

Senator Dennis E. Stowell proposes the following substitute bill:

**AMENDMENTS TO PROPERTY TAX NOTICE,
PUBLIC HEARING, AND RESOLUTION
PROVISIONS**

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Dennis E. Stowell

House Sponsor: Gage Froerer

LONG TITLE

General Description:

This bill amends the Property Tax Act to address property tax notice, public hearing, and resolution requirements.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ modifies property tax notice, public hearing, and resolution requirements if a taxing entity seeks to levy a tax rate that exceeds the certified tax rate;
- ▶ addresses exceptions to the property tax notice requirements; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill provides revisor instructions.

This bill coordinates with H.B. 67, Public Hearings on Property Tax Increases, and S.B. 208, Utah Public Notice Website Amendments, by providing substantive and technical



26 amendments.

27 This bill coordinates with H.B. 23, Certified Tax Rate Amendments, by providing
28 substantive and technical amendments.

29 **Utah Code Sections Affected:**

30 AMENDS:

- 31 **17B-1-609**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 32 **17B-1-627**, as renumbered and amended by Laws of Utah 2007, Chapter 329
- 33 **53A-17a-133**, as last amended by Laws of Utah 2008, Chapters 61, 231, and 236
- 34 **53A-19-102**, as last amended by Laws of Utah 2008, Chapters 61, 231, and 236
- 35 **53A-19-105**, as last amended by Laws of Utah 2008, Chapters 61, 231, 236, and 382
- 36 **59-2-911**, as last amended by Laws of Utah 2008, Chapter 330
- 37 **59-2-918.5**, as last amended by Laws of Utah 2008, Chapters 231 and 301
- 38 **59-2-918.6**, as last amended by Laws of Utah 2008, Chapters 231 and 301
- 39 **59-2-919**, as last amended by Laws of Utah 2008, Chapters 231 and 301
- 40 **59-2-919.1**, as enacted by Laws of Utah 2008, Chapter 301
- 41 **59-2-921**, as last amended by Laws of Utah 1997, Second Special Session, Chapter 2
- 42 **59-2-922**, as last amended by Laws of Utah 1988, Chapter 3
- 43 **59-2-923**, as last amended by Laws of Utah 1988, Chapter 3
- 44 **59-2-924**, as last amended by Laws of Utah 2008, Chapters 61, 118, 231, 236, 330, 360,
- 45 and 382
- 46 **59-2-924.3**, as enacted by Laws of Utah 2008, Chapter 236
- 47 **59-2-924.4**, as enacted by Laws of Utah 2008, Chapter 236
- 48 **59-2-1602**, as renumbered and amended by Laws of Utah 2008, Chapter 330
- 49 **59-2-1604**, as renumbered and amended by Laws of Utah 2008, Chapter 330

50 REPEALS:

- 51 **59-2-918**, as last amended by Laws of Utah 2008, Chapters 61, 231, and 236



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

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

55 **17B-1-609. Hearing to consider adoption.**

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

57 (a) establish the time and place of a public hearing to consider its adoption; and

58 (b) order that notice of the hearing:

59 (i) be published at least seven days prior to the hearing in at least one issue of a
60 newspaper of general circulation published in the county or counties in which the district is
61 located; or

62 (ii) if no newspaper is published, be posted in three public places within the district.

63 (2) If the budget hearing is held in conjunction with a tax increase hearing, the notice
64 shall be published in accordance with [~~Sections 59-2-918 and~~] the advertisement provisions of
65 Section 59-2-919.

66 Section 2. Section **17B-1-627** is amended to read:

67 **17B-1-627. Property tax levy -- Time for setting -- Computation of total levy --**
68 **Apportionment of proceeds -- Maximum levy.**

69 (1) The board of trustees of each local district authorized to levy a property tax, at a
70 regular meeting or special meeting called for that purpose, shall, by resolution, set the real and
71 personal property tax rate for various district purposes by the date set under Section 59-2-912,
72 but the rate may be set at an appropriate later date in accordance with Sections [~~59-2-918~~]
73 59-2-919 through 59-2-923.

74 (2) In its computation of the total levy, the board of trustees shall determine the
75 requirements of each fund for which property taxes are to be levied and shall specify in its
76 resolution adopting the tax rate the amount apportioned to each fund.

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

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

81 (5) The combined levies for each district for all purposes in any year, excluding the
82 retirement of general obligation bonds and the payment of any interest on the bonds, and any
83 taxes expressly authorized by law to be levied in addition, may not exceed the limit enumerated
84 by the laws governing each district.

85 Section 3. Section **53A-17a-133** is amended to read:

86 **53A-17a-133. State-supported voted leeway program authorized -- Election**
87 **requirements -- State guarantee -- Reconsideration of the program.**

88 (1) An election to consider adoption or modification of a voted leeway program is
89 required if initiative petitions signed by 10% of the number of electors who voted at the last
90 preceding general election are presented to the local school board or by action of the board.

91 (2) (a) (i) To establish a voted leeway program, a majority of the electors of a district
92 voting at an election in the manner set forth in Section 53A-16-110 must vote in favor of a
93 special tax.

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

95 (b) The district may maintain a school program which exceeds the cost of the program
96 referred to in Section 53A-17a-145 with this voted leeway.

97 (c) In order to receive state support the first year, a district must receive voter approval
98 no later than December 1 of the year prior to implementation.

99 (3) (a) Under the voted leeway program, the state shall contribute an amount sufficient
100 to guarantee \$17.54 per weighted pupil unit for each .0001 of the first .0016 per dollar of
101 taxable value.

102 (b) The same dollar amount guarantee per weighted pupil unit for the .0016 per dollar
103 of taxable value under Subsection (3)(a) shall apply to the board-approved leeway authorized
104 in Section 53A-17a-134, so that the guarantee shall apply up to a total of .002 per dollar of
105 taxable value if a school district levies a tax rate under both programs.

106 (c) (i) Beginning July 1, 2005, the \$17.54 guarantee under Subsections (3)(a) and (b)
107 shall be indexed each year to the value of the weighted pupil unit by making the value of the
108 guarantee equal to .008544 times the value of the prior year's weighted pupil unit.

109 (ii) The guarantee shall increase by .0005 times the value of the prior year's weighted
110 pupil unit for each succeeding year until the guarantee is equal to .010544 times the value of
111 the prior year's weighted pupil unit.

112 (d) (i) The amount of state guarantee money to which a school district would otherwise
113 be entitled to under this Subsection (3) may not be reduced for the sole reason that the district's
114 levy is reduced as a consequence of changes in the certified tax rate under Section 59-2-924
115 pursuant to changes in property valuation.

116 (ii) Subsection (3)(d)(i) applies for a period of five years following any such change in
117 the certified tax rate.

118 (4) (a) An election to modify an existing voted leeway program is not a reconsideration

119 of the existing program unless the proposition submitted to the electors expressly so states.

120 (b) A majority vote opposing a modification does not deprive the district of authority to
121 continue an existing program.

122 (c) If adoption of a leeway program is contingent upon an offset reducing other local
123 school board levies, the board must allow the electors, in an election, to consider modifying or
124 discontinuing the program prior to a subsequent increase in other levies that would increase the
125 total local school board levy.

126 (d) Nothing contained in this section terminates, without an election, the authority of a
127 school district to continue an existing voted leeway program previously authorized by the
128 voters.

129 (5) Notwithstanding Section [~~59-2-918~~] 59-2-919, a school district may budget an
130 increased amount of ad valorem property tax revenue derived from a voted leeway imposed
131 under this section in addition to revenue from new growth as defined in Subsection
132 59-2-924(4), without having to comply with the [~~advertisement~~] notice requirements of Section
133 [~~59-2-918~~] 59-2-919, if:

134 (a) the voted leeway is approved:

135 (i) in accordance with Section 53A-16-110 on or after January 1, 2003; and

136 (ii) within the four-year period immediately preceding the year in which the school
137 district seeks to budget an increased amount of ad valorem property tax revenue derived from
138 the voted leeway; and

139 (b) for a voted leeway approved or modified in accordance with this section on or after
140 January 1, 2009, the school district complies with the requirements of Subsection (7).

141 (6) Notwithstanding Section 59-2-919, a school district may levy a tax rate under this
142 section that exceeds the certified tax rate without having to comply with the [~~advertisement~~]
143 notice requirements of Section 59-2-919 if:

144 (a) the levy exceeds the certified tax rate as the result of a school district budgeting an
145 increased amount of ad valorem property tax revenue derived from a voted leeway imposed
146 under this section;

147 (b) if the voted leeway was approved:

148 (i) in accordance with Section 53A-16-110 on or after January 1, 2003; and

149 (ii) within the four-year period immediately preceding the year in which the school

150 district seeks to budget an increased amount of ad valorem property tax revenue derived from
151 the voted leeway; and

152 (c) for a voted leeway approved or modified in accordance with this section on or after
153 January 1, 2009, the school district complies with requirements of Subsection (7).

154 (7) For purposes of Subsection (5)(b) or (6)(c), the proposition submitted to the
155 electors regarding the adoption or modification of a voted leeway program shall contain the
156 following statement:

157 "A vote in favor of this tax means that (name of the school district) may increase
158 revenue from this property tax without advertising the increase for the next five years."

159 Section 4. Section **53A-19-102** is amended to read:

160 **53A-19-102. Local school boards budget procedures.**

161 (1) (a) Prior to June 22 of each year, each local school board shall adopt a budget and
162 make appropriations for the next fiscal year.

163 (b) If the tax rate in the proposed budget exceeds the certified tax rate defined in
164 Section 59-2-924, the board shall comply with [~~Sections 59-2-918 and~~] Section 59-2-919 in
165 adopting the budget, except as provided by Section 53A-17a-133.

166 (2) (a) Prior to the adoption of a budget containing a tax rate which does not exceed the
167 certified tax rate, the board shall hold a public hearing, as defined in Section 10-9a-103, on the
168 proposed budget.

169 (b) In addition to complying with Title 52, Chapter 4, Open and Public Meetings Act,
170 in regards to the public hearing described in Subsection (2)(a), the board shall [~~do the~~
171 following]:

172 [~~(a)~~] (i) publish the required newspaper notice at least ten days prior to the hearing; and

173 [~~(b)~~] (ii) file a copy of the proposed budget with the board's business administrator for
174 public inspection at least ten days prior to the hearing.

175 (3) The board shall file a copy of the adopted budget with the state auditor and the
176 State Board of Education.

177 Section 5. Section **53A-19-105** is amended to read:

178 **53A-19-105. School district interfund transfers.**

179 (1) A school district shall spend revenues only within the fund for which they were
180 originally authorized, levied, collected, or appropriated.

181 (2) Except as otherwise provided in this section, school district interfund transfers of
182 residual equity are prohibited.

183 (3) The State Board of Education may authorize school district interfund transfers of
184 residual equity when a district states its intent to create a new fund or expand, contract, or
185 liquidate an existing fund.

186 (4) The State Board of Education may also authorize school district interfund transfers
187 of residual equity for a financially distressed district if the board determines the following:

188 (a) the district has a significant deficit in its maintenance and operations fund caused
189 by circumstances not subject to the administrative decisions of the district;

190 (b) the deficit cannot be reasonably reduced under Section 53A-19-104; and

191 (c) without the transfer, the school district will not be capable of meeting statewide
192 educational standards adopted by the State Board of Education.

193 (5) The board shall develop standards for defining and aiding financially distressed
194 school districts under this section in accordance with Title 63G, Chapter 3, Utah
195 Administrative Rulemaking Act.

196 (6) (a) All debt service levies not subject to certified tax rate hearings shall be recorded
197 and reported in the debt service fund.

198 (b) Debt service levies under Subsection 59-2-924(3)(e)(iii) that are not subject to the
199 [~~certified tax rate~~] public hearing [~~requirements~~] provisions of [~~Sections 59-2-918 and~~] Section
200 59-2-919 may not be used for any purpose other than retiring general obligation debt.

201 (c) Amounts from these levies remaining in the debt service fund at the end of a fiscal
202 year shall be used in subsequent years for general obligation debt retirement.

203 (d) Any amounts left in the debt service fund after all general obligation debt has been
204 retired may be transferred to the capital projects fund upon completion of the budgetary hearing
205 process required under Section 53A-19-102.

206 Section 6. Section **59-2-911** is amended to read:

207 **59-2-911. Exceptions to maximum levy limitation.**

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

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

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

- 212 (c) levies made for extended services in any county service area;
- 213 (d) levies made for county library services;
- 214 (e) levies made to be used for storm water, flood, and water quality control;
- 215 (f) levies made to share disaster recovery expenses for public facilities and structures as
- 216 a condition of state assistance when a Presidential Declaration has been issued under the
- 217 Disaster Relief Act of 1974, 42 U.S.C. Sec. 5121;
- 218 (g) levies made to pay interest and provide for a sinking fund in connection with any
- 219 bonded or voter authorized indebtedness, including the bonded or voter authorized
- 220 indebtedness of county service areas, special service districts, and special improvement
- 221 districts;
- 222 (h) levies made to fund local health departments;
- 223 (i) levies made to fund public transit districts;
- 224 (j) levies made to establish, maintain, and replenish special improvement guaranty
- 225 funds;
- 226 (k) levies made in any special service district;
- 227 (l) levies made to fund municipal-type services to unincorporated areas of counties
- 228 under Title 17, Chapter 34, Municipal-Type Services to Unincorporated Areas;
- 229 (m) levies made to fund the purchase of paramedic or ambulance facilities and
- 230 equipment and to defray administration, personnel, and other costs of providing emergency
- 231 medical and paramedic services, but this exception only applies to those counties in which a
- 232 resolution setting forth the intention to make those levies has been duly adopted by the county
- 233 legislative body and approved by a majority of the voters of the county voting at a special or
- 234 general election;
- 235 (n) levies made to pay for the costs of state legislative mandates or judicial or
- 236 administrative orders under Section 59-2-1604;
- 237 (o) the multicounty and county assessing and collecting levies made to promote
- 238 accurate property valuations, uniform assessment levels, and the efficient administration of the
- 239 property tax system under Section 59-2-1602; and
- 240 (p) all other exceptions to the maximum levy limitation pursuant to statute.
- 241 (2) (a) Upon the retirement of bonds issued for the development of a convention
- 242 complex described in Section 17-12-4, and notwithstanding Section 59-2-908, any county of

243 the first class may continue to impose a property tax levy equivalent to the average property tax
244 levy previously imposed to pay debt service on those retired bonds.

245 (b) Notwithstanding that the imposition of the levy [~~set forth~~] described in Subsection
246 (2)(a) may not result in an increased amount of ad valorem tax revenue, [it] the levy is subject
247 to the notice requirements of [~~Sections 59-2-918 and~~] Section 59-2-919.

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

250 Section 7. Section **59-2-918.5** is amended to read:

251 **59-2-918.5. Hearings on judgment levies -- Advertisement.**

252 (1) A taxing entity may not impose a judgment levy unless it first advertises its
253 intention to do so and holds a public hearing in accordance with the requirements of this
254 section.

255 (2) (a) The advertisement required by this section may be combined with the
256 advertisement [~~required by either Section 59-2-918 or~~] described in Section 59-2-919.

257 (b) The advertisement shall be at least 1/8 of a page in size and shall meet the type,
258 placement, and frequency requirements established under Section 59-2-919.

259 (c) (i) For taxing entities operating under a July 1 through June 30 fiscal year the public
260 hearing shall be held at the same time as the hearing at which the annual budget is adopted.

261 (ii) For taxing entities operating under a January 1 through December 31 fiscal year:

262 (A) for eligible judgments issued from June 1 through December 15, the public hearing
263 shall be held at the same time as the hearing at which the annual budget is adopted; and

264 (B) for eligible judgments issued from December 16 through May 31, the public
265 hearing shall be held at the same time as the hearing at which property tax levies are set.

266 (3) The advertisement shall specify the date, time, and location of the public hearing at
267 which the levy will be considered and shall set forth the total amount of the eligible judgment
268 and the tax impact on an average residential and business property located within the taxing
269 entity.

270 (4) If a final decision regarding the judgment levy is not made at the public hearing, the
271 taxing entity shall announce at the public hearing the scheduled time and place for
272 consideration and adoption of the judgment levy.

273 (5) The date, time, and place of public hearings required by Subsections

274 [59-2-918.5](2)(c)(i) and [59-2-918.5](2)(c)(ii)(B) shall be included on the notice mailed to
275 property owners pursuant to Section 59-2-919.1.

276 Section 8. Section **59-2-918.6** is amended to read:

277 **59-2-918.6. New and remaining school district budgets -- Advertisement -- Public**
278 **hearing.**

279 (1) As used in this section, "existing school district," "new school district," and
280 "remaining school district" are as defined in Section 53A-2-117.

281 (2) For the first fiscal year in which a new school district created under Section
282 53A-2-118.1 assumes responsibility for providing student instruction, the new school district
283 and the remaining school district or districts may not impose a property tax unless the district
284 imposing the tax:

285 (a) advertises its intention to do so in accordance with Subsection (3); and

286 (b) holds a public hearing in accordance with Subsection (4).

287 (3) The advertisement required by this section:

288 (a) may be combined with the advertisement [~~required by either~~] described in Section
289 [~~59-2-918 or~~] 59-2-919;

290 (b) shall be at least 1/4 of a page in size and shall meet the type, placement, and
291 frequency requirements established under Section 59-2-919; and

292 (c) shall specify the date, time, and location of the public hearing at which the levy will
293 be considered and shall set forth the total amount of the district's proposed property tax levy
294 and the tax impact on an average residential and business property located within the taxing
295 entity compared to the property tax levy imposed in the prior year by the existing school
296 district.

297 (4) (a) The date, time, and place of public hearings required by this section shall be
298 included on the notice mailed to property owners pursuant to Section 59-2-919.1.

299 (b) If a final decision regarding the property tax levy is not made at the public hearing,
300 the school district shall announce at the public hearing the scheduled time and place for
301 consideration and adoption of the budget and property tax levies.

302 Section 9. Section **59-2-919** is amended to read:

303 **59-2-919. Notice, public hearing, and resolution requirements for certain tax**
304 **increases -- Exceptions -- Applicability of provisions.**

305 ~~[(1) A tax rate in excess of the certified tax rate may not be levied until a resolution has~~
306 ~~been approved by the taxing entity in accordance with this section.]~~

307 ~~[(2) (a) (i) The taxing entity shall advertise its intent to exceed the certified tax rate in a~~
308 ~~newspaper or combination of newspapers of general circulation in the taxing entity.]~~

309 (1) As used in this section:

310 (a) "Ad valorem tax revenue" means ad valorem property tax revenue not including
311 revenue from new growth as defined in Section 59-2-924.

312 (b) "Calendar year taxing entity" means a taxing entity that operates under a fiscal year
313 that begins on January 1 and ends on December 31.

314 (c) "Fiscal year taxing entity" means a taxing entity that operates under a fiscal year
315 that begins on July 1 and ends on June 30.

316 (2) A taxing entity may not levy a tax rate that exceeds the taxing entity's certified tax
317 rate unless the taxing entity:

318 (a) to the extent required by this section, meets the:

319 (i) notice requirements of this section; and

320 (ii) public hearing requirements of this section; and

321 (b) adopts a resolution in accordance with this section.

322 (3) (a) Except as provided in Subsection (5), a calendar year taxing entity may levy a
323 tax rate that exceeds the calendar year taxing entity's certified tax rate if the calendar year
324 taxing entity:

325 (i) (A) provides notice by meeting the advertisement requirements of Subsections (6)
326 and (7) before the calendar year taxing entity conducts the public hearing at which the calendar
327 year taxing entity's annual budget is adopted; and

328 (B) before the calendar year taxing entity levies a tax rate that exceeds the calendar
329 year taxing entity's certified tax rate:

330 (I) provides notice by meeting the advertisement requirements of Subsections (6) and
331 (7); or

332 (II) provides a notice by mail:

333 (Aa) on or no earlier than 14 days before the date the treasurer furnishes the notice
334 required by Section 59-2-1317 for the calendar year immediately preceding the calendar year
335 for which the calendar year taxing entity seeks to levy a tax rate that exceeds the calendar year

336 taxing entity's certified tax rate;
337 (Bb) before the calendar year taxing entity conducts the public meeting at which the
338 calendar year taxing entity's annual budget is adopted; and
339 (Cc) as provided in Subsection (3)(b); and
340 (ii) conducts a public hearing in accordance with Subsections (8) and (9):
341 (A) on or before the calendar year taxing entity conducts the public meeting at which
342 the calendar year taxing entity's annual budget is adopted; and
343 (B) if the calendar year taxing entity provides the notice described in Subsection
344 (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar
345 year taxing entity's certified tax rate.
346 (b) For a calendar year taxing entity that provides the notice described in Subsection
347 (3)(a)(i)(B)(II), the notice:
348 (i) shall be mailed to each owner of property:
349 (A) within the calendar year taxing entity; and
350 (B) listed on the assessment roll;
351 (ii) shall be printed on a form:
352 (A) developed by the commission; and
353 (B) that, as determined by the commission, may be combined with:
354 (I) a notice described in Subsection (3)(a)(i)(B)(II) provided by one or more other
355 calendar year taxing entities; or
356 (II) the notice required by Section 59-2-1317;
357 (iii) shall contain for each property described in Subsection (3)(b)(i):
358 (A) the value of the property for the calendar year immediately preceding the calendar
359 year for which the calendar year taxing entity seeks to levy a tax rate that exceeds the calendar
360 year taxing entity's certified tax rate;
361 (B) the tax on the property for the calendar year immediately preceding the calendar
362 year for which the calendar year taxing entity seeks to levy a tax rate that exceeds the calendar
363 year taxing entity's certified tax rate; and
364 (C) the estimated tax on the property:
365 (I) for the calendar year for which the calendar year taxing entity seeks to levy a tax
366 rate that exceeds the calendar year taxing entity's certified tax rate; and

367 (II) calculated on the basis of data for the calendar year immediately preceding the
 368 calendar year for which the calendar year taxing entity seeks to levy a tax rate that exceeds the
 369 calendar year taxing entity's certified tax rate;

370 (iv) shall contain the following statement:

371 "[Insert name of taxing entity] is proposing a tax increase for [insert applicable calendar
 372 year]. This notice contains estimates of the tax on your property and the proposed tax increase
 373 on your property as a result of this tax increase. These estimates are calculated on the basis of
 374 [insert previous applicable calendar year] data. The actual tax on your property and proposed
 375 tax increase on your property may vary from this estimate."

376 (v) shall state the date, time, and place of the public hearing that will be held to discuss
 377 the calendar year taxing entity's annual budget; and

378 (vi) may contain other property tax information approved by the commission.

379 (4) Except as provided in Subsection (5), a fiscal year taxing entity may levy a tax rate
 380 that exceeds the fiscal year taxing entity's certified tax rate if the fiscal year taxing entity:

381 (a) provides notice by meeting the advertisement requirements of Subsections (6) and
 382 (7) before the fiscal year taxing entity conducts the public meeting at which the fiscal year
 383 taxing entity's annual budget is adopted; and

384 (b) conducts a public hearing in accordance with Subsections (8) and (9) before the
 385 fiscal year taxing entity's annual budget is adopted.

386 [(ii)] (5) (a) [Notwithstanding Subsection (2)(a)(i), a] A taxing entity is not required to
 387 meet the [advertisement] notice or public hearing requirements of [this section] Subsection (3)
 388 or (4) if [:(A)] the taxing entity is expressly exempted by law from complying with the
 389 requirements of this section[; or].

390 (b) (i) Except as provided in Subsection (5)(b)(ii), a taxing entity is not required to
 391 meet the notice or public hearing requirements of Subsection (3) or (4) if:

392 [(B)-(F)] (A) the taxing entity is a party to an interlocal agreement under Title 11,
 393 Chapter 13, Interlocal Cooperation Act, that creates an interlocal entity to provide fire
 394 protection, emergency, and emergency medical services;

395 [(H)] (B) the tax rate increase is approved by the taxing entity's voters at an election
 396 held for that purpose on or before December 31, 2010;

397 [(HH)] (C) the purpose of the tax rate increase is to pay for fire protection, emergency,

398 and emergency medical services provided by the interlocal entity; and

399 ~~[(FV)]~~ (D) at least 30 days before ~~[its]~~ the taxing entity's annual budget hearing, the
400 taxing entity:

401 ~~[(Aa)]~~ (I) adopts a resolution certifying that:

402 (Aa) the taxing entity will dedicate all revenue from the tax rate increase exclusively to
403 pay for fire protection, emergency, and emergency medical services provided by the interlocal
404 entity; and ~~[that]~~

405 (Bb) the amount of other revenues, independent of the revenue generated from the tax
406 rate increase, that the taxing entity spends for fire protection, emergency, and emergency
407 medical services each year after the tax rate increase will not decrease below the amount spent
408 by the taxing entity during the year immediately before the tax rate increase without a
409 corresponding decrease in the taxing entity's property tax revenues used in calculating the
410 taxing entity's certified tax rate; and

411 ~~[(Bb)]~~ (II) sends a copy of the resolution to the commission.

412 ~~[(iii)]~~ (ii) The exception under Subsection ~~[(2)(a)(ii)(B)]~~ (5)(b)(i) from the
413 ~~[advertisement]~~ notice and public hearing requirements of ~~[this section]~~ Subsection (3) or (4)
414 does not apply to an increase in a taxing entity's tax rate that occurs after December 31, 2010,
415 even if the tax rate increase is approved by the taxing entity's voters before that date.

416 ~~[(iv)]~~ (c) ~~[Notwithstanding Subsection (2)(a)(i), a]~~ A taxing entity is not required to
417 meet the ~~[advertisement]~~ notice requirements of ~~[this section]~~ Subsection (3) or (4) if:

418 ~~[(A)]~~ (i) Section 53A-17a-133 allows the taxing entity to levy a tax rate that exceeds
419 that certified tax rate without having to comply with the ~~[advertisement requirements]~~ notice
420 provisions of this section; or

421 ~~[(B)]~~ (ii) the taxing entity:

422 ~~[(F) collected]~~ (A) budgeted less than \$20,000 in ad valorem tax revenues for the
423 previous fiscal year; and

424 ~~[(H)]~~ (B) sets a budget during the current fiscal year of less than \$20,000 of ad valorem
425 tax revenues.

426 (6) (a) Subject to Subsections (6)(d) and (7)(b), the advertisement described in this
427 section shall be published in a newspaper or combination of newspapers of general circulation
428 in the taxing entity.

429 (b) The advertisement described in this section shall:
 430 (i) be no less than 1/4 page in size;
 431 (ii) use type no smaller than 18 point; and
 432 (iii) be surrounded by a 1/4-inch border.
 433 (c) The advertisement described in this section may not be placed in that portion of the
 434 newspaper where legal notices and classified advertisements appear.

435 (d) It is the intent of the Legislature that:
 436 (i) whenever possible, the advertisement described in this section appear in a
 437 newspaper that is published at least one day per week; and
 438 (ii) the newspaper or combination of newspapers selected:
 439 (A) be of general interest and readership in the taxing entity; and
 440 (B) not be of limited subject matter.

441 (e) The advertisement described in this section shall:
 442 (i) be run once each week for the two weeks [~~preceding the adoption of the final~~];
 443 (A) before a taxing entity conducts a public hearing at which the taxing entity's annual
 444 budget is discussed; and

445 (B) if a calendar year taxing entity provides the notice described in Subsection
 446 (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar
 447 year taxing entity's certified tax rate; and

448 (ii) state that the taxing entity will meet on a certain day, time, and place fixed in the
 449 advertisement, which shall be not less than seven days after the day the first advertisement is
 450 published, for the purpose of hearing comments regarding any proposed increase and to explain
 451 the reasons for the proposed increase.

452 [~~(f) The meeting on the proposed increase may coincide with the hearing on the~~
 453 ~~proposed budget of the taxing entity.]~~

454 (f) (i) For purposes of Subsection (3)(a)(i)(A) or (4)(a), the form and content of an
 455 advertisement shall be substantially as follows:

"NOTICE OF PROPOSED TAX INCREASE

(NAME OF TAXING ENTITY)

The (name of the taxing entity) is proposing to increase its property tax revenue.

● If the proposed budget is approved, this would be an increase of _____ % above

460 the (name of the taxing entity) property tax budgeted revenue for the prior year.

461 ● The (name of the taxing entity) tax on a (insert the average value of a residence
462 in the taxing entity rounded to the nearest thousand dollars) residence would
463 increase from \$ _____ to \$ _____, which is \$ _____ per year.

464 ● The (name of the taxing entity) tax on a (insert the value of a business having
465 the same value as the average value of a residence in the taxing entity) business
466 would increase from \$ _____ to \$ _____, which is \$ _____ per year.

467 All concerned citizens are invited to a public hearing on the tax increase.

468 PUBLIC HEARING

469 Date/Time: (date) (time)

470 Location: (name of meeting place and address of meeting place)

471 To obtain more information regarding the tax increase, citizens may contact the (name
472 of the taxing entity) at (phone number of taxing entity)."

473 [~~3~~ The] (ii) For purposes of Subsection (3)(a)(i)(B)(I), the form and content of [the
474 notice] an advertisement shall be substantially as follows:

475 "NOTICE OF PROPOSED TAX INCREASE

476 (NAME OF TAXING ENTITY)

477 The (name of the taxing entity) is proposing to increase its property tax revenue.

478 ● If the proposed budget is approved, this would be an increase of _____% above
479 the (name of the taxing entity) property tax budgeted revenue for the prior year.

480 ● The (name of the taxing entity) tax on a (insert the average value of a residence
481 in the taxing entity rounded to the nearest thousand dollars) residence would
482 increase from \$ _____ to \$ _____, which is \$ _____ per year.

483 ● The (name of the taxing entity) tax on a (insert the value of a business having
484 the same value as the average value of a residence in the taxing entity) business
485 would increase from \$ _____ to \$ _____, which is \$ _____ per year.

486 (Name of taxing entity) property tax revenue from new growth and other sources will
487 increase from \$ _____ to \$ _____.

488 All concerned citizens are invited to a public hearing on the tax increase.

489 PUBLIC HEARING

490 Date/Time: (date) (time)

491 Location: (name of meeting place and address of meeting place)

492 To obtain more information regarding the tax increase, citizens may contact the (name
493 of the taxing entity) at (phone number of taxing entity)."

494 ~~[(4)]~~ (7) The commission:

495 (a) shall adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative
496 Rulemaking Act, governing the joint use of one advertisement ~~[under this section or Section~~
497 ~~59-2-918]~~ described in Subsection (6) by two or more taxing entities; and

498 (b) may~~[, upon petition by any taxing entity,]~~ authorize ~~[either]~~:

499 (i) the use of a weekly [newspapers] newspaper:

500 (A) in [counties] a county having both daily and weekly newspapers ~~[where]~~ if the
501 weekly newspaper would provide equal or greater notice to the taxpayer; and

502 (B) if the county petitions the commission for the use of the weekly newspaper; or

503 (ii) the use by a taxing entity except for a calendar year taxing entity that provides the
504 notice described in Subsection (3)(a)(i)(B)(II) of a commission~~[=]~~approved direct notice to each
505 taxpayer if [the]:

506 (A) the cost of the advertisement would cause undue hardship; [and]

507 (B) the direct notice is different and separate from that provided for in Section
508 59-2-919.1[-]; and

509 (C) the taxing entity petitions the commission for the use of a commission approved
510 direct notice.

511 (8) (a) (i) A taxing entity shall on or before March 1 notify the county legislative body
512 in which the taxing entity is located of the date, time, and place of the first public hearing at
513 which the taxing entity's annual budget will be discussed.

514 (ii) A county that receives notice from a taxing entity under Subsection (8)(a)(i) shall
515 include on the notice required by Section 59-2-919.1 the date, time, and place of the public
516 hearing described in Subsection (8)(a)(i).

517 (b) (i) A public hearing described in this section shall be open to the public.

518 (ii) The governing body of a taxing entity conducting a public hearing described in this
519 section shall provide an interested party desiring to be heard an opportunity to present oral
520 testimony within reasonable time limits.

521 (c) (i) Except as provided in Subsection (8)(c)(ii), a taxing entity may not schedule a

522 public hearing described in this section at the same time as the public hearing of another
523 overlapping taxing entity in the same county.

524 (ii) The taxing entities in which the power to set tax levies is vested in the same
525 governing board or authority may consolidate the public hearings described in this section into
526 one public hearing.

527 (d) A county legislative body shall resolve any conflict in public hearing dates and
528 times after consultation with each affected taxing entity.

529 (e) A taxing entity shall hold a public hearing described in this section beginning at or
530 after 6 p.m.

531 (9) (a) If a taxing entity does not make a final decision on budgeting an increased
532 amount of ad valorem tax revenue at a public hearing described in this section, the taxing entity
533 shall announce at that public hearing the scheduled time and place of the next public meeting at
534 which the taxing entity will consider budgeting the increased amount of ad valorem tax
535 revenue.

536 (b) (i) If a calendar year taxing entity that conducts a public hearing in accordance with
537 Subsection (3)(b)(ii) does not adopt a resolution levying a tax rate on the day of the public
538 hearing, the taxing entity shall announce at that public hearing the scheduled time and place of
539 the next public meeting at which the taxing entity will consider adopting a resolution levying
540 the tax rate.

541 (ii) If a taxing entity except for a taxing entity described in Subsection (5)(a) or (b) will
542 consider adopting a resolution levying a tax rate at a day and time that is more than two weeks
543 after the public hearing described in Subsection 59-2-919.1(2)(c)(v), the taxing entity shall
544 meet the notice requirements of Subsection (3)(a)(i)(B)(I).

545 ~~[(5)]~~ (10) (a) [The] A taxing entity[; after holding a hearing as provided in this section;]
546 may adopt a resolution levying a tax rate [in excess of the] that exceeds the taxing entity's
547 certified tax rate[;] if the taxing entity, to the extent required by this section, meets the:

548 (i) notice requirements of this section; and

549 (ii) public hearing requirements of this section.

550 (b) A public hearing on levying a tax rate that exceeds a taxing entity's certified tax rate
551 may coincide with a public hearing on the taxing entity's proposed annual budget.

552 (11) The amendments to this section in this bill apply to:

553 (a) for a fiscal year taxing entity, the fiscal year that begins on July 1, 2009; or
554 (b) for a calendar year taxing entity, the fiscal year that begins on January 1, 2010.

555 ~~[(b) If a resolution adopting a tax rate is not adopted on the day of the public hearing,~~
556 ~~the scheduled time and place for consideration and adoption of the resolution shall be~~
557 ~~announced at the public hearing.]~~

558 ~~[(c) If a resolution adopting a tax rate is to be considered at a day and time that is more~~
559 ~~than two weeks after the public hearing described in Subsection 59-2-919.1(2)(c)(v), a taxing~~
560 ~~entity, other than a taxing entity described in Subsection (2)(a)(ii), shall advertise the date of~~
561 ~~the proposed adoption of the resolution in the same manner as provided under Subsections (2)~~
562 ~~and (3).]~~

563 ~~[(6) (a) All hearings described in this section shall be open to the public.]~~

564 ~~[(b) The governing body of a taxing entity conducting a hearing shall permit all~~
565 ~~interested parties desiring to be heard an opportunity to present oral testimony within~~
566 ~~reasonable time limits.]~~

567 ~~[(7) (a) Each taxing entity shall notify the county legislative body by March 1 of each~~
568 ~~year of the date, time, and place a public hearing is held by the taxing entity pursuant to this~~
569 ~~section.]~~

570 ~~[(b) A taxing entity may not schedule a hearing described in this section at the same~~
571 ~~time as another overlapping taxing entity in the same county, but all taxing entities in which the~~
572 ~~power to set tax levies is vested in the same governing board or authority may consolidate the~~
573 ~~required hearings into one hearing.]~~

574 ~~[(c) The county legislative body shall resolve any conflicts in hearing dates and times~~
575 ~~after consultation with each affected taxing entity.]~~

576 ~~[(8) A taxing entity shall hold a public hearing under this section beginning at or after 6~~
577 ~~p.m.]~~

578 Section 10. Section **59-2-919.1** is amended to read:

579 **59-2-919.1. Notice of property valuation and tax changes.**

580 (1) In addition to ~~[providing]~~ the notice ~~[required by Sections 59-2-918 and]~~
581 requirements of Section 59-2-919, the county auditor, on or before July 22 of each year, shall
582 notify, by mail, each owner of real estate as defined in Section 59-2-102 who is listed on the
583 assessment roll.

584 (2) The notice described in Subsection (1) shall:
585 (a) be sent to all owners of real property by mail not less than ten days before the day
586 on which:
587 (i) the county board of equalization meets; and
588 (ii) the taxing entity holds a public hearing on the proposed increase in the certified tax
589 rate;
590 (b) be printed on a form that is:
591 (i) approved by the commission; and
592 (ii) uniform in content in all counties in the state; and
593 (c) contain for each property:
594 (i) the value of the property;
595 (ii) the date the county board of equalization will meet to hear complaints on the
596 valuation;
597 (iii) itemized tax information for all taxing entities, including a separate statement for
598 the minimum school levy under Section 53A-17a-135 stating:
599 (A) the dollar amount the taxpayer would have paid based on last year's rate; and
600 (B) the amount of the taxpayer's liability under the current rate;
601 (iv) the tax impact on the property;
602 (v) the time and place of the required public hearing for each entity;
603 (vi) property tax information pertaining to:
604 (A) taxpayer relief;
605 (B) options for payment of taxes; and
606 (C) collection procedures;
607 (vii) information specifically authorized to be included on the notice under Title 59,
608 Chapter 2, Property Tax Act;
609 (viii) the last property review date of the property as described in Subsection
610 59-2-303.1(1)(c); and
611 (ix) other property tax information approved by the commission.
612 Section 11. Section **59-2-921** is amended to read:
613 **59-2-921. Changes in assessment roll -- Rate adjustments -- Exemption from**
614 **notice and public hearing provisions.**

615 (1) On or before September 15 the county board of equalization and, in cases involving
 616 the original jurisdiction of the commission or an appeal from the county board of equalization,
 617 the commission, shall annually notify each taxing entity of the following changes resulting
 618 from actions by the commission or the county board of equalization:

- 619 (a) a change in the taxing entity's assessment roll; and
- 620 (b) a change in the taxing entity's adopted tax rate.

621 (2) A taxing entity is not required to comply with the notice and public hearing [and
 622 advertisement requirements of Sections 59-2-918 and] provisions of Section 59-2-919 if the
 623 commission, the county board of equalization, or a court of competent jurisdiction:

- 624 (a) changes a taxing entity's adopted tax rate; or
- 625 (b) (i) makes a reduction in the taxing entity's assessment roll; and
- 626 (ii) the taxing entity adopts by resolution an increase in its tax rate above the certified
 627 tax rate as a result of the reduction under Subsection (2)(b)(i).

628 (3) A rate adjustment under this section for:

- 629 (a) a taxing entity shall be:
 - 630 (i) made by the county auditor;
 - 631 (ii) aggregated;
 - 632 (iii) reported by the county auditor to the commission; and
 - 633 (iv) certified by the commission; and
- 634 (b) the state shall be made by the commission.

635 Section 12. Section **59-2-922** is amended to read:

636 **59-2-922. Replacement resolution for greater tax rate.**

637 [~~If, after approval of the~~] Except as provided in Section 59-2-921, if, after a taxing
 638 entity approves an initial tax rate [as provided for under Section 59-2-919 or 59-2-924, the
 639 governing body of], the taxing entity determines that a greater tax rate is required [other than
 640 that allowed under Section 59-2-921, it shall readvertise and], the taxing entity shall adopt a
 641 replacement resolution [~~under the procedures established under Section 59-2-919~~] after the
 642 taxing entity meets the notice and public hearing requirements of Section 59-2-919 to the
 643 extent required by Section 59-2-919.

644 Section 13. Section **59-2-923** is amended to read:

645 **59-2-923. Expenditures of money prior to adoption of budget or tax rate.**

646 ~~[Notwithstanding other provisions of law to the contrary, a taxing entity which intends~~
 647 ~~to exceed its certified tax levy may not adopt its final budget until the public hearing specified~~
 648 ~~in Section 59-2-919 has been held. The]~~

649 A taxing entity may, [until the hearing is held and a final budget and tax rate are
 650 adopted] before the taxing entity adopts a final annual budget or a tax rate, expend moneys
 651 [based (1) on its] on the basis of the taxing entity's:

652 (1) tentative budget after adoption[, or (2) on its] of the tentative budget; or

653 (2) prior year's adopted final budget as amended, which shall be readopted by
 654 resolution at a [duly constituted] meeting of the taxing entity's governing body.

655 Section 14. Section **59-2-924** is amended to read:

656 **59-2-924. Report of valuation of property to county auditor and commission --**
 657 **Transmittal by auditor to governing bodies -- Certified tax rate -- Calculation of certified**
 658 **tax rate -- Rulemaking authority -- Adoption of tentative budget.**

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

661 (a) a statement containing the aggregate valuation of all taxable real property assessed
 662 by a county assessor in accordance with Part 3, County Assessment, for each taxing entity; and

663 (b) a statement containing the taxable value of all personal property assessed by a
 664 county assessor in accordance with Part 3, County Assessment, from the prior year end values.

665 (2) The county auditor shall, on or before June 8, transmit to the governing body of
 666 each taxing entity:

667 (a) the statements described in Subsections (1)(a) and (b);

668 (b) an estimate of the revenue from personal property;

669 (c) the certified tax rate; and

670 (d) all forms necessary to submit a tax levy request.

671 (3) (a) The "certified tax rate" means a tax rate that will provide the same ad valorem
 672 property tax revenues for a taxing entity as were budgeted by that taxing entity for the prior
 673 year.

674 (b) For purposes of this Subsection (3):

675 (i) "Ad valorem property tax revenues" do not include:

676 (A) collections from redemptions;

- 677 (B) interest;
- 678 (C) penalties; and
- 679 (D) revenue received by a taxing entity from personal property that is:
 - 680 (I) assessed by a county assessor in accordance with Part 3, County Assessment; and
 - 681 (II) semiconductor manufacturing equipment.
- 682 (ii) "Aggregate taxable value of all property taxed" means:
 - 683 (A) the aggregate taxable value of all real property assessed by a county assessor in
 - 684 accordance with Part 3, County Assessment, for the current year;
 - 685 (B) the aggregate taxable year end value of all personal property assessed by a county
 - 686 assessor in accordance with Part 3, County Assessment, for the prior year; and
 - 687 (C) the aggregate taxable value of all real and personal property assessed by the
 - 688 commission in accordance with Part 2, Assessment of Property, for the current year.
- 689 (c) (i) Except as otherwise provided in this section, the certified tax rate shall be
- 690 calculated by dividing the ad valorem property tax revenues budgeted for the prior year by the
- 691 taxing entity by the amount calculated under Subsection (3)(c)(ii).
- 692 (ii) For purposes of Subsection (3)(c)(i), the legislative body of a taxing entity shall
- 693 calculate an amount as follows:
 - 694 (A) calculate for the taxing entity the difference between:
 - 695 (I) the aggregate taxable value of all property taxed; and
 - 696 (II) any redevelopment adjustments for the current calendar year;
 - 697 (B) after making the calculation required by Subsection (3)(c)(ii)(A), calculate an
 - 698 amount determined by increasing or decreasing the amount calculated under Subsection
 - 699 (3)(c)(ii)(A) by the average of the percentage net change in the value of taxable property for the
 - 700 equalization period for the three calendar years immediately preceding the current calendar
 - 701 year;
 - 702 (C) after making the calculation required by Subsection (3)(c)(ii)(B), calculate the
 - 703 product of:
 - 704 (I) the amount calculated under Subsection (3)(c)(ii)(B); and
 - 705 (II) the percentage of property taxes collected for the five calendar years immediately
 - 706 preceding the current calendar year; and
 - 707 (D) after making the calculation required by Subsection (3)(c)(ii)(C), calculate an

708 amount determined by subtracting from the amount calculated under Subsection (3)(c)(ii)(C)
709 any new growth as defined in this section:

710 (I) within the taxing entity; and

711 (II) for the following calendar year:

712 (Aa) for new growth from real property assessed by a county assessor in accordance
713 with Part 3, County Assessment and all property assessed by the commission in accordance
714 with Section 59-2-201, the current calendar year; and

715 (Bb) for new growth from personal property assessed by a county assessor in
716 accordance with Part 3, County Assessment, the prior calendar year.

717 (iii) For purposes of Subsection (3)(c)(ii)(A), the aggregate taxable value of all
718 property taxed:

719 (A) except as provided in Subsection (3)(c)(iii)(B) or (3)(c)(ii)(C), is as defined in
720 Subsection (3)(b)(ii);

721 (B) does not include the total taxable value of personal property contained on the tax
722 rolls of the taxing entity that is:

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

724 (II) semiconductor manufacturing equipment; and

725 (C) for personal property assessed by a county assessor in accordance with Part 3,
726 County Assessment, the taxable value of personal property is the year end value of the personal
727 property contained on the prior year's tax rolls of the entity.

728 (iv) For purposes of Subsection (3)(c)(ii)(B), for calendar years beginning on or after
729 January 1, 2007, the value of taxable property does not include the value of personal property
730 that is:

731 (A) within the taxing entity assessed by a county assessor in accordance with Part 3,
732 County Assessment; and

733 (B) semiconductor manufacturing equipment.

734 (v) For purposes of Subsection (3)(c)(ii)(C)(II), for calendar years beginning on or after
735 January 1, 2007, the percentage of property taxes collected does not include property taxes
736 collected from personal property that is:

737 (A) within the taxing entity assessed by a county assessor in accordance with Part 3,
738 County Assessment; and

739 (B) semiconductor manufacturing equipment.

740 (vi) For purposes of Subsection (3)(c)(ii)(B), for calendar years beginning on or after
741 January 1, 2009, the value of taxable property does not include the value of personal property
742 that is within the taxing entity assessed by a county assessor in accordance with Part 3, County
743 Assessment.

744 (vii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
745 the commission may prescribe rules for calculating redevelopment adjustments for a calendar
746 year.

747 (d) (i) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act,
748 the commission shall make rules determining the calculation of ad valorem property tax
749 revenues budgeted by a taxing entity.

750 (ii) For purposes of Subsection (3)(d)(i), ad valorem property tax revenues budgeted by
751 a taxing entity shall be calculated in the same manner as budgeted property tax revenues are
752 calculated for purposes of Section 59-2-913.

753 (e) The certified tax rates for the taxing entities described in this Subsection (3)(e) shall
754 be calculated as follows:

755 (i) except as provided in Subsection (3)(e)(ii), for new taxing entities the certified tax
756 rate is zero;

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

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

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

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

766 (A) school leeways provided for under Sections 11-2-7, 53A-16-110, 53A-17a-125,
767 53A-17a-127, 53A-17a-133, 53A-17a-134, 53A-17a-143, and 53A-17a-145[~~and~~
768 ~~53A-21-103~~]; and

769 (B) levies to pay for the costs of state legislative mandates or judicial or administrative

770 orders under Section 59-2-1604.

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

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

776 (g) The ad valorem property tax revenue generated by the capital outlay levy described
777 in Section 53A-16-107 within a taxing entity in a county of the first class:

778 (i) may not be considered in establishing the school district's aggregate certified tax
779 rate; and

780 (ii) shall be included by the commission in establishing a certified tax rate for that
781 capital outlay levy determined in accordance with the calculation described in Subsection
782 59-2-913(3).

783 (4) (a) For the purpose of calculating the certified tax rate, the county auditor shall use:

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

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

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

789 (b) For purposes of Subsection (4)(a)(i), the taxable value of real property on the
790 assessment roll does not include new growth as defined in Subsection (4)(c).

791 (c) "New growth" means:

792 (i) the difference between the increase in taxable value of the following property of the
793 taxing entity from the previous calendar year to the current year:

794 (A) real property assessed by a county assessor in accordance with Part 3, County
795 Assessment; and

796 (B) property assessed by the commission under Section 59-2-201; plus

797 (ii) the difference between the increase in taxable year end value of personal property
798 of the taxing entity from the year prior to the previous calendar year to the previous calendar
799 year; minus

800 (iii) the amount of an increase in taxable value described in Subsection (4)(e).

801 (d) For purposes of Subsection (4)(c)(ii), the taxable value of personal property of the
802 taxing entity does not include the taxable value of personal property that is:

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

805 (ii) semiconductor manufacturing equipment.

806 (e) Subsection (4)(c)(iii) applies to the following increases in taxable value:

807 (i) the amount of increase to locally assessed real property taxable values resulting
808 from factoring, reappraisal, or any other adjustments; or

809 (ii) the amount of an increase in the taxable value of property assessed by the
810 commission under Section 59-2-201 resulting from a change in the method of apportioning the
811 taxable value prescribed by:

812 (A) the Legislature;

813 (B) a court;

814 (C) the commission in an administrative rule; or

815 (D) the commission in an administrative order.

816 (f) For purposes of Subsection (4)(a)(ii), the taxable year end value of personal
817 property on the prior year's assessment roll does not include:

818 (i) new growth as defined in Subsection (4)(c); or

819 (ii) the total taxable year end value of personal property contained on the prior year's
820 tax rolls of the taxing entity that is:

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

822 (B) semiconductor manufacturing equipment.

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

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

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

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

828 (c) The county auditor shall notify ~~all~~ property owners of any intent to ~~exceed~~ levy a
829 tax rate that exceeds the certified tax rate in accordance with ~~[Subsection 59-2-919 (3)]~~
830 Sections 59-2-919 and 59-2-919.1.

831 Section 15. Section **59-2-924.3** is amended to read:

832 **59-2-924.3. Adjustment of the calculation of the certified tax rate for a school**
833 **district imposing a capital outlay levy in a county of the first class.**

834 (1) As used in this section:

835 (a) "Capital outlay increment" means the amount of revenue equal to the difference
836 between:

837 (i) the amount of revenue generated by a levy of .0006 per dollar of taxable value
838 within a school district during a fiscal year; and

839 (ii) the amount of revenue the school district received during the same fiscal year from
840 the distribution described in Subsection 53A-16-107.1(1).

841 (b) "Contributing school district" means a school district in a county of the first class
842 that in a fiscal year receives less revenue from the distribution described in Subsection
843 53A-16-107.1(1) than it would have received during the same fiscal year from a levy imposed
844 within the school district of .0006 per dollar of taxable value.

845 (c) "Receiving school district" means a school district in a county of the first class that
846 in a fiscal year receives more revenue from the distribution described in Subsection
847 53A-16-107.1(1) than it would have received during the same fiscal year from a levy imposed
848 within the school district of .0006 per dollar of taxable value.

849 (2) For fiscal year 2009-10, a receiving school district shall decrease its capital outlay
850 certified tax rate under Subsection 59-2-924(3)(g)(ii) by an amount required to offset the
851 receiving school district's estimated capital outlay increment for the current fiscal year.

852 (3) Beginning with fiscal year 2010-11, a receiving school district shall decrease its
853 capital outlay certified tax rate under Subsection 59-2-924(3)(g)(ii) by the amount required to
854 offset the receiving school district's capital outlay increment for the prior fiscal year.

855 (4) For fiscal year 2009-10, a contributing school district is exempt from the notice and
856 public [notice and] hearing [requirements] provisions of [Sections 59-2-918 and] Section
857 59-2-919 for the school district's capital outlay levy certified tax rate calculated pursuant to
858 Subsection 59-2-924(3)(g)(ii) if:

859 (a) the contributing school district budgets an increased amount of ad valorem property
860 tax revenue exclusive of new growth as defined in Subsection 59-2-924(4) for the capital
861 outlay levy described in Section 53A-16-107; and

862 (b) the increased amount of ad valorem property tax revenue described in Subsection

863 (4)(a) is less than or equal to that contributing school district's estimated capital outlay
864 increment for the current fiscal year.

865 (5) Beginning with fiscal year 2010-11, a contributing school district is exempt from
866 the [public] notice and public hearing [~~requirements~~] provisions of [~~Sections 59-2-918 and~~
867 Section 59-2-919 for the school district's capital outlay levy certified tax rate calculated
868 pursuant to Subsection 59-2-924(3)(g)(ii) if:

869 (a) the contributing school district budgets an increased amount of ad valorem property
870 tax revenue exclusive of new growth as defined in Subsection 59-2-924(4) for the capital
871 outlay levy described in Section 53A-16-107; and

872 (b) the increased amount of ad valorem property tax revenue described in Subsection
873 (5)(a) is less than or equal to that contributing school district's capital outlay increment for the
874 prior year.

875 (6) Beginning with fiscal year 2011-12, a contributing school district is exempt from
876 the [public] notice and public hearing [~~requirements~~] provisions of [~~Sections 59-2-918 and~~
877 Section 59-2-919 for the school district's capital outlay levy certified tax rate calculated
878 pursuant to Subsection 59-2-924(3)(g)(ii) if:

879 (a) the contributing school district budgets an increased amount of ad valorem property
880 tax revenue exclusive of new growth as defined in Subsection 59-2-924(4) for the capital
881 outlay levy described in Section 53A-16-107; and

882 (b) the increased amount of ad valorem property tax revenue described in Subsection
883 (6)(a) is less than or equal to the difference between:

884 (i) the amount of revenue generated by a levy of .0006 per dollar of taxable value
885 imposed within the contributing school district during the current taxable year; and

886 (ii) the amount of revenue generated by a levy of .0006 per dollar of taxable value
887 imposed within the contributing school district during the prior taxable year.

888 (7) Regardless of the amount a school district receives from the revenue collected from
889 the .0006 portion of the capital outlay levy required in Subsection 53A-16-107(3), the revenue
890 generated within the school district from the .0006 portion of the capital outlay levy required in
891 Subsection 53A-16-107(3) shall be considered to be budgeted ad valorem property tax
892 revenues of the school district that levies the .0006 portion of the capital outlay levy for
893 purposes of calculating the school district's certified tax rate in accordance with Subsection

894 59-2-924(3)(g)(ii).

895 Section 16. Section **59-2-924.4** is amended to read:

896 **59-2-924.4. Adjustment of the calculation of the certified tax rate for certain**
897 **divided school districts.**

898 (1) As used in this section:

899 (a) "Capital outlay increment" means the amount of revenue equal to the difference
900 between:

901 (i) the amount of revenue generated by a levy of .0006 per dollar of taxable value
902 within a qualifying divided school district during a fiscal year; and

903 (ii) the amount of revenue the qualifying divided school district received during the
904 same fiscal year from the distribution described in Section 53A-2-118.3.

905 (b) "Contributing divided school district" means a school district located within a
906 qualifying divided school district that in a fiscal year receives less revenue from the distribution
907 described in Section 53A-2-118.3 than it would have received during the same fiscal year from
908 a levy imposed within the school district of .0006 per dollar of taxable value.

909 (c) "Divided school district" means a school district from which a new school district is
910 created.

911 (d) "New school district" means a school district:

912 (i) created under Section 53A-2-118.1;

913 (ii) that begins to provide educational services after July 1, 2008; and

914 (iii) located in a qualifying divided school district.

915 (e) "Qualifying divided school district" means a divided school district:

916 (i) located within a county of the second through sixth class; and

917 (ii) with a new school district created under Section 53A-2-118.1 that begins to provide
918 educational services after July 1, 2008.

919 (f) "Qualifying fiscal year" means the first fiscal year that a new school district begins
920 to provide educational services.

921 (g) "Receiving divided school district" means a school district located within a
922 qualifying divided school district that in a fiscal year receives more revenue from the
923 distribution described in Section 53A-2-118.3 than it would have received during the same
924 fiscal year from a levy imposed within the school district of .0006 per dollar of taxable value.

925 (2) A receiving divided school district shall decrease its certified tax rate calculated in
926 accordance with Section 59-2-924 by the amount required to offset the receiving divided
927 school district's capital outlay increment for the prior fiscal year.

928 (3) Beginning with the fiscal year after the qualifying fiscal year, a contributing divided
929 school district is exempt from the notice and public [~~notice and~~] hearing [~~requirements~~]
930 provisions of [~~Sections 59-2-918 and~~] Section 59-2-919 for the contributing divided school
931 district's certified tax rate calculated pursuant to Section 59-2-924 if:

932 (a) the contributing divided school district budgets an increased amount of ad valorem
933 property tax revenue exclusive of new growth as defined in Subsection 59-2-924(4) for the
934 capital outlay levy required in Section 53A-2-118.3; and

935 (b) the increased amount of ad valorem property tax revenue described in Subsection
936 (3)(a) is less than or equal to that contributing divided school district's capital outlay increment
937 for the prior year.

938 (4) Beginning with the fiscal year after the qualifying fiscal year, a contributing divided
939 school district is exempt from the notice and public [~~notice and~~] hearing [~~requirements~~]
940 provisions of [~~Sections 59-2-918 and~~] Section 59-2-919 for the contributing divided school
941 district's certified tax rate calculated pursuant to Section 59-2-924 if:

942 (a) the contributing divided school district budgets an increased amount of ad valorem
943 property tax revenue exclusive of new growth as defined in Subsection 59-2-924(4) for the
944 capital outlay levy described in Section 53A-2-118.3; and

945 (b) the increased amount of ad valorem property tax revenue described in Subsection
946 (4)(a) is less than or equal to the difference between:

947 (i) the amount of revenue generated by a levy of .0006 per dollar of taxable value
948 imposed within the contributing divided school district during the current taxable year; and

949 (ii) the amount of revenue generated by a levy of .0006 per dollar of taxable value
950 imposed within the contributing divided school district during the prior taxable year.

951 (5) Regardless of the amount a school district receives from the revenue collected from
952 the .0006 portion of the capital outlay levy described in Section 53A-2-118.3, the revenue
953 generated within the school district from the .0006 portion of the capital outlay levy described
954 in Section 53A-2-118.3 shall be considered to be budgeted ad valorem property tax revenues of
955 the school district that levies the .0006 portion of the capital outlay levy for purposes of

956 calculating the school district's certified tax rate in accordance with Section 59-2-924.

957 Section 17. Section **59-2-1602** is amended to read:

958 **59-2-1602. Property Tax Valuation Agency Fund -- Creation -- Statewide levy --**
959 **Additional county levy permitted.**

960 (1) (a) There is created the Property Tax Valuation Agency Fund, to be funded by the
961 revenue collected from the multicounty assessing and collecting levy as provided in Subsection
962 (3)(c) and Section 59-2-1603.

963 (b) The purpose of the multicounty assessing and collecting levy required under
964 Subsection (2) and the disbursement formulas established in Section 59-2-1603 is to promote
965 the:

966 (i) accurate valuation of property;

967 (ii) establishment and maintenance of uniform assessment levels within and among
968 counties; and

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

971 (c) Income derived from the investment of money in the fund created in this Subsection
972 (1) shall be deposited in and become part of the fund.

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

976 (b) Subject to Subsections (2)(c), and (5), in order to fund the Property Tax Valuation
977 Agency Fund, the Legislature shall authorize the amount of the multicounty assessing and
978 collecting levy.

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

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

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

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

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

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

990 (ii) in addition to and exempt from the maximum levies allowable under Section
991 59-2-908; and

992 (iii) exempt from the notice requirements of [~~Sections 59-2-918 and~~] Section 59-2-919.

993 (c) (i) Each contributing county shall transmit quarterly to the state treasurer the
994 portion of the multicounty assessing and collecting levy which is above the amount to which
995 that county is entitled to under Section 59-2-1603.

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

999 (iii) If revenue transmitted under Subsection (3)(c)(i) is transmitted after the tenth day
1000 of the month following the end of the quarter in which the revenue is collected, the county shall
1001 pay an interest penalty at the rate of 10% each year until the revenue is transmitted.

1002 (iv) Each contributing county that transmits to the state treasurer a portion of the
1003 multicounty assessing and collecting levy in accordance with Subsection (3)(c) shall levy
1004 sufficient property taxes to fund its county assessing and collecting budgets.

1005 (d) The state treasurer shall deposit in the fund the:

1006 (i) revenue transmitted to the fund by contributing counties;

1007 (ii) interest accrued from that levy; and

1008 (iii) penalties received under Subsection (3)(c)(iii).

1009 (4) (a) A county may levy a county additional property tax in accordance with this
1010 Subsection (4).

1011 (b) A receiving county may not receive funds from the Property Tax Valuation Agency
1012 Fund unless the receiving county levies a county additional property tax of at least .0003 per
1013 dollar of taxable value of taxable property as reported by each county.

1014 (c) The county additional property tax described in Subsection (4)(a) shall be levied by
1015 the county and stated on the tax notice as a county assessing and collecting levy.

1016 (d) The purpose of the county additional property tax established in this Subsection (4)
1017 is to promote the:

- 1018 (i) accurate valuation of property;
- 1019 (ii) establishment and maintenance of uniform assessment levels within and among
- 1020 counties; and
- 1021 (iii) efficient administration of the property tax system, including the costs of
- 1022 assessment, collection, and distribution of property taxes.
- 1023 (e) A county additional property tax levy established in Subsection (4)(a) is:
- 1024 (i) exempt from the provisions of Sections 17C-1-403 and 17C-1-404;
- 1025 (ii) in addition to and exempt from the maximum levies allowable under Section
- 1026 59-2-908; and
- 1027 (iii) beginning on January 1, 2009:
- 1028 (A) for a county that was designated as a receiving county by the state auditor during
- 1029 the prior calendar year, subject to the notice and public hearing [requirements] provisions of
- 1030 [~~Sections 59-2-918 and~~] Section 59-2-919 only if the county additional property tax levied by
- 1031 that county levy is raised to a rate in excess of .0003; and
- 1032 (B) except as provided in Subsection (4)(f), for a county that was designated as a
- 1033 contributing county by the state auditor during the prior calendar year, subject to the notice and
- 1034 public hearing [requirements] provisions of [~~Sections 59-2-918 and~~] Section 59-2-919.
- 1035 (f) A county additional property tax levy in a county that was not a receiving county
- 1036 during the prior year shall be subject to the notice and public hearing [requirements] provisions
- 1037 described in Subsection (4)(e)(iii)(A) if the county would have been designated as a receiving
- 1038 county during the prior calendar year if the county had levied a county additional property tax
- 1039 of at least .0003 per dollar of taxable value.
- 1040 (5) Subject to Subsection (6), for calendar years beginning on or after January 1, 2007,
- 1041 the amount of the multicounty assessing and collecting levy described in this section shall be
- 1042 reduced by an amount equal to the difference between:
- 1043 (a) the amount of revenue budgeted:
- 1044 (i) by each receiving county for that calendar year; and
- 1045 (ii) for the county additional property tax levy described in Subsection (4)(a); and
- 1046 (b) the amount of revenue budgeted:
- 1047 (i) by each receiving county for the calendar year immediately preceding the calendar
- 1048 year described in Subsection (7)(a); and

1049 (ii) for the county additional property tax levy described in Subsection (4)(a).
1050 (6) The amounts described in the calculations required by Subsection (5) are exclusive
1051 of new growth.

1052 Section 18. Section **59-2-1604** is amended to read:

1053 **59-2-1604. Additional levies by counties.**

1054 (1) (a) A county may levy an additional tax to fund state mandated actions to meet
1055 legislative mandates or judicial or administrative orders which relate to promoting the accurate
1056 valuation of property, the establishment and maintenance of uniform assessment levels within
1057 and among counties, and the administration of the property tax system.

1058 (b) An additional rate levied under Subsection (1)(a):

1059 (i) shall be stated on the tax notice;

1060 (ii) may be included on the tax notice with the county levies authorized under Section
1061 59-2-1602 as part of the countywide aggregate tax rate;

1062 (iii) may not be included in determining the maximum allowable levy for the county or
1063 other taxing entities; and

1064 (iv) is subject to the notice requirements of [~~Sections 59-2-918 and~~] Section 59-2-919.

1065 (2) (a) A county may levy an additional tax for reappraisal programs that:

1066 (i) are formally adopted by the county legislative body; and

1067 (ii) conform to tax commission rules.

1068 (b) An additional rate levied under Subsection (2)(a):

1069 (i) shall be stated on the tax notice;

1070 (ii) may be included on the tax notice with the county levies authorized under Section
1071 59-2-1602 as part of the countywide aggregate tax rate;

1072 (iii) may not be included in determining the maximum allowable levy for the county or
1073 other taxing entities; and

1074 (iv) is subject to the notice requirements of [~~Sections 59-2-918 and~~] Section 59-2-919.

1075 **Section 19. Repealer.**

1076 This bill repeals:

1077 Section **59-2-918, Advertisement of proposed tax increase -- Notice -- Contents.**

1078 Section 20. **Revisor instructions.**

1079 It is the intent of the Legislature that, in preparing the Utah Code database for

1080 publication, the Office of Legislative Research and General Counsel shall replace the reference
1081 in Subsection 59-2-919(11) from "this bill" to the bill's designated chapter and section number
1082 in the Laws of Utah.

1083 Section 21. **Coordinating S.B. 65 with H.B. 67 and S.B. 208 -- Substantive and**
1084 **technical amendments.**

1085 If this S.B. 65, H.B. 67, Public Hearings on Property Tax Increases, and S.B. 208, Utah
1086 Public Notice Website, all pass, it is the intent of the Legislature that the Office of Legislative
1087 Research and General Counsel prepare the Utah Code database for publication by:

1088 (1) modifying Subsections 59-2-919(6) and (7) as amended in this bill in the version of
1089 the Utah Code database that takes effect on January 1, 2010 as follows:

1090 "(6) (a) Subject to Subsections (6)(d) and (7)(b), the advertisement described in this
1091 section shall be published:

1092 (i) in a newspaper or combination of newspapers of general circulation in the taxing
1093 entity until January 1, 2011; and

1094 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
1095 Section 63F-1-701.

1096 (b) The advertisement described in [~~this section~~] Subsection (6)(a)(i) shall:

1097 (i) be no less than 1/4 page in size;

1098 (ii) use type no smaller than 18 point; and

1099 (iii) be surrounded by a 1/4-inch border.

1100 (c) The advertisement described in [~~this section~~] Subsection (6)(a)(i) may not be placed
1101 in that portion of the newspaper where legal notices and classified advertisements appear.

1102 (d) It is the intent of the Legislature that:

1103 (i) whenever possible, the advertisement described in [~~this section~~] Subsection (6)(a)(i)
1104 appear in a newspaper that is published at least one day per week; and

1105 (ii) the newspaper or combination of newspapers selected:

1106 (A) be of general interest and readership in the taxing entity; and

1107 (B) not be of limited subject matter.

1108 (e) (i) The advertisement [~~described in this section shall~~]:

1109 [~~(i)~~] (A) described in Subsection (6)(a)(i) shall:

1110 (I) except as provided in Subsection (6)(e)(ii), be run once each week for the two

1111 weeks ~~[preceding the adoption of the final]:~~

1112 (Aa) before a taxing entity conducts a public hearing at which the taxing entity's annual
1113 budget is discussed; and

1114 (Bb) if a calendar year taxing entity provides the notice described in Subsection
1115 (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar
1116 year taxing entity's certified tax rate; and

1117 ~~[(ii)]~~ (II) state that the taxing entity will meet on a certain day, time, and place fixed in
1118 the advertisement, which shall be not less than seven days after the day the first advertisement
1119 is published, for the purpose of hearing comments regarding any proposed increase and to
1120 explain the reasons for the proposed increase[-]; or

1121 (B) described in Subsection (6)(a)(ii) shall:

1122 (I) be published two weeks:

1123 (Aa) before a taxing entity conducts a public hearing at which the taxing entity's annual
1124 budget is discussed; and

1125 (Bb) if a calendar year taxing entity provides the notice described in Subsection
1126 (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar
1127 year taxing entity's certified tax rate; and

1128 (II) state that the taxing entity will meet on a certain day, time, and place fixed in the
1129 advertisement, which shall be not less than seven days after the day the first advertisement is
1130 published, for the purpose of hearing comments regarding any proposed increase and to explain
1131 the reasons for the proposed increase.

1132 (ii) If a taxing entity's public hearing information is published by the county auditor in
1133 accordance with Section 59-2-919.2, the taxing entity is not subject to the requirement to run
1134 the advertisement twice, as required by Subsection (6)(e)(i)(A), but shall run the advertisement
1135 once during the week:

1136 (A) before the taxing entity conducts a public hearing at which the taxing entity's
1137 annual budget is discussed; and

1138 (B) if a calendar year taxing entity provides the notice described in Subsection
1139 (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar
1140 year taxing entity's certified tax rate.

1141 ~~[(f) The meeting on the proposed increase may coincide with the hearing on the~~

1142 ~~proposed budget of the taxing entity.]~~

1143 (f) (i) For purposes of Subsection (3)(a)(i)(A) or (4)(a), the form and content of an
1144 advertisement shall be substantially as follows:

1145 "NOTICE OF PROPOSED TAX INCREASE

1146 (NAME OF TAXING ENTITY)

1147 The (name of the taxing entity) is proposing to increase its property tax revenue.

1148 ● The (name of the taxing entity) tax on a (insert the average value of a residence
1149 in the taxing entity rounded to the nearest thousand dollars) residence would

1150 increase from \$ _____ to \$ _____, which is \$ _____ per year.

1151 ● The (name of the taxing entity) tax on a (insert the value of a business having
1152 the same value as the average value of a residence in the taxing entity) business

1153 would increase from \$ _____ to \$ _____, which is \$ _____ per year.

1154 ● If the proposed budget is approved, (name of the taxing entity) would increase
1155 its property tax budgeted revenue by _____ % above last year's property tax

1156 budgeted revenue excluding new growth.

1157 All concerned citizens are invited to a public hearing on the tax increase.

1158 PUBLIC HEARING

1159 Date/Time: (date) (time)

1160 Location: (name of meeting place and address of meeting place)

1161 To obtain more information regarding the tax increase, citizens may contact the (name
1162 of the taxing entity) at (phone number of taxing entity)."

1163 ~~[(3) The]~~ (ii) For purposes of Subsection (3)(a)(i)(B)(I), the form and content of [the
1164 notice] an advertisement shall be substantially as follows:

1165 "NOTICE OF PROPOSED TAX INCREASE

1166 (NAME OF TAXING ENTITY)

1167 The (name of the taxing entity) is proposing to increase its property tax revenue.

1168 ~~● If the proposed budget is approved, this would be an increase of _____ % above~~
1169 ~~the (name of the taxing entity) property tax budgeted revenue for the prior year.]~~

1170 ● The (name of the taxing entity) tax on a (insert the average value of a residence
1171 in the taxing entity rounded to the nearest thousand dollars) residence would

1172 increase from \$ _____ to \$ _____, which is \$ _____ per year.

1204 (2) modifying Section 59-2-919.2 enacted in H.B. 67 in the version of the Utah Code
1205 database that takes effect on January 1, 2010 as follows:

1206 (a) in Subsection 59-2-919.2(1)(a), replace the references to "Subsection 59-2-919(7)"
1207 with "Subsection 59-2-919(8)(a)(i)";

1208 (b) in Subsection 59-2-919.2(1)(b), replace the reference to "advertisement" with
1209 "notice";

1210 (c) modify Subsection 59-2-919.2(2)(b)(ii) to read:

1211 "(ii) the date, time, and location of the public hearing described in Subsection
1212 59-2-919(8)(a)(i)";

1213 (d) modify Subsection 59-2-919.2(4)(a) to read:

1214 "(a) who attends the public hearing described in Subsection 59-2-919(8)(a)(i) of the
1215 taxing entity; or"; and

1216 (e) modify Subsection 59-2-919.2(6) to read:

1217 "(6) The publication of the list under this section does not remove or change the notice
1218 requirements of Section 59-2-919 for a taxing entity.".

1219 **Section 22. Coordinating S.B. 65 with H.B. 67 -- Substantive and technical**
1220 **amendments.**

1221 If this S.B. 65 and H.B. 67, Public Hearings on Property Tax Increases, both pass, it is
1222 the intent of the Legislature that the Office of Legislative Research and General Counsel
1223 prepare the Utah Code database for publication by:

1224 (1) modifying Subsection 59-2-919(6) as amended in this bill in the version of the Utah
1225 Code database that takes effect on January 1, 2010 as follows:

1226 "(6) (a) Subject to Subsections (6)(d) and (7)(b), the advertisement described in this
1227 section shall be published in a newspaper or combination of newspapers of general circulation
1228 in the taxing entity.

1229 (b) The advertisement described in this section shall:

1230 (i) be no less than 1/4 page in size;

1231 (ii) use type no smaller than 18 point; and

1232 (iii) be surrounded by a 1/4-inch border.

1233 (c) The advertisement described in this section may not be placed in that portion of the
1234 newspaper where legal notices and classified advertisements appear.

1235 (d) It is the intent of the Legislature that:

1236 (i) whenever possible, the advertisement described in this section appear in a

1237 newspaper that is published at least one day per week; and

1238 (ii) the newspaper or combination of newspapers selected:

1239 (A) be of general interest and readership in the taxing entity; and

1240 (B) not be of limited subject matter.

1241 (e) (i) The advertisement described in this section shall:

1242 ~~[(†)]~~ (A) except as provided in Subsection (6)(e)(ii), be run once each week for the two

1243 weeks [preceding the adoption of the final];

1244 (I) before a taxing entity conducts a public hearing at which the taxing entity's annual

1245 budget is discussed; and

1246 (II) if a calendar year taxing entity provides the notice described in Subsection

1247 (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar

1248 year taxing entity's certified tax rate; and

1249 ~~[(†)]~~ (B) state that the taxing entity will meet on a certain day, time, and place fixed in

1250 the advertisement, which shall be not less than seven days after the day the first advertisement

1251 is published, for the purpose of hearing comments regarding any proposed increase and to

1252 explain the reasons for the proposed increase.

1253 (ii) If a taxing entity's public hearing information is published by the county auditor in

1254 accordance with Section 59-2-919.2, the taxing entity is not subject to the requirement to run

1255 the advertisement twice, as required by Subsection (6)(e)(i)(A), but shall run the advertisement

1256 once during the week:

1257 (A) before the taxing entity conducts a public hearing at which the taxing entity's

1258 annual budget is discussed; and

1259 (B) if a calendar year taxing entity provides the notice described in Subsection

1260 (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar

1261 year taxing entity's certified tax rate.

1262 ~~[(f) The meeting on the proposed increase may coincide with the hearing on the~~

1263 ~~proposed budget of the taxing entity.]~~

1264 (f) (i) For purposes of Subsection (3)(a)(i)(A) or (4)(a), the form and content of an

1265 advertisement shall be substantially as follows:

1266 "NOTICE OF PROPOSED TAX INCREASE

1267 (NAME OF TAXING ENTITY)

1268 The (name of the taxing entity) is proposing to increase its property tax revenue.

1269 ● The (name of the taxing entity) tax on a (insert the average value of a residence
1270 in the taxing entity rounded to the nearest thousand dollars) residence would
1271 increase from \$ _____ to \$ _____, which is \$ _____ per year.

1272 ● The (name of the taxing entity) tax on a (insert the value of a business having
1273 the same value as the average value of a residence in the taxing entity) business
1274 would increase from \$ _____ to \$ _____, which is \$ _____ per year.

1275 ● If the proposed budget is approved, (name of the taxing entity) would increase
1276 its property tax budgeted revenue by _____% above last year's property tax
1277 budgeted revenue excluding new growth.

1278 All concerned citizens are invited to a public hearing on the tax increase.

1279 PUBLIC HEARING

1280 Date/Time: (date) (time)

1281 Location: (name of meeting place and address of meeting place)

1282 To obtain more information regarding the tax increase, citizens may contact the (name
1283 of the taxing entity) at (phone number of taxing entity)."

1284 [~~(3)~~The] (ii) For purposes of Subsection (3)(a)(i)(B)(I), the form and content of [the
1285 notice] an advertisement shall be substantially as follows:

1286 "NOTICE OF PROPOSED TAX INCREASE

1287 (NAME OF TAXING ENTITY)

1288 The (name of the taxing entity) is proposing to increase its property tax revenue.

1289 [~~●~~ ~~If the proposed budget is approved, this would be an increase of _____% above~~
1290 ~~the (name of the taxing entity) property tax budgeted revenue for the prior year.]~~

1291 ● The (name of the taxing entity) tax on a (insert the average value of a residence
1292 in the taxing entity rounded to the nearest thousand dollars) residence would
1293 increase from \$_____ to \$_____, which is \$_____ per year.

1294 ● The (name of the taxing entity) tax on a (insert the value of a business having
1295 the same value as the average value of a residence in the taxing entity) business
1296 would increase from \$_____ to \$_____, which is \$_____ per year.

1328 as amended in this bill in the version of the Utah Code database that takes effect on May 12,
1329 2009 as follows:

1330 "(6) (a) Subject to Subsections (6)(d) and (7)(b), the advertisement described in this
1331 section shall be published:

1332 (i) in a newspaper or combination of newspapers of general circulation in the taxing
1333 entity until January 1, 2011; and

1334 (ii) beginning on January 1, 2011, on the Utah Public Notice Website as described in
1335 Section 63F-1-701.

1336 (b) The advertisement described in [~~this section~~] Subsection (6)(a)(i) shall:

1337 (i) be no less than 1/4 page in size;

1338 (ii) use type no smaller than 18 point; and

1339 (iii) be surrounded by a 1/4-inch border.

1340 (c) The advertisement described in [~~this section~~] Subsection (6)(a)(i) may not be placed
1341 in that portion of the newspaper where legal notices and classified advertisements appear.

1342 (d) It is the intent of the Legislature that:

1343 (i) whenever possible, the advertisement described in [~~this section~~] Subsection (6)(a)(i)
1344 appear in a newspaper that is published at least one day per week; and

1345 (ii) the newspaper or combination of newspapers selected:

1346 (A) be of general interest and readership in the taxing entity; and

1347 (B) not be of limited subject matter.

1348 (e) The advertisement [~~described in this section shall~~]:

1349 (i) described in Subsection (6)(a)(i) shall:

1350 (A) be run once each week for the two weeks [~~preceding the adoption of the final~~];

1351 (I) before a taxing entity conducts a public hearing at which the taxing entity's annual
1352 budget is discussed; and

1353 (II) if a calendar year taxing entity provides the notice described in Subsection
1354 (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar
1355 year taxing entity's certified tax rate; and

1356 [~~(ii)~~] (B) state that the taxing entity will meet on a certain day, time, and place fixed in
1357 the advertisement, which shall be not less than seven days after the day the first advertisement
1358 is published, for the purpose of hearing comments regarding any proposed increase and to

1359 explain the reasons for the proposed increase[-]; or

1360 (ii) described in Subsection (6)(a)(ii) shall:

1361 (A) be published two weeks:

1362 (I) before a taxing entity conducts a public hearing at which the taxing entity's annual
1363 budget is discussed; and

1364 (II) if a calendar year taxing entity provides the notice described in Subsection
1365 (3)(a)(i)(B)(I), before the calendar year taxing entity levies a tax rate that exceeds the calendar
1366 year taxing entity's certified tax rate; and

1367 (B) state that the taxing entity will meet on a certain day, time, and place fixed in the
1368 advertisement, which shall be not less than seven days after the day the first advertisement is
1369 published, for the purpose of hearing comments regarding any proposed increase and to explain
1370 the reasons for the proposed increase.

1371 ~~[(f) The meeting on the proposed increase may coincide with the hearing on the~~
1372 ~~proposed budget of the taxing entity.]~~

1373 (f) (i) For purposes of Subsection (3)(a)(i)(A) or (4)(a), the form and content of an
1374 advertisement shall be substantially as follows:

1375 "NOTICE OF PROPOSED TAX INCREASE

1376 (NAME OF TAXING ENTITY)

1377 The (name of the taxing entity) is proposing to increase its property tax revenue.

1378 ● If the proposed budget is approved, this would be an increase of _____ % above
1379 the (name of the taxing entity) property tax budgeted revenue for the prior year.

1380 ● The (name of the taxing entity) tax on a (insert the average value of a residence
1381 in the taxing entity rounded to the nearest thousand dollars) residence would
1382 increase from \$ _____ to \$ _____, which is \$ _____ per year.

1383 ● The (name of the taxing entity) tax on a (insert the value of a business having
1384 the same value as the average value of a residence in the taxing entity) business
1385 would increase from \$ _____ to \$ _____, which is \$ _____ per year.

1386 All concerned citizens are invited to a public hearing on the tax increase.

1387 PUBLIC HEARING

1388 Date/Time: (date) (time)

1389 Location: (name of meeting place and address of meeting place)

1390 To obtain more information regarding the tax increase, citizens may contact the (name
1391 of the taxing entity) at (phone number of taxing entity)."

1392 [~~(3)~~The] (ii) For purposes of Subsection (3)(a)(i)(B)(I), the form and content of [~~the~~
1393 ~~notice~~] an advertisement shall be substantially as follows:

1394 "NOTICE OF PROPOSED TAX INCREASE
1395 (NAME OF TAXING ENTITY)

1396 The (name of the taxing entity) is proposing to increase its property tax revenue.

1397 ● If the proposed budget is approved, this would be an increase of _____% above
1398 the (name of the taxing entity) property tax budgeted revenue for the prior year.

1399 ● The (name of the taxing entity) tax on a (insert the average value of a residence
1400 in the taxing entity rounded to the nearest thousand dollars) residence would
1401 increase from \$_____ to \$_____, which is \$_____ per year.

1402 ● The (name of the taxing entity) tax on a (insert the value of a business having
1403 the same value as the average value of a residence in the taxing entity) business
1404 would increase from \$_____ to \$_____, which is \$_____ per year.

1405 (Name of taxing entity) property tax revenue from new growth and other sources will
1406 increase from \$_____ to \$_____.

1407 All concerned citizens are invited to a public hearing on the tax increase.

1408 PUBLIC HEARING

1409 Date/Time: (date) (time)

1410 Location: (name of meeting place and address of meeting place)

1411 To obtain more information regarding the tax increase, citizens may contact the (name
1412 of the taxing entity) at (phone number of taxing entity)."

1413 [~~(4)~~ (7) The commission:

1414 (a) shall adopt rules in accordance with Title 63G, Chapter 3, Utah Administrative
1415 Rulemaking Act, governing the joint use of one advertisement [~~under this section or Section~~
1416 ~~59-2-918~~] described in Subsection (6) by two or more taxing entities; and

1417 (b) may[~~, upon petition by any taxing entity,~~] authorize [~~either~~]:

1418 (i) until January 1, 2011, the use of a weekly [~~newspapers~~] newspaper:

1419 (A) in [~~counties~~] a county having both daily and weekly newspapers [~~where~~] if the
1420 weekly newspaper would provide equal or greater notice to the taxpayer; and

1421 (B) if the county petitions the commission for the use of the weekly newspaper; or
1422 (ii) the use by a taxing entity except for a calendar year taxing entity that provides the
1423 notice described in Subsection (3)(a)(i)(B)(II) of a commission[=]approved direct notice to each
1424 taxpayer if [the]:

1425 (A) the cost of the advertisement would cause undue hardship; [and]

1426 (B) the direct notice is different and separate from that provided for in Section
1427 59-2-919.1[-]; and

1428 (C) the taxing entity petitions the commission for the use of a commission approved
1429 direct notice."

1430 Section 24. **Coordinating S.B. 65 with H.B. 23 -- Substantive and technical**
1431 **amendments.**

1432 If this S.B. 65 and H.B. 23, Certified Tax Rate Amendments, both pass, it is the intent
1433 of the Legislature that the Office of Legislative Research and General Counsel prepare the Utah
1434 Code database for publication by replacing the reference to "public notice and hearing
1435 requirements of Sections 59-2-918 and 59-2-919" in Subsection 59-2-924(3)(c)(viii)(B) as
1436 amended in H.B. 23 with "notice and public hearing provisions of Section 59-2-919".

Fiscal Note**S.B. 65 1st Sub. (Green) - Amendments to Property Tax Notice, Public
Hearing, and Resolution Provisions**

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Local taxing entities may experience decreased or increased costs to increase property taxes.
Individuals and businesses are unaffected.
