

Representative Robert M. Spendlove proposes the following substitute bill:

PROPERTY TAX EXEMPTION AMENDMENTS

2021 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Wayne A. Harper

House Sponsor: Karianne Lisonbee

LONG TITLE

General Description:

This bill modifies the Property Tax Act.

Highlighted Provisions:

This bill:

- ▶ modifies the qualifications for tangible personal property tax to be exempt from property tax;
- ▶ amends filing requirements for a person that qualifies for the exemption that is based on aggregate taxable value in the county; and
- ▶ excludes the revenue generated from the increase in the amount of the exemption that is based on aggregate taxable value in the county from the certified tax rate calculation.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

59-2-924, as last amended by Laws of Utah 2020, Chapters 305 and 354



26 **59-2-1115**, as last amended by Laws of Utah 2020, Chapters 38 and 42

27

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

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

30 **59-2-924. Definitions -- Report of valuation of property to county auditor and**
31 **commission -- Transmittal by auditor to governing bodies -- Calculation of certified tax**
32 **rate -- Rulemaking authority -- Adoption of tentative budget -- Notice provided by the**
33 **commission.**

34 (1) As used in this section:

35 (a) (i) "Ad valorem property tax revenue" means revenue collected in accordance with
36 this chapter.

37 (ii) "Ad valorem property tax revenue" does not include:

38 (A) interest;

39 (B) penalties;

40 (C) collections from redemptions; or

41 (D) revenue received by a taxing entity from personal property that is semiconductor
42 manufacturing equipment assessed by a county assessor in accordance with Part 3, County
43 Assessment.

44 (b) "Adjusted tax increment" means the same as that term is defined in Section
45 **17C-1-102**.

46 (c) (i) "Aggregate taxable value of all property taxed" means:

47 (A) the aggregate taxable value of all real property a county assessor assesses in
48 accordance with Part 3, County Assessment, for the current year;

49 (B) the aggregate taxable value of all real and personal property the commission
50 assesses in accordance with Part 2, Assessment of Property, for the current year; and

51 (C) the aggregate year end taxable value of all personal property a county assessor
52 assesses in accordance with Part 3, County Assessment, contained on the prior year's tax rolls
53 of the taxing entity.

54 (ii) "Aggregate taxable value of all property taxed" does not include the aggregate year
55 end taxable value of personal property that is:

56 (A) semiconductor manufacturing equipment assessed by a county assessor in

57 accordance with Part 3, County Assessment; and

58 (B) contained on the prior year's tax rolls of the taxing entity.

59 (d) "Base taxable value" means:

60 (i) for an authority created under Section 11-58-201, the same as that term is defined in

61 Section 11-58-102;

62 (ii) for an agency created under Section 17C-1-201.5, the same as that term is defined

63 in Section 17C-1-102;

64 (iii) for an authority created under Section 63H-1-201, the same as that term is defined

65 in Section 63H-1-102; or

66 (iv) for a host local government, the same as that term is defined in Section 63N-2-502.

67 (e) "Centrally assessed benchmark value" means an amount equal to the highest year

68 end taxable value of real and personal property the commission assesses in accordance with

69 Part 2, Assessment of Property, for a previous calendar year that begins on or after January 1,

70 2015, adjusted for taxable value attributable to:

71 (i) an annexation to a taxing entity; or

72 (ii) an incorrect allocation of taxable value of real or personal property the commission

73 assesses in accordance with Part 2, Assessment of Property.

74 (f) (i) "Centrally assessed new growth" means the greater of:

75 (A) zero; or

76 (B) the amount calculated by subtracting the centrally assessed benchmark value

77 adjusted for prior year end incremental value from the taxable value of real and personal

78 property the commission assesses in accordance with Part 2, Assessment of Property, for the

79 current year, adjusted for current year incremental value.

80 (ii) "Centrally assessed new growth" does not include a change in value as a result of a

81 change in the method of apportioning the value prescribed by the Legislature, a court, or the

82 commission in an administrative rule or administrative order.

83 (g) "Certified tax rate" means a tax rate that will provide the same ad valorem property

84 tax revenue for a taxing entity as was budgeted by that taxing entity for the prior year.

85 (h) "Eligible new growth" means the greater of:

86 (i) zero; or

87 (ii) the sum of:

- 88 (A) locally assessed new growth;
- 89 (B) centrally assessed new growth; and
- 90 (C) project area new growth or hotel property new growth.
- 91 (i) "Host local government" means the same as that term is defined in Section
- 92 [63N-2-502](#).
- 93 (j) "Hotel property" means the same as that term is defined in Section [63N-2-502](#).
- 94 (k) "Hotel property new growth" means an amount equal to the incremental value that
- 95 is no longer provided to a host local government as incremental property tax revenue.
- 96 (l) "Incremental property tax revenue" means the same as that term is defined in
- 97 Section [63N-2-502](#).
- 98 (m) "Incremental value" means:
- 99 (i) for an authority created under Section [11-58-201](#), the amount calculated by
- 100 multiplying:
- 101 (A) the difference between the taxable value and the base taxable value of the property
- 102 that is located within a project area and on which property tax differential is collected; and
- 103 (B) the number that represents the percentage of the property tax differential that is
- 104 paid to the authority;
- 105 (ii) for an agency created under Section [17C-1-201.5](#), the amount calculated by
- 106 multiplying:
- 107 (A) the difference between the taxable value and the base taxable value of the property
- 108 located within a project area and on which tax increment is collected; and
- 109 (B) the number that represents the adjusted tax increment from that project area that is
- 110 paid to the agency;
- 111 (iii) for an authority created under Section [63H-1-201](#), the amount calculated by
- 112 multiplying:
- 113 (A) the difference between the taxable value and the base taxable value of the property
- 114 located within a project area and on which property tax allocation is collected; and
- 115 (B) the number that represents the percentage of the property tax allocation from that
- 116 project area that is paid to the authority; or
- 117 (iv) for a host local government, an amount calculated by multiplying:
- 118 (A) the difference between the taxable value and the base taxable value of the hotel

119 property on which incremental property tax revenue is collected; and

120 (B) the number that represents the percentage of the incremental property tax revenue
121 from that hotel property that is paid to the host local government.

122 (n) (i) "Locally assessed new growth" means the greater of:

123 (A) zero; or

124 (B) the amount calculated by subtracting the year end taxable value of real property the
125 county assessor assesses in accordance with Part 3, County Assessment, for the previous year,
126 adjusted for prior year end incremental value from the taxable value of real property the county
127 assessor assesses in accordance with Part 3, County Assessment, for the current year, adjusted
128 for current year incremental value.

129 (ii) "Locally assessed new growth" does not include a change in:

130 (A) value as a result of factoring in accordance with Section 59-2-704, reappraisal, or
131 another adjustment;

132 (B) assessed value based on whether a property is allowed a residential exemption for a
133 primary residence under Section 59-2-103;

134 (C) assessed value based on whether a property is assessed under Part 5, Farmland
135 Assessment Act; or

136 (D) assessed value based on whether a property is assessed under Part 17, Urban
137 Farming Assessment Act.

138 (o) "Project area" means:

139 (i) for an authority created under Section 11-58-201, the same as that term is defined in
140 Section 11-58-102;

141 (ii) for an agency created under Section 17C-1-201.5, the same as that term is defined
142 in Section 17C-1-102; or

143 (iii) for an authority created under Section 63H-1-201, the same as that term is defined
144 in Section 63H-1-102.

145 (p) "Project area new growth" means:

146 (i) for an authority created under Section 11-58-201, an amount equal to the
147 incremental value that is no longer provided to an authority as property tax differential;

148 (ii) for an agency created under Section 17C-1-201.5, an amount equal to the
149 incremental value that is no longer provided to an agency as tax increment; or

150 (iii) for an authority created under Section [63H-1-201](#), an amount equal to the
151 incremental value that is no longer provided to an authority as property tax allocation.
152 (q) "Property tax allocation" means the same as that term is defined in Section
153 [63H-1-102](#).
154 (r) "Property tax differential" means the same as that term is defined in Section
155 [11-58-102](#).
156 (s) "Qualifying exempt revenue" means revenue received:
157 (i) for the previous calendar year;
158 (ii) by a taxing entity;
159 (iii) from tangible personal property contained on the prior year's tax rolls that is
160 exempt from property tax under Subsection [59-2-1115](#)(2)(b) for a calendar year beginning on
161 January 1, 2022; and
162 (iv) on the aggregate 2021 year end taxable value of the tangible personal property that
163 exceeds \$15,300.
164 [~~s~~] (t) "Tax increment" means the same as that term is defined in Section [17C-1-102](#).
165 (2) Before June 1 of each year, the county assessor of each county shall deliver to the
166 county auditor and the commission the following statements:
167 (a) a statement containing the aggregate valuation of all taxable real property a county
168 assessor assesses in accordance with Part 3, County Assessment, for each taxing entity; and
169 (b) a statement containing the taxable value of all personal property a county assessor
170 assesses in accordance with Part 3, County Assessment, from the prior year end values.
171 (3) The county auditor shall, on or before June 8, transmit to the governing body of
172 each taxing entity:
173 (a) the statements described in Subsections (2)(a) and (b);
174 (b) an estimate of the revenue from personal property;
175 (c) the certified tax rate; and
176 (d) all forms necessary to submit a tax levy request.
177 (4) (a) Except as otherwise provided in this section, the certified tax rate shall be
178 calculated by dividing the ad valorem property tax revenue that a taxing entity budgeted for the
179 prior year minus the qualifying exempt revenue by the amount calculated under Subsection
180 (4)(b).

181 (b) For purposes of Subsection (4)(a), the legislative body of a taxing entity shall
182 calculate an amount as follows:
183 (i) calculate for the taxing entity the difference between:
184 (A) the aggregate taxable value of all property taxed; and
185 (B) any adjustments for current year incremental value;
186 (ii) after making the calculation required by Subsection (4)(b)(i), calculate an amount
187 determined by increasing or decreasing the amount calculated under Subsection (4)(b)(i) by the
188 average of the percentage net change in the value of taxable property for the equalization
189 period for the three calendar years immediately preceding the current calendar year;
190 (iii) after making the calculation required by Subsection (4)(b)(ii), calculate the product
191 of:
192 (A) the amount calculated under Subsection (4)(b)(ii); and
193 (B) the percentage of property taxes collected for the five calendar years immediately
194 preceding the current calendar year; and
195 (iv) after making the calculation required by Subsection (4)(b)(iii), calculate an amount
196 determined by:
197 (A) multiplying the percentage of property taxes collected for the five calendar years
198 immediately preceding the current calendar year by eligible new growth; and
199 (B) subtracting the amount calculated under Subsection (4)(b)(iv)(A) from the amount
200 calculated under Subsection (4)(b)(iii).
201 (5) A certified tax rate for a taxing entity described in this Subsection (5) shall be
202 calculated as follows:
203 (a) except as provided in Subsection (5)(b), for a new taxing entity, the certified tax
204 rate is zero;
205 (b) for a municipality incorporated on or after July 1, 1996, the certified tax rate is:
206 (i) in a county of the first, second, or third class, the levy imposed for municipal-type
207 services under Sections 17-34-1 and 17-36-9; and
208 (ii) in a county of the fourth, fifth, or sixth class, the levy imposed for general county
209 purposes and such other levies imposed solely for the municipal-type services identified in
210 Section 17-34-1 and Subsection 17-36-3(23); and
211 (c) for debt service voted on by the public, the certified tax rate is the actual levy

212 imposed by that section, except that a certified tax rate for the following levies shall be
213 calculated in accordance with Section 59-2-913 and this section:

- 214 (i) a school levy provided for under Section 53F-8-301, 53F-8-302, or 53F-8-303; and
- 215 (ii) a levy to pay for the costs of state legislative mandates or judicial or administrative
216 orders under Section 59-2-1602.

217 (6) (a) A judgment levy imposed under Section 59-2-1328 or 59-2-1330 may be
218 imposed at a rate that is sufficient to generate only the revenue required to satisfy one or more
219 eligible judgments.

220 (b) The ad valorem property tax revenue generated by a judgment levy described in
221 Subsection (6)(a) may not be considered in establishing a taxing entity's aggregate certified tax
222 rate.

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

- 224 (i) the taxable value of real property:
 - 225 (A) the county assessor assesses in accordance with Part 3, County Assessment; and
 - 226 (B) contained on the assessment roll;
- 227 (ii) the year end taxable value of personal property:
 - 228 (A) a county assessor assesses in accordance with Part 3, County Assessment; and
 - 229 (B) contained on the prior year's assessment roll; and
- 230 (iii) the taxable value of real and personal property the commission assesses in
231 accordance with Part 2, Assessment of Property.

232 (b) For purposes of Subsection (7)(a), taxable value does not include eligible new
233 growth.

234 (8) (a) On or before June 30, a taxing entity shall annually adopt a tentative budget.

235 (b) If a taxing entity intends to exceed the certified tax rate, the taxing entity shall
236 notify the county auditor of:

- 237 (i) the taxing entity's intent to exceed the certified tax rate; and
- 238 (ii) the amount by which the taxing entity proposes to exceed the certified tax rate.
- 239 (c) The county auditor shall notify property owners of any intent to levy a tax rate that
240 exceeds the certified tax rate in accordance with Sections 59-2-919 and 59-2-919.1.

241 (9) (a) Subject to Subsection (9)(d), the commission shall provide notice, through
242 electronic means on or before July 31, to a taxing entity and the Revenue and Taxation Interim

243 Committee if:

244 (i) the amount calculated under Subsection (9)(b) is 10% or more of the year end
245 taxable value of the real and personal property the commission assesses in accordance with
246 Part 2, Assessment of Property, for the previous year, adjusted for prior year end incremental
247 value; and

248 (ii) the amount calculated under Subsection (9)(c) is 50% or more of the total year end
249 taxable value of the real and personal property of a taxpayer the commission assesses in
250 accordance with Part 2, Assessment of Property, for the previous year.

251 (b) For purposes of Subsection (9)(a)(i), the commission shall calculate an amount by
252 subtracting the taxable value of real and personal property the commission assesses in
253 accordance with Part 2, Assessment of Property, for the current year, adjusted for current year
254 incremental value, from the year end taxable value of the real and personal property the
255 commission assesses in accordance with Part 2, Assessment of Property, for the previous year,
256 adjusted for prior year end incremental value.

257 (c) For purposes of Subsection (9)(a)(ii), the commission shall calculate an amount by
258 subtracting the total taxable value of real and personal property of a taxpayer the commission
259 assesses in accordance with Part 2, Assessment of Property, for the current year, from the total
260 year end taxable value of the real and personal property of a taxpayer the commission assesses
261 in accordance with Part 2, Assessment of Property, for the previous year.

262 (d) The notification under Subsection (9)(a) shall include a list of taxpayers that meet
263 the requirement under Subsection (9)(a)(ii).

264 Section 2. Section **59-2-1115** is amended to read:

265 **59-2-1115. Exemption of certain tangible personal property.**

266 (1) As used in this section:

267 (a) (i) "Item of taxable tangible personal property" does not include an improvement to
268 real property or a part that will become an improvement.

269 (ii) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
270 commission may make rules defining the term "item of taxable tangible personal property."

271 (b) (i) "Taxable tangible personal property" means tangible personal property that is
272 subject to taxation under this chapter.

273 (ii) "Taxable tangible personal property" does not include:

274 (A) tangible personal property required by law to be registered with the state before it
275 is used on a public highway, public waterway, or public land or in the air;

276 (B) a mobile home as defined in Section 41-1a-102; or

277 (C) a manufactured home as defined in Section 41-1a-102.

278 (2) (a) In accordance with Utah Constitution, Article XIII, Section 3, Subsection
279 (2)(a)(vi), which provides that the Legislature may by statute exempt tangible personal property
280 that, if subject to property tax, would generate an inconsequential amount of revenue, the
281 Legislature exempts the tangible personal property described in this Subsection (2).

282 (b) The taxable tangible personal property of a taxpayer is exempt from taxation if the
283 taxable tangible personal property has a total aggregate taxable value per county of [~~\$15,000~~
284 \$25,000] or less.

285 [~~(b) In addition to the exemption under Subsection (2)(a), an item of taxable tangible~~
286 ~~personal property, except for an item of noncapitalized personal property as defined in Section~~
287 ~~59-2-108, is exempt from taxation if the item of taxable tangible personal property:]~~

288 [~~(i) has an acquisition cost of \$1,000 or less;]~~

289 [~~(ii) has reached a percent good of 15% or less according to a personal property~~
290 ~~schedule published by the commission pursuant to Section 59-2-107; and]~~

291 [~~(iii) is in a personal property schedule with a residual value of 15% or less.]~~

292 (c) For an item of taxable tangible personal property that is not exempt under
293 Subsection [~~(2)(a) or (b)~~] (2)(b), the item is exempt from taxation if:

294 [~~(i) (A) the item is owned by a business and is not critical to the actual business~~
295 ~~operation of the business; or]~~

296 [~~(B) beginning January 1, 2021;]~~

297 (i) the item is owned by a business and is not critical to the actual business operation of
298 the business; and

299 (ii) the acquisition cost of the item is[~~:~~] less than \$500.

300 [~~(A) less than \$150; or]~~

301 [~~(B) beginning January 1, 2021, less than \$500.]~~

302 (3) (a) For a calendar year beginning on or after January 1, [~~2021~~] 2023, the
303 commission shall increase the dollar amount described in Subsection (2)[~~(a)~~](b):

304 (i) by a percentage equal to the percentage difference between the consumer price

305 index for the preceding calendar year and the consumer price index for calendar year [2019]
306 2021; and

307 (ii) up to the nearest \$100 increment.

308 (b) For purposes of this Subsection (3), the commission shall calculate the consumer
309 price index as provided in Sections 1(f)(4) and 1(f)(5), Internal Revenue Code.

310 (c) If the percentage difference under Subsection (3)(a)(i) is zero or a negative
311 percentage, the consumer price index increase for the year is zero.

312 (4) (a) For the first calendar year in which a taxpayer qualifies for an exemption
313 described in Subsection (2)[(a)](b), a county assessor may require the taxpayer to file a signed
314 statement described in Section 59-2-306.

315 ~~[(b) Notwithstanding Section 59-2-306 and subject to Subsection (5), for a calendar~~
316 ~~year in which a taxpayer qualifies for an exemption described in Subsection (2)(a) after the~~
317 ~~calendar year described in Subsection (4)(a), a signed statement described in Section 59-2-306~~
318 ~~with respect to the taxable tangible personal property that is exempt under Subsection (2)(a)~~
319 ~~may only require the taxpayer to certify, under penalty of perjury, that the taxpayer qualifies for~~
320 ~~the exemption under Subsection (2)(a).]~~

321 ~~[(c) If a taxpayer qualifies for an exemption described in Subsection (2)(a) for five~~
322 ~~consecutive years and files a signed statement for each of those years in accordance with~~
323 ~~Section 59-2-306 and Subsection (4)(b), a]~~

324 (b) A county assessor may not require the taxpayer to file a signed statement described
325 in Section 59-2-306 for each continuing consecutive year for which the taxpayer qualifies for
326 the exemption described in Subsection (2)(b).

327 ~~[(d)]~~ (c) If a taxpayer qualifies for an exemption described in Subsection [(2)(b) or]
328 (2)(c) for an item of tangible taxable personal property, a county assessor may not require the
329 taxpayer to include the item on a signed statement described in Section 59-2-306.

330 (5) A signed statement with respect to qualifying exempt primary residential rental
331 personal property is as provided in Section 59-2-103.5.

332 (6) In accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, the
333 commission may make rules to administer this section and provide for uniform
334 implementation.

335 Section 3. **Effective date.**

336

This bill takes effect on January 1, 2022.