

STUDENT RESOURCE OFFICER FUNDING

2022 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mike Winder

Senate Sponsor: _____

LONG TITLE

General Description:

This bill enacts the school resource officer levy.

Highlighted Provisions:

This bill:

- ▶ authorizes a local school board to levy a tax to fund school resource officers; and
- ▶ makes conforming changes.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides retrospective operation.

Utah Code Sections Affected:

AMENDS:

59-2-924, as last amended by Laws of Utah 2021, Chapters 214 and 388

ENACTS:

53F-8-304, Utah Code Annotated 1953

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

Section 1. Section **53F-8-304** is enacted to read:

53F-8-304. School resource officer levy.

(1) As used in this section,"school resource officer" means a law enforcement officer,



28 as defined in Section 53-13-103, who contracts with, is employed by, or whose law
29 enforcement agency contracts with a local education agency to provide law enforcement
30 services for the local education agency.

31 (2) A local school board may levy a tax to fund the district's school resource officers.

32 (3) A tax rate imposed by a school district pursuant to this section may not exceed
33 .00015 per dollar of taxable value in any calendar year.

34 Section 2. Section 59-2-924 is amended to read:

35 **59-2-924. Definitions -- Report of valuation of property to county auditor and**
36 **commission -- Transmittal by auditor to governing bodies -- Calculation of certified tax**
37 **rate -- Rulemaking authority -- Adoption of tentative budget -- Notice provided by the**
38 **commission.**

39 (1) As used in this section:

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

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

43 (A) interest;

44 (B) penalties;

45 (C) collections from redemptions; or

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

49 (b) "Adjusted tax increment" means the same as that term is defined in Section
50 17C-1-102.

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

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

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

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

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

61 (A) semiconductor manufacturing equipment assessed by a county assessor in
62 accordance with Part 3, County Assessment; and

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

64 (d) "Base taxable value" means:

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

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

69 (iii) for an authority created under Section 63H-1-201, the same as that term is defined
70 in Section 63H-1-102; or

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

72 (e) "Centrally assessed benchmark value" means an amount equal to the highest year
73 end taxable value of real and personal property the commission assesses in accordance with
74 Part 2, Assessment of Property, for a previous calendar year that begins on or after January 1,
75 2015, adjusted for taxable value attributable to:

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

77 (ii) an incorrect allocation of taxable value of real or personal property the commission
78 assesses in accordance with Part 2, Assessment of Property.

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

80 (A) zero; or

81 (B) the amount calculated by subtracting the centrally assessed benchmark value
82 adjusted for prior year end incremental value from the taxable value of real and personal
83 property the commission assesses in accordance with Part 2, Assessment of Property, for the
84 current year, adjusted for current year incremental value.

85 (ii) "Centrally assessed new growth" does not include a change in value as a result of a
86 change in the method of apportioning the value prescribed by the Legislature, a court, or the
87 commission in an administrative rule or administrative order.

88 (g) "Certified tax rate" means a tax rate that will provide the same ad valorem property
89 tax revenue for a taxing entity as was budgeted by that taxing entity for the prior year.

90 (h) "Community reinvestment agency" means the same as that term is defined in
91 Section 17C-1-102.

92 (i) "Eligible new growth" means the greater of:

93 (i) zero; or

94 (ii) the sum of:

95 (A) locally assessed new growth;

96 (B) centrally assessed new growth; and

97 (C) project area new growth or hotel property new growth.

98 (j) "Host local government" means the same as that term is defined in Section
99 63N-2-502.

100 (k) "Hotel property" means the same as that term is defined in Section 63N-2-502.

101 (l) "Hotel property new growth" means an amount equal to the incremental value that
102 is no longer provided to a host local government as incremental property tax revenue.

103 (m) "Incremental property tax revenue" means the same as that term is defined in
104 Section 63N-2-502.

105 (n) "Incremental value" means:

106 (i) for an authority created under Section 11-58-201, the amount calculated by
107 multiplying:

108 (A) the difference between the taxable value and the base taxable value of the property
109 that is located within a project area and on which property tax differential is collected; and

110 (B) the number that represents the percentage of the property tax differential that is
111 paid to the authority;

112 (ii) for an agency created under Section 17C-1-201.5, the amount calculated by
113 multiplying:

114 (A) the difference between the taxable value and the base taxable value of the property
115 located within a project area and on which tax increment is collected; and

116 (B) the number that represents the adjusted tax increment from that project area that is
117 paid to the agency;

118 (iii) for an authority created under Section 63H-1-201, the amount calculated by
119 multiplying:

120 (A) the difference between the taxable value and the base taxable value of the property

121 located within a project area and on which property tax allocation is collected; and
122 (B) the number that represents the percentage of the property tax allocation from that
123 project area that is paid to the authority; or
124 (iv) for a host local government, an amount calculated by multiplying:
125 (A) the difference between the taxable value and the base taxable value of the hotel
126 property on which incremental property tax revenue is collected; and
127 (B) the number that represents the percentage of the incremental property tax revenue
128 from that hotel property that is paid to the host local government.
129 (o) (i) "Locally assessed new growth" means the greater of:
130 (A) zero; or
131 (B) the amount calculated by subtracting the year end taxable value of real property the
132 county assessor assesses in accordance with Part 3, County Assessment, for the previous year,
133 adjusted for prior year end incremental value from the taxable value of real property the county
134 assessor assesses in accordance with Part 3, County Assessment, for the current year, adjusted
135 for current year incremental value.
136 (ii) "Locally assessed new growth" does not include a change in:
137 (A) value as a result of factoring in accordance with Section 59-2-704, reappraisal, or
138 another adjustment;
139 (B) assessed value based on whether a property is allowed a residential exemption for a
140 primary residence under Section 59-2-103;
141 (C) assessed value based on whether a property is assessed under Part 5, Farmland
142 Assessment Act; or
143 (D) assessed value based on whether a property is assessed under Part 17, Urban
144 Farming Assessment Act.
145 (p) "Project area" means:
146 (i) for an authority created under Section 11-58-201, the same as that term is defined in
147 Section 11-58-102;
148 (ii) for an agency created under Section 17C-1-201.5, the same as that term is defined
149 in Section 17C-1-102; or
150 (iii) for an authority created under Section 63H-1-201, the same as that term is defined
151 in Section 63H-1-102.

- 152 (q) "Project area new growth" means:
- 153 (i) for an authority created under Section 11-58-201, an amount equal to the
- 154 incremental value that is no longer provided to an authority as property tax differential;
- 155 (ii) for an agency created under Section 17C-1-201.5, an amount equal to the
- 156 incremental value that is no longer provided to an agency as tax increment; or
- 157 (iii) for an authority created under Section 63H-1-201, an amount equal to the
- 158 incremental value that is no longer provided to an authority as property tax allocation.
- 159 (r) "Project area incremental revenue" means the same as that term is defined in
- 160 Section 17C-1-1001.
- 161 (s) "Property tax allocation" means the same as that term is defined in Section
- 162 63H-1-102.
- 163 (t) "Property tax differential" means the same as that term is defined in Section
- 164 11-58-102.
- 165 (u) "Qualifying exempt revenue" means revenue received:
- 166 (i) for the previous calendar year;
- 167 (ii) by a taxing entity;
- 168 (iii) from tangible personal property contained on the prior year's tax rolls that is
- 169 exempt from property tax under Subsection 59-2-1115(2)(b) for a calendar year beginning on
- 170 January 1, 2022; and
- 171 (iv) on the aggregate 2021 year end taxable value of the tangible personal property that
- 172 exceeds \$15,300.
- 173 (v) "Tax increment" means the same as that term is defined in Section 17C-1-102.
- 174 (2) Before June 1 of each year, the county assessor of each county shall deliver to the
- 175 county auditor and the commission the following statements:
- 176 (a) a statement containing the aggregate valuation of all taxable real property a county
- 177 assessor assesses in accordance with Part 3, County Assessment, for each taxing entity; and
- 178 (b) a statement containing the taxable value of all personal property a county assessor
- 179 assesses in accordance with Part 3, County Assessment, from the prior year end values.
- 180 (3) The county auditor shall, on or before June 8, transmit to the governing body of
- 181 each taxing entity:
- 182 (a) the statements described in Subsections (2)(a) and (b);

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

184 (c) the certified tax rate; and

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

186 (4) (a) Except as otherwise provided in this section, the certified tax rate shall be
187 calculated by dividing the ad valorem property tax revenue that a taxing entity budgeted for the
188 prior year minus the qualifying exempt revenue by the amount calculated under Subsection
189 (4)(b).

190 (b) For purposes of Subsection (4)(a), the legislative body of a taxing entity shall
191 calculate an amount as follows:

192 (i) calculate for the taxing entity the difference between:

193 (A) the aggregate taxable value of all property taxed; and

194 (B) any adjustments for current year incremental value;

195 (ii) after making the calculation required by Subsection (4)(b)(i), calculate an amount
196 determined by increasing or decreasing the amount calculated under Subsection (4)(b)(i) by the
197 average of the percentage net change in the value of taxable property for the equalization
198 period for the three calendar years immediately preceding the current calendar year;

199 (iii) after making the calculation required by Subsection (4)(b)(ii), calculate the product
200 of:

201 (A) the amount calculated under Subsection (4)(b)(ii); and

202 (B) the percentage of property taxes collected for the five calendar years immediately
203 preceding the current calendar year; and

204 (iv) after making the calculation required by Subsection (4)(b)(iii), calculate an amount
205 determined by:

206 (A) multiplying the percentage of property taxes collected for the five calendar years
207 immediately preceding the current calendar year by eligible new growth; and

208 (B) subtracting the amount calculated under Subsection (4)(b)(iv)(A) from the amount
209 calculated under Subsection (4)(b)(iii).

210 (5) A certified tax rate for a taxing entity described in this Subsection (5) shall be
211 calculated as follows:

212 (a) except as provided in Subsection (5)(b) or (c), for a new taxing entity, the certified
213 tax rate is zero;

214 (b) for a municipality incorporated on or after July 1, 1996, the certified tax rate is:

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

217 (ii) in a county of the fourth, fifth, or sixth class, the levy imposed for general county
218 purposes and such other levies imposed solely for the municipal-type services identified in
219 Section 17-34-1 and Subsection 17-36-3(23);

220 (c) for a community reinvestment agency that received all or a portion of a taxing
221 entity's project area incremental revenue in the prior year under Title 17C, Chapter 1, Part 10,
222 Agency Taxing Authority, the certified tax rate is calculated as described in Subsection (4)
223 except that the commission shall treat the total revenue transferred to the community
224 reinvestment agency as ad valorem property tax revenue that the taxing entity budgeted for the
225 prior year; and

226 (d) for debt service voted on by the public, the certified tax rate is the actual levy
227 imposed by that section, except that a certified tax rate for the following levies shall be
228 calculated in accordance with Section 59-2-913 and this section:

229 (i) a school levy provided for under Section 53F-8-301, 53F-8-302, [or] 53F-8-303, or
230 53F-8-304; and

231 (ii) a levy to pay for the costs of state legislative mandates or judicial or administrative
232 orders under Section 59-2-1602.

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

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

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

240 (i) the taxable value of real property:

241 (A) the county assessor assesses in accordance with Part 3, County Assessment; and

242 (B) contained on the assessment roll;

243 (ii) the year end taxable value of personal property:

244 (A) a county assessor assesses in accordance with Part 3, County Assessment; and

- 245 (B) contained on the prior year's assessment roll; and
246 (iii) the taxable value of real and personal property the commission assesses in
247 accordance with Part 2, Assessment of Property.
- 248 (b) For purposes of Subsection (7)(a), taxable value does not include eligible new
249 growth.
- 250 (8) (a) On or before June 30, a taxing entity shall annually adopt a tentative budget.
251 (b) If a taxing entity intends to exceed the certified tax rate, the taxing entity shall
252 notify the county auditor of:
- 253 (i) the taxing entity's intent to exceed the certified tax rate; and
254 (ii) the amount by which the taxing entity proposes to exceed the certified tax rate.
- 255 (c) The county auditor shall notify property owners of any intent to levy a tax rate that
256 exceeds the certified tax rate in accordance with Sections [59-2-919](#) and [59-2-919.1](#).
- 257 (9) (a) Subject to Subsection (9)(d), the commission shall provide notice, through
258 electronic means on or before July 31, to a taxing entity and the Revenue and Taxation Interim
259 Committee if:
- 260 (i) the amount calculated under Subsection (9)(b) is 10% or more of the year end
261 taxable value of the real and personal property the commission assesses in accordance with
262 Part 2, Assessment of Property, for the previous year, adjusted for prior year end incremental
263 value; and
264 (ii) the amount calculated under Subsection (9)(c) is 50% or more of the total year end
265 taxable value of the real and personal property of a taxpayer the commission assesses in
266 accordance with Part 2, Assessment of Property, for the previous year.
- 267 (b) For purposes of Subsection (9)(a)(i), the commission shall calculate an amount by
268 subtracting the taxable value of real and personal property the commission assesses in
269 accordance with Part 2, Assessment of Property, for the current year, adjusted for current year
270 incremental value, from the year end taxable value of the real and personal property the
271 commission assesses in accordance with Part 2, Assessment of Property, for the previous year,
272 adjusted for prior year end incremental value.
- 273 (c) For purposes of Subsection (9)(a)(ii), the commission shall calculate an amount by
274 subtracting the total taxable value of real and personal property of a taxpayer the commission
275 assesses in accordance with Part 2, Assessment of Property, for the current year, from the total

276 year end taxable value of the real and personal property of a taxpayer the commission assesses
277 in accordance with Part 2, Assessment of Property, for the previous year.

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

280 Section 3. **Retrospective operation.**

281 This bill has retrospective operation to January 1, 2022.