax levy previously
271 imposed to pay debt service on those retired bonds.

272 (b) Notwithstanding that the imposition of the levy set forth in Subsection (2)(a) may not
273 result in an increased amount of ad valorem tax revenue, it is subject to the notice requirements of
274 Sections 59-2-918 and 59-2-919.

275 (c) The revenues from this continued levy shall be used only for the funding of convention
276 facilities as defined in Section 59-12-602.

277 Section 3. Section **59-2-924** is amended to read:

278 **59-2-924. Report of valuation of property to county auditor and commission --**
279 **Transmittal by auditor to governing bodies -- Certified tax rate -- Calculation of certified tax**
280 **rate -- Rulemaking authority -- Adoption of tentative budget.**

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

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

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

287 (b) The county auditor shall, on or before June 8, transmit to the governing body of each

288 taxing entity:

289 (i) the statements described in Subsections (1)(a)(i) and (ii);

290 (ii) an estimate of the revenue from personal property;

291 (iii) the certified tax rate; and

292 (iv) all forms necessary to submit a tax levy request.

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

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

296 (A) collections from redemptions;

297 (B) interest;

298 (C) penalties; and

299 (D) revenue received by a taxing entity from personal property that is:

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

301 (II) semiconductor manufacturing equipment.

302 (iii) (A) Except as otherwise provided in this section, the certified tax rate shall be calculated
303 by dividing the ad valorem property tax revenues budgeted for the prior year by the taxing entity by
304 the amount calculated under Subsection (2)(a)(iii)(B).

305 (B) For purposes of Subsection (2)(a)(iii)(A), the legislative body of a taxing entity shall
306 calculate an amount as follows:

307 (I) calculate for the taxing entity the difference between:

308 (Aa) the aggregate taxable value of all property taxed; and

309 (Bb) any redevelopment adjustments for the current calendar year;

310 (II) after making the calculation required by Subsection (2)(a)(iii)(B)(I), calculate an amount
311 determined by increasing or decreasing the amount calculated under Subsection (2)(a)(iii)(B)(I) by
312 the average of the percentage net change in the value of taxable property for the equalization period
313 for the three calendar years immediately preceding the current calendar year;

314 (III) after making the calculation required by Subsection (2)(a)(iii)(B)(II), calculate the
315 product of:
316 (Aa) the amount calculated under Subsection (2)(a)(iii)(B)(II); and
317 (Bb) the percentage of property taxes collected for the five calendar years immediately
318 preceding the current calendar year; and
319 (IV) after making the calculation required by Subsection (2)(a)(iii)(B)(III), calculate an
320 amount determined by subtracting from the amount calculated under Subsection (2)(a)(iii)(B)(III) any
321 new growth as defined in this section:
322 (Aa) within the taxing entity; and
323 (Bb) for the current calendar year.
324 (C) For purposes of Subsection (2)(a)(iii)(B)(I), the aggregate taxable value of all property
325 taxed:
326 (I) except as provided in Subsection (2)(a)(iii)(C)(II), includes the total taxable value of the
327 real and personal property contained on the tax rolls of the taxing entity; and
328 (II) does not include the total taxable value of personal property contained on the tax rolls of
329 the taxing entity that is:
330 (Aa) assessed by a county assessor in accordance with Part 3, County Assessment; and
331 (Bb) semiconductor manufacturing equipment.
332 (D) For purposes of Subsection (2)(a)(iii)(B)(II), for calendar years beginning on or after
333 January 1, 2007, the value of taxable property does not include the value of personal property that is:
334 (I) within the taxing entity assessed by a county assessor in accordance with Part 3, County
335 Assessment; and
336 (II) semiconductor manufacturing equipment.
337 (E) For purposes of Subsection (2)(a)(iii)(B)(III)(Bb), for calendar years beginning on or
338 after January 1, 2007, the percentage of property taxes collected does not include property taxes
339 collected from personal property that is:

340 (I) within the taxing entity assessed by a county assessor in accordance with Part 3, County
341 Assessment; and

342 (II) semiconductor manufacturing equipment.

343 (F) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
344 commission may prescribe rules for calculating redevelopment adjustments for a calendar year.

345 (iv) (A) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
346 commission shall make rules determining the calculation of ad valorem property tax revenues
347 budgeted by a taxing entity.

348 (B) For purposes of Subsection (2)(a)(iv)(A), ad valorem property tax revenues budgeted
349 by a taxing entity shall be calculated in the same manner as budgeted property tax revenues are
350 calculated for purposes of Section 59-2-913.

351 (v) The certified tax rates for the taxing entities described in this Subsection (2)(a)(v) shall be
352 calculated as follows:

353 (A) except as provided in Subsection (2)(a)(v)(B), for new taxing entities the certified tax
354 rate is zero;

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

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

358 (II) in a county of the fourth, fifth, or sixth class, the levy imposed for general county
359 purposes and such other levies imposed solely for the municipal-type services identified in Section
360 17-34-1 and Subsection 17-36-3(22); and

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

364 (I) school leeways provided for under Sections 11-2-7, 53A-16-110, 53A-17a-125,
365 53A-17a-127, 53A-17a-133, 53A-17a-134, 53A-17a-143, 53A-17a-145, and 53A-21-103; and

366 (II) levies to pay for the costs of state legislative mandates or judicial or administrative orders
367 under Section [~~59-2-906.3~~] 59-2-1604.

368 (vi) (A) A judgment levy imposed under Section 59-2-1328 or 59-2-1330 shall be
369 established at that rate which is sufficient to generate only the revenue required to satisfy one or more
370 eligible judgments, as defined in Section 59-2-102.

371 (B) The ad valorem property tax revenue generated by the judgment levy shall not be
372 considered in establishing the taxing entity's aggregate certified tax rate.

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

375 (ii) For purposes of Subsection (2)(b)(i), the taxable value of property on the assessment roll
376 does not include:

377 (A) new growth as defined in Subsection (2)(b)(iii); or

378 (B) the total taxable value of personal property contained on the tax rolls of the taxing entity
379 that is:

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

381 (II) semiconductor manufacturing equipment.

382 (iii) "New growth" means:

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

385 (B) the amount of an increase in taxable value described in Subsection (2)(b)(v).

386 (iv) For purposes of Subsection (2)(b)(iii), the taxable value of the taxing entity does not
387 include the taxable value of personal property that is:

388 (A) contained on the tax rolls of the taxing entity if that property is assessed by a county
389 assessor in accordance with Part 3, County Assessment; and

390 (B) semiconductor manufacturing equipment.

391 (v) Subsection (2)(b)(iii)(B) applies to the following increases in taxable value:

392 (A) the amount of increase to locally assessed real property taxable values resulting from
393 factoring, reappraisal, or any other adjustments; or

394 (B) the amount of an increase in the taxable value of property assessed by the commission
395 under Section 59-2-201 resulting from a change in the method of apportioning the taxable value
396 prescribed by:

397 (I) the Legislature;

398 (II) a court;

399 (III) the commission in an administrative rule; or

400 (IV) the commission in an administrative order.

401 (c) Beginning January 1, 1997, if a taxing entity receives increased revenues from uniform
402 fees on tangible personal property under Section 59-2-404, 59-2-405, 59-2-405.1, 59-2-405.2, or
403 59-2-405.3 as a result of any county imposing a sales and use tax under Chapter 12, Part 11,
404 County Option Sales and Use Tax, the taxing entity shall decrease its certified tax rate to offset the
405 increased revenues.

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

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

410 (B) increased by the amount necessary to offset the county's reduction in revenue from
411 uniform fees on tangible personal property under Section 59-2-404, 59-2-405, 59-2-405.1,
412 59-2-405.2, or 59-2-405.3 as a result of the decrease in the certified tax rate under Subsection
413 (2)(d)(i)(A).

414 (ii) The commission shall determine estimates of sales and use tax distributions for purposes
415 of Subsection (2)(d)(i).

416 (e) Beginning January 1, 1998, if a municipality has imposed an additional resort communities
417 sales tax under Section 59-12-402, the municipality's certified tax rate shall be decreased on a

418 one-time basis by the amount necessary to offset the first 12 months of estimated revenue from the
419 additional resort communities sales and use tax imposed under Section 59-12-402.

420 (f) (i) (A) For fiscal year 2000, the certified tax rate of each county required under
421 Subsection 17-34-1(4)(a) to provide advanced life support and paramedic services to the
422 unincorporated area of the county shall be decreased by the amount necessary to reduce revenues in
423 that fiscal year by an amount equal to the difference between the amount the county budgeted in its
424 2000 fiscal year budget for advanced life support and paramedic services countywide and the amount
425 the county spent during fiscal year 2000 for those services, excluding amounts spent from a municipal
426 services fund for those services.

427 (B) For fiscal year 2001, the certified tax rate of each county to which Subsection
428 (2)(f)(i)(A) applies shall be decreased by the amount necessary to reduce revenues in that fiscal year
429 by the amount that the county spent during fiscal year 2000 for advanced life support and paramedic
430 services countywide, excluding amounts spent from a municipal services fund for those services.

431 (ii) (A) A city or town located within a county of the first class to which Subsection (2)(f)(i)
432 applies may increase its certified tax rate by the amount necessary to generate within the city or town
433 the same amount of revenues as the county would collect from that city or town if the decrease under
434 Subsection (2)(f)(i) did not occur.

435 (B) An increase under Subsection (2)(f)(ii)(A), whether occurring in a single fiscal year or
436 spread over multiple fiscal years, is not subject to the notice and hearing requirements of Sections
437 59-2-918 and 59-2-919.

438 (g) (i) The certified tax rate of each county required under Subsection 17-34-1(4)(b) to
439 provide detective investigative services to the unincorporated area of the county shall be decreased:

440 (A) in fiscal year 2001 by the amount necessary to reduce revenues in that fiscal year by at
441 least \$4,400,000; and

442 (B) in fiscal year 2002 by the amount necessary to reduce revenues in that fiscal year by an
443 amount equal to the difference between \$9,258,412 and the amount of the reduction in revenues

444 under Subsection (2)(g)(i)(A).

445 (ii) (A) (I) Beginning with municipal fiscal year 2002, a city or town located within a county
446 to which Subsection (2)(g)(i) applies may increase its certified tax rate to generate within the city or
447 town the same amount of revenue as the county would have collected during county fiscal year 2001
448 from within the city or town except for Subsection (2)(g)(i)(A).

449 (II) Beginning with municipal fiscal year 2003, a city or town located within a county to
450 which Subsection (2)(g)(i) applies may increase its certified tax rate to generate within the city or
451 town the same amount of revenue as the county would have collected during county fiscal year 2002
452 from within the city or town except for Subsection (2)(g)(i)(B).

453 (B) (I) Except as provided in Subsection (2)(g)(ii)(B)(II), an increase in the city or town's
454 certified tax rate under Subsection (2)(g)(ii)(A), whether occurring in a single fiscal year or spread
455 over multiple fiscal years, is subject to the notice and hearing requirements of Sections 59-2-918 and
456 59-2-919.

457 (II) For an increase under this Subsection (2)(g)(ii) that generates revenue that does not
458 exceed the same amount of revenue as the county would have collected except for Subsection
459 (2)(g)(i), the requirements of Sections 59-2-918 and 59-2-919 do not apply if the city or town:

460 (Aa) publishes a notice that meets the size, type, placement, and frequency requirements of
461 Section 59-2-919, reflects that the increase is a shift of a tax from one imposed by the county to one
462 imposed by the city or town, and explains how the revenues from the tax increase will be used; and

463 (Bb) holds a public hearing on the tax shift that may be held in conjunction with the city or
464 town's regular budget hearing.

465 (h) (i) This Subsection (2)(h) applies to each county that:

466 (A) establishes a countywide special service district under Title 17A, Chapter 2, Part 13,
467 Utah Special Service District Act, to provide jail service, as provided in Subsection
468 17A-2-1304(1)(a)(x); and

469 (B) levies a property tax on behalf of the special service district under Section 17A-2-1322.

470 (ii) (A) The certified tax rate of each county to which this Subsection (2)(h) applies shall be
471 decreased by the amount necessary to reduce county revenues by the same amount of revenues that
472 will be generated by the property tax imposed on behalf of the special service district.

473 (B) Each decrease under Subsection (2)(h)(ii)(A) shall occur contemporaneously with the
474 levy on behalf of the special service district under Section 17A-2-1322.

475 (i) (i) As used in this Subsection (2)(i):

476 (A) "Annexing county" means a county whose unincorporated area is included within a fire
477 district by annexation.

478 (B) "Annexing municipality" means a municipality whose area is included within a fire district
479 by annexation.

480 (C) "Equalized fire protection tax rate" means the tax rate that results from:

481 (I) calculating, for each participating county and each participating municipality, the property
482 tax revenue necessary to cover all of the costs associated with providing fire protection, paramedic,
483 and emergency services:

484 (Aa) for a participating county, in the unincorporated area of the county; and

485 (Bb) for a participating municipality, in the municipality; and

486 (II) adding all the amounts calculated under Subsection (2)(i)(i)(C)(I) for all participating
487 counties and all participating municipalities and then dividing that sum by the aggregate taxable value
488 of the property, as adjusted in accordance with Section 59-2-913:

489 (Aa) for participating counties, in the unincorporated area of all participating counties; and

490 (Bb) for participating municipalities, in all the participating municipalities.

491 (D) "Fire district" means a service area under Title 17B, Chapter 2a, Part 9, Service Area
492 Act, in the creation of which an election was not required under Subsection 17B-1-214(3)(c).

493 (E) "Fire protection tax rate" means:

494 (I) for an annexing county, the property tax rate that, when applied to taxable property in the
495 unincorporated area of the county, generates enough property tax revenue to cover all the costs

496 associated with providing fire protection, paramedic, and emergency services in the unincorporated
497 area of the county; and

498 (II) for an annexing municipality, the property tax rate that generates enough property tax
499 revenue in the municipality to cover all the costs associated with providing fire protection, paramedic,
500 and emergency services in the municipality.

501 (F) "Participating county" means a county whose unincorporated area is included within a fire
502 district at the time of the creation of the fire district.

503 (G) "Participating municipality" means a municipality whose area is included within a fire
504 district at the time of the creation of the fire district.

505 (ii) In the first year following creation of a fire district, the certified tax rate of each
506 participating county and each participating municipality shall be decreased by the amount of the
507 equalized fire protection tax rate.

508 (iii) In the first year following annexation to a fire district, the certified tax rate of each
509 annexing county and each annexing municipality shall be decreased by the fire protection tax rate.

510 (iv) Each tax levied under this section by a fire district shall be considered to be levied by:

511 (A) each participating county and each annexing county for purposes of the county's tax
512 limitation under Section 59-2-908; and

513 (B) each participating municipality and each annexing municipality for purposes of the
514 municipality's tax limitation under Section 10-5-112, for a town, or Section 10-6-133, for a city.

515 (j) For the calendar year beginning on January 1, 2007, the calculation of a taxing entity's
516 certified tax rate shall be adjusted by the amount necessary to offset any change in the certified tax
517 rate that may result from excluding the following from the certified tax rate under Subsection (2)(a)
518 enacted by the Legislature during the 2007 General Session:

519 (i) personal property tax revenue:

520 (A) received by a taxing entity;

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

522 (C) for personal property that is semiconductor manufacturing equipment; or
523 (ii) the taxable value of personal property:
524 (A) contained on the tax rolls of a taxing entity;
525 (B) assessed by a county assessor in accordance with Part 3, County Assessment; and
526 (C) that is semiconductor manufacturing equipment.
527 (3) (a) On or before June 22, each taxing entity shall annually adopt a tentative budget.
528 (b) If the taxing entity intends to exceed the certified tax rate, it shall notify the county auditor
529 of:
530 (i) its intent to exceed the certified tax rate; and
531 (ii) the amount by which it proposes to exceed the certified tax rate.
532 (c) The county auditor shall notify all property owners of any intent to exceed the certified
533 tax rate in accordance with Subsection 59-2-919(2).
534 (4) (a) The taxable value for the base year under Subsection 17C-1-102(6) shall be reduced
535 for any year to the extent necessary to provide a community development and renewal agency
536 established under Title 17C, Limited Purpose Local Government Entities - Community Development
537 and Renewal Agencies, with approximately the same amount of money the agency would have
538 received without a reduction in the county's certified tax rate if:
539 (i) in that year there is a decrease in the certified tax rate under Subsection (2)(c) or (2)(d)(i);
540 (ii) the amount of the decrease is more than 20% of the county's certified tax rate of the
541 previous year; and
542 (iii) the decrease results in a reduction of the amount to be paid to the agency under Section
543 17C-1-403 or 17C-1-404.
544 (b) The base taxable value under Subsection 17C-1-102(6) shall be increased in any year to
545 the extent necessary to provide a community development and renewal agency with approximately
546 the same amount of money as the agency would have received without an increase in the certified tax
547 rate that year if:

548 (i) in that year the base taxable value under Subsection 17C-1-102(6) is reduced due to a
549 decrease in the certified tax rate under Subsection (2)(c) or (2)(d)(i); and

550 (ii) The certified tax rate of a city, school district, local district, or special service district
551 increases independent of the adjustment to the taxable value of the base year.

552 (c) Notwithstanding a decrease in the certified tax rate under Subsection (2)(c) or (2)(d)(i),
553 the amount of money allocated and, when collected, paid each year to a community development and
554 renewal agency established under Title 17C, Limited Purpose Local Government Entities -
555 Community Development and Renewal Agencies, for the payment of bonds or other contract
556 indebtedness, but not for administrative costs, may not be less than that amount would have been
557 without a decrease in the certified tax rate under Subsection (2)(c) or (2)(d)(i).

558 Section 4. Section **59-2-926** is amended to read:

559 **59-2-926. Proposed tax increase by state -- Notice -- Contents -- Dates.**

560 If the state authorizes a levy pursuant to Section 53A-17a-135 that exceeds the certified
561 revenue levy as defined in Section 53A-17a-103 or authorizes a levy pursuant to Section
562 [~~59-2-906.f~~] 59-2-1602 that exceeds the certified revenue levy as defined in Section 59-2-102, the
563 state shall publish a notice no later than ten days after the last day of the annual legislative general
564 session that meets the following requirements:

565 (1) The Office of the Legislative Fiscal Analyst shall advertise that the state authorized a levy
566 that generates revenue in excess of the previous year's ad valorem tax revenue, plus new growth, but
567 exclusive of revenue from collections from redemptions, interest, and penalties in a newspaper of
568 general circulation in the state. The advertisement shall be no less than 1/4 page in size and the type
569 used shall be no smaller than 18 point, and surrounded by a 1/4-inch border. The advertisement may
570 not be placed in that portion of the newspaper where legal notices and classified advertisements
571 appear. The advertisement shall be run once.

572 (2) The form and content of the notice shall be substantially as follows:

573 "NOTICE OF TAX INCREASE

574 The state has budgeted an increase in its property tax revenue from \$_____ to
575 \$_____ or ____%. The increase in property tax revenues will come from the following
576 sources (include all of the following provisions):

577 (a) \$_____ of the increase will come from (provide an explanation of the cause of
578 adjustment or increased revenues, such as reappraisals or factoring orders);

579 (b) \$_____ of the increase will come from natural increases in the value of the tax
580 base due to (explain cause of new growth, such as new building activity, annexation, etc.);

581 (c) a home valued at \$100,000 in the state of Utah which based on last year's (levy for the
582 basic state-supported school program, levy for the Property Tax Valuation Agency Fund, or both)
583 paid \$_____ in property taxes would pay the following:

584 (i) \$_____ if the state of Utah did not budget an increase in property tax revenue
585 exclusive of new growth; and

586 (ii) \$_____ under the increased property tax revenues exclusive of new growth
587 budgeted by the state of Utah."

588 Section 5. Section **59-2-1601** is enacted to read:

589 **Part 16. Multicounty Assessing and Collecting Levy**

590 **59-2-1601. Definitions.**

591 As used in this part:

592 (1) "Contributing county" means a county that:

593 (a) retains less revenue from the imposition of the multicounty assessing and collecting levy
594 within the county pursuant to Section 59-2-1603 than it collects; and

595 (b) transmits a portion of the revenue collected from the imposition of the multicounty
596 assessing and collecting levy to the Property Tax Valuation Agency Fund pursuant to Section
597 59-2-1603.

598 (2) "Contributing county surplus revenue" means an amount equal to the difference between
599 the following:

600 (a) the revenue collected by a county from imposing the multicounty assessing and collecting
601 levy during a calendar year; and

602 (b) the county's multicounty assessing and collecting allocation as calculated in accordance
603 with Subsection 59-2-1603(3).

604 (3) "County additional property tax" means the property tax levy described in Subsection
605 59-2-1602(4).

606 (4) "Fund" means the Property Tax Valuation Agency Fund created in Section 59-2-1602.

607 (5) "Maximum county contribution" means an amount equal to the following:

608 (a) for a county of the first class, \$500,000;

609 (b) for a county of the second class, \$250,000;

610 (c) for a county of the third class, \$250,000; and

611 (d) for a county of the fourth class, \$100,000.

612 (6) "Minimum county contribution" means an amount equal to the following:

613 (a) for a county of the first class, \$250,000; and

614 (b) for a county of the second class, \$100,000.

615 (7) "Multicounty assessing and collecting allocation" means the revenue a county is entitled to
616 retain from the statewide imposition of the multicounty assessing and collecting levy, as determined in
617 accordance with the calculation described in Subsection 59-2-1603(3).

618 (8) "Multicounty assessing and collecting levy" means a property tax not to exceed .0002 per
619 dollar of taxable value levied in accordance with Section 59-2-1602.

620 (9) (a) "Parcel" means an identifiable contiguous unit of real property that is treated as
621 separate for valuation or zoning purposes and includes any improvements on that unit of real
622 property.

623 (b) "Parcel" or "other parcel" does not include an item of personal property.

624 (10) "Receiving county" means a county that:

625 (a) receives a disbursement from the Property Tax Valuation Agency Fund in accordance

626 with Section 59-2-1603; and

627 (b) levies a county additional property tax of at least .0003 per dollar of taxable value in
628 accordance with Subsection 59-2-1602(4).

629 Section 6. Section **59-2-1602**, which is renumbered from Section 59-2-906.1 is
630 renumbered and amended to read:

631 ~~[59-2-906.1].~~ **59-2-1602. Property Tax Valuation Agency Fund -- Creation --**
632 **Statewide levy -- Additional county levy permitted.**

633 (1) (a) There is created the Property Tax Valuation Agency Fund, to be funded by ~~[a]~~ the
634 revenue collected from the multicounty assessing and collecting levy ~~[not to exceed .0002]~~ as
635 provided in Subsection ~~[(2)]~~ (3)(c) and Section 59-2-1603.

636 ~~[(b) The multicounty assessing and collecting levy under Subsection (1)(a) shall be imposed~~
637 ~~annually by each county in the state.]~~

638 ~~[(c)]~~ (b) The purpose of the multicounty assessing and collecting levy ~~[created]~~ required
639 under Subsection ~~[(1)(a)]~~ (2) and the disbursement formulas established in Section ~~[59-2-906.2]~~
640 59-2-1603 is to promote the:

- 641 (i) accurate valuation of property;
- 642 (ii) establishment and maintenance of uniform assessment levels within and among counties;
- 643 and
- 644 (iii) efficient administration of the property tax system, including the costs of assessment,
- 645 collection, and distribution of property taxes.

646 ~~[(d)]~~ (c) Income derived from the investment of money in the fund created in this Subsection
647 (1) shall be deposited in and become part of the fund.

648 (2) (a) Annually, each county shall impose a multicounty assessing and collecting levy not to
649 exceed .0002 per dollar of taxable value as authorized by the Legislature as provided in Subsection
650 (2)(b).

651 ~~[(2)(a)]~~ (b) Subject to Subsections ~~(2)[(b)],(c), and (5)[, and (6)]~~, in order to fund the

652 Property Tax Valuation Agency Fund, the Legislature shall authorize the amount of the multicounty
653 assessing and collecting levy.

654 ~~(b)~~ (c) The multicounty assessing and collecting levy may not exceed the certified revenue
655 levy as defined in Section 59-2-102, unless:

656 (i) the Legislature authorizes a multicounty assessing and collecting levy that exceeds the
657 certified revenue levy; and

658 (ii) the state complies with the notice requirements of Section 59-2-926.

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

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

664 (i) exempt from the provisions of Sections 17C-1-403 and 17C-1-404;

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

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

668 (c) (i) Each contributing county shall transmit quarterly to the state treasurer the portion of
669 the [~~0002~~] multicounty assessing and collecting levy which is above the amount to which that county
670 is entitled to under Section [~~59-2-906.2~~] 59-2-1603.

671 (ii) The revenue transmitted under Subsection (3)(c)(i) shall be transmitted no later than the
672 tenth day of the month following the end of the quarter in which the revenue is collected.

673 (iii) If revenue transmitted under Subsection (3)(c)(i) is transmitted after the tenth day of the
674 month following the end of the quarter in which the revenue is collected, the county shall pay an
675 interest penalty at the rate of 10% each year until the revenue is transmitted.

676 (iv) Each contributing county that transmits to the state treasurer a portion of the [~~0002~~]
677 multicounty assessing and collecting levy in accordance with Subsection (3)(c) shall levy sufficient

678 property taxes to fund its county assessing and collecting budgets.

679 (d) The state treasurer shall deposit in the [~~Property Tax Valuation Agency Fund~~] fund the:

680 (i) revenue [~~from the multicounty assessing and collecting levy~~] transmitted to the fund by
681 contributing counties;

682 (ii) interest accrued from that levy; and

683 (iii) penalties received under Subsection (3)(c)(iii).

684 (4) (a) A county may levy [~~an~~] a county additional property tax in accordance with this
685 Subsection (4).

686 (b) A receiving county may not receive funds from the Property Tax Valuation Agency Fund
687 unless the receiving county levies [~~an~~] a county additional property tax of at least .0003 per dollar of
688 taxable value of taxable property as reported by each county.

689 (c) The [~~levy~~] county additional property tax described in Subsection (4)(a) shall be levied
690 by the county and stated on the tax notice as a county assessing and collecting levy.

691 (d) The purpose of the [~~levy~~] county additional property tax established in this Subsection
692 (4) is to promote the:

693 (i) accurate valuation of property;

694 (ii) establishment and maintenance of uniform assessment levels within and among counties;
695 and

696 (iii) efficient administration of the property tax system, including the costs of assessment,
697 collection, and distribution of property taxes.

698 (e) A [~~levy~~] county additional property tax levy established in Subsection (4)(a) is:

699 (i) exempt from the provisions of Sections 17C-1-403 and 17C-1-404;

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

701 and

702 (iii) beginning on January 1, [~~2006,~~] 2009:

703 (A) for a county that was designated as a receiving county by the state auditor during the

704 prior calendar year, subject to the notice and hearing requirements of Sections 59-2-918 and
705 59-2-919 ~~[if the]~~ only if the county additional property tax levied by that county levy is raised to a
706 rate in excess of .0003[-]; and

707 ~~[(5) (a) As used in this Subsection (5) and Subsection (6), "receiving county" means a county~~
708 ~~that receives a disbursement from the Property Tax Valuation Agency Fund in accordance with~~
709 ~~Section 59-2-906.2.]~~

710 ~~[(b) Subject to Subsection (7), for the calendar year beginning on January 1, 2006, the~~
711 ~~amount of the multicounty assessing and collecting levy described in this section shall be set at an~~
712 ~~amount that is equal to the difference between:]~~

713 ~~[(i) the amount of revenue collected from the multicounty assessing and collecting levy during~~
714 ~~the calendar year beginning on January 1, 2004; and]~~

715 ~~[(ii) the amount of revenue budgeted:]~~

716 ~~[(A) by each receiving county for the calendar year beginning on January 1, 2006; and]~~

717 ~~[(B) for the county levy described in Subsection (4)(a):]~~

718 (B) except as provided in Subsection (4)(f), for a county that was designated as a
719 contributing county by the state auditor during the prior calendar year, subject to the notice and
720 hearing requirements of Sections 59-2-918 and 59-2-919.

721 (f) A county additional property tax levy in a county that was not a receiving county during
722 the prior year shall be subject to the notice and hearing requirements described in Subsection
723 (4)(e)(iii)(A) if the county would have been designated as a receiving county during the prior calendar
724 year if the county had levied a county additional property tax of at least .0003 per dollar of taxable
725 value.

726 ~~[(6)]~~ (5) Subject to Subsection ~~[(7)]~~ (6), for calendar years beginning on or after January 1,
727 2007, the amount of the multicounty assessing and collecting levy described in this section shall be
728 reduced by an amount equal to the difference between:

729 (a) the amount of revenue budgeted:

- 730 (i) by each receiving county for that calendar year; and
- 731 (ii) for the county additional property tax levy described in Subsection (4)(a); and
- 732 (b) the amount of revenue budgeted:
- 733 (i) by each receiving county for the calendar year immediately preceding the calendar year
- 734 described in Subsection [~~(6)~~] (7)(a); and
- 735 (ii) for the county additional property tax levy described in Subsection (4)(a).
- 736 [~~(7)~~] (6) The amounts described in the calculations required by [~~Subsections~~] Subsection (5)
- 737 [~~and (6)~~] are exclusive of new growth.

738 Section 7. Section **59-2-1603**, which is renumbered from Section 59-2-906.2 is

739 renumbered and amended to read:

740 **~~[59-2-906.2].~~ 59-2-1603. Disbursement of monies in the Property Tax**

741 **Valuation Agency Fund -- Use of funds.**

742 (1) [~~Beginning January 1, 1994, the~~] The state auditor shall authorize disbursement of money

743 from the Property Tax Valuation Agency Fund to each receiving county [~~as follows:~~] in accordance

744 with this section.

745 [~~(a) subject to Subsection (6), each county of the first class shall receive a disbursement of~~

746 ~~94.5% of the funds transmitted to the Property Tax Valuation Agency Fund by such counties; and]~~

747 [~~(b) subject to Subsection (7), money]~~

748 (2) Money derived from funds transmitted by contributing counties [~~of the second through~~

749 ~~sixth class and any remaining monies not distributed under Subsection (1)(a)] shall be disbursed pro~~

750 rata to receiving counties of the second through sixth class based upon the number of adjusted parcel

751 units in each county as determined in Subsection [~~(2)~~] (3).

752 [~~(2) (a) The number of adjusted parcel units in a county shall be determined by]~~

753 (3) (a) The state auditor shall determine the amount of each county's multicounty assessing

754 and collecting allocation in accordance with this Subsection (3).

755 (b) For a county of the first class, the county's multicounty assessing and collecting allocation

756 shall be 94.5% of the revenue it collects from imposing the multicounty assessing and collecting levy.

757 (c) For counties of the second through sixth class, a county's multicounty assessing and
758 collecting allocation shall be the product of:

759 (i) the county's adjusted parcel ratio; and

760 (ii) the amount of all revenue generated statewide by the imposition of the multicounty
761 assessing and collecting levy.

762 (d) For purposes of this section, a county's adjusted parcel ratio shall be determined by
763 multiplying the sum of the following by the county parcel factor:

764 (i) the number of residential parcels multiplied by 2;

765 (ii) the number of commercial parcels multiplied by 4; and

766 (iii) the number of all other parcels multiplied by 1.

767 ~~[(b)]~~ (e) For purposes of this Subsection (3), the county parcel factor is:

768 (i) 0.9 for counties of the second class;

769 (ii) 1.0 for counties of the third class;

770 (iii) 1.05 for counties of the fourth class;

771 (iv) 1.15 for counties of the fifth class; and

772 (v) 1.3 for counties of the sixth class.

773 (f) The commission shall provide the state auditor a list of each county's parcel counts
774 described in Subsection (3)(d).

775 (4) (a) A first class county shall transmit to the fund an amount equal to the greater of the
776 following:

777 (i) \$250,000; or

778 (ii) the lesser of the following:

779 (A) 5.5% of the revenue it collects from imposing the multicounty assessing and collecting
780 levy during a calendar year; or

781 (B) \$500,000.

782 (b) A second, third, or fourth class contributing county shall transmit to the fund an amount
783 equal to the following:

784 (i) if the contributing county's surplus revenue is equal to or less than the contributing county's
785 minimum county contribution, the minimum county contribution;

786 (ii) if the contributing county's surplus revenue is more than the county's minimum county
787 contribution and less than the county's maximum county contribution, the contributing county's surplus
788 revenue; or

789 (iii) if the contributing county's surplus revenue is equal to or greater than the county's
790 maximum county contribution, the contributing county's maximum county contribution.

791 ~~[(3)]~~ (5) Money in the Property Tax Valuation Agency Fund on the 10th day of the month
792 following the end of the quarter in which the revenue is collected shall, upon authorization by the state
793 auditor, be transmitted by the state treasurer according to the disbursement formula determined under
794 Subsection ~~[(2)]~~ (3) no later than five working days after the 10th day of the month following the end
795 of the quarter in which the revenue is collected.

796 ~~[(4)]~~ (6) If money in the Property Tax Valuation Agency Fund on the 10th day of the month
797 following the end of the quarter in which the revenue is collected is not transmitted to a receiving
798 county within five working days of the 10th day of that month, except as provided for in Subsection
799 ~~[(3)]~~ (5), income from the investment of that money shall be:

800 (a) deposited in and become part of the Property Tax Valuation Agency Fund; and

801 (b) disbursed to ~~[the county]~~ the receiving county in the next quarter.

802 ~~[(5)]~~ (7) A county shall use money disbursed from the Property Tax Valuation Agency Fund
803 for:

804 (a) establishing and maintaining accurate property valuations and uniform assessment levels
805 as required by Section 59-2-103; and

806 (b) improving the efficiency of the property tax system.

807 (8) If collections from the statewide imposition of the multicounty assessing and collecting

808 levy are less than the amount of revenue the levy was expected to generate in a calendar year, the
809 state auditor shall pro rata:

810 (a) decrease each receiving county's multicounty assessing and collecting allocation; and

811 (b) for each contributing county that did not transmit its maximum county contribution to the
812 fund during the same calendar year, increase the contributing county's contribution to the fund.

813 (9) If money remains in the fund after all allocations have been distributed to receiving
814 counties in a calendar year, the state auditor shall retain the money in the fund for distribution the
815 following calendar year.

816 [~~(6) (a) For purposes of this Subsection (6), "retained funds" means the difference between:~~]

817 [~~(i) the funds transmitted by a county of the first class to the Property Tax Valuation Agency~~
818 ~~Fund under Subsection (1)(a); and]~~

819 [~~(ii) the disbursement described in Subsection (1)(a).]~~

820 [~~(b) Notwithstanding Subsection (1)(a), if the retained funds are:]~~

821 [~~(i) less than \$250,000, the disbursement described in Subsection (1)(a) shall be reduced by~~
822 ~~the difference between:]~~

823 [~~(A) \$250,000; and]~~

824 [~~(B) the retained funds; and]~~

825 [~~(ii) more than \$500,000, the disbursement described in Subsection (1)(a) shall be increased~~
826 ~~by the difference between:]~~

827 [~~(A) the retained funds; and]~~

828 [~~(B) \$500,000.]~~

829 [~~(7) Notwithstanding Subsection (1)(b):]~~

830 [~~(a) if the amount transmitted under Subsection (1)(b) by a county of the second class is:]~~

831 [~~(i) less than \$100,000, the amount disbursed under Subsection (1)(b) to a county of the~~
832 ~~second class shall be reduced by the difference between:]~~

833 [~~(A) \$100,000; and]~~

834 ~~[(B) the amount transmitted under Subsection (1)(b) by a county of the second class; and]~~
 835 ~~[(ii) more than \$250,000, the amount disbursed under Subsection (1)(b) to a county of the~~
 836 ~~second class shall be increased by the difference between:]~~

837 ~~[(A) the amount transmitted under Subsection (1)(b) by a county of the second class; and]~~
 838 ~~[(B) \$250,000;]~~

839 ~~[(b) if the amount transmitted under Subsection (1)(b) by a county of the third class is more~~
 840 ~~than \$250,000, the amount disbursed under Subsection (1)(b) to a county of the third class shall be~~
 841 ~~increased by the difference between:]~~

842 ~~[(i) the amount transmitted under Subsection (1)(b) by a county of the third class; and]~~
 843 ~~[(ii) \$250,000;]~~

844 ~~[(c) if the amount transmitted under Subsection (1)(b) by a county of the fourth class is more~~
 845 ~~than \$100,000, the amount disbursed under Subsection (1)(b) to a county of the fourth class shall be~~
 846 ~~increased by the difference between:]~~

847 ~~[(i) the amount transmitted under Subsection (1)(b) by a county of the fourth class; and]~~
 848 ~~[(ii) \$100,000; and]~~

849 ~~[(d) the amount disbursed under Subsection (1)(b) to a county of the fifth or sixth class shall~~
 850 ~~not be less than the amount transmitted under Subsection (1)(b) by a county of the fifth or sixth class.]~~

851 Section 8. Section **59-2-1604**, which is renumbered from Section 59-2-906.3 is
 852 renumbered and amended to read:

853 ~~[59-2-906.3].~~ **59-2-1604. Additional levies by counties.**

854 (1) (a) A county may levy an additional tax to fund state mandated actions to meet legislative
 855 mandates or judicial or administrative orders which relate to promoting the accurate valuation of
 856 property, the establishment and maintenance of uniform assessment levels within and among counties,
 857 and the administration of the property tax system.

858 (b) An additional rate levied under Subsection (1)(a):

859 (i) shall be stated on the tax notice;

860 (ii) may be included on the tax notice with the county [~~assessing and collecting levy~~] levies
861 authorized under [~~Subsection 59-2-906.1(4)~~] Section 59-2-1602 as part of the countywide
862 aggregate tax rate;

863 (iii) may not be included in determining the maximum allowable levy for the county or other
864 taxing entities; and

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

866 (2) (a) A county may levy an additional tax for reappraisal programs that:

867 (i) are formally adopted by the county legislative body; and

868 (ii) conform to tax commission rules.

869 (b) An additional rate levied under Subsection (2)(a):

870 (i) shall be stated on the tax notice;

871 (ii) may be included on the tax notice with the county [~~assessing and collecting levy~~] levies
872 authorized under [~~Subsection 59-2-906.1(4)~~] Section 59-2-1602 as part of the countywide
873 aggregate tax rate;

874 (iii) may not be included in determining the maximum allowable levy for the county or other
875 taxing entities; and

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

877 Section 9. Section **59-2-1605**, which is renumbered from Section 59-2-906.4 is
878 renumbered and amended to read:

879 ~~[59-2-906.4].~~ **59-2-1605. Accounting records for levies.**

880 Each county shall separately budget and account for the use of any monies received or
881 expended under a levy imposed under Section [~~59-2-906.1, 59-2-906.2, or 59-2-906.3~~]
882 59-2-1602, 59-2-1603, or 59-2-1604.

883 Section 10. **Effective date.**

884 This bill takes effect on January 1, 2009.