

# HB0512S01 compared with HB0512

~~text~~ shows text that was in HB0512 but was deleted in HB0512S01.

inserted text shows text that was not in HB0512 but was inserted into HB0512S01.

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Representative Walt Brooks proposes the following substitute bill:

## MINIMUM BASIC TAX RATE REDUCTION

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor:** {} Walt Brooks

**Senate Sponsor:** {} \_\_\_\_\_

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### LONG TITLE

#### General Description:

This bill amends provisions related to the minimum basic tax rate that funds public education.

#### Highlighted Provisions:

This bill:

- ▶ reduces the revenue target for revenue that the minimum basic tax rate generates;
- ▶ repeals the weighed pupil unit (WPU) value rate; and
- ▶ makes technical and conforming changes.

#### Money Appropriated in this Bill:

None

#### Other Special Clauses:

This bill provides a special effective date.

## HB0512S01 compared with HB0512

This bill provides a coordination clause.

### Utah Code Sections Affected:

AMENDS:

**53F-2-301**, as last amended by Laws of Utah 2023, Chapters 7, 467

**59-2-919.1**, as last amended by Laws of Utah 2023, Chapters 7, 471

**59-2-926**, as last amended by Laws of Utah 2023, Chapter 7

### Utah Code Sections Affected By Coordination Clause:

**53F-2-301**, as last amended by Laws of Utah 2023, Chapters 7, 467

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

The following section is affected by a coordination clause at the end of this bill.

Section 1. Section **53F-2-301** is amended to read:

**53F-2-301. Minimum basic tax rate for a fiscal year that begins after July 1, 2022.**

(1) As used in this section:

(a) "Basic levy increment rate" means a tax rate that will generate an amount of revenue equal to \$75,000,000.

~~[(b) "Combined basic rate" means a rate that is the sum of:]~~

~~[(i) the minimum basic tax rate; and]~~

~~[(ii) the WPU value rate.]~~

~~[(c)]~~ (b) "Commission" means the State Tax Commission.

~~[(d)]~~ (c) "Minimum basic local amount" means an amount that is:

(i) equal to the sum of:

(A) the school districts' contribution to the basic school program the previous fiscal year;

(B) the amount generated by the basic levy increment rate; and

(C) the eligible new growth, as defined in Section 59-2-924 and rules of the State Tax Commission multiplied by the minimum basic rate; and

(ii) set annually by the Legislature in Subsection (2)(a).

~~[(e)]~~ (d) "Minimum basic tax rate" means a tax rate certified by the commission that will generate an amount of revenue equal to the minimum basic local amount described in Subsection (2)(a).

## HB0512S01 compared with HB0512

~~[(f) "Weighted pupil unit value" or "WPU value" means the amount established each year in the enacted public education budget that is multiplied by the number of weighted pupil units to yield the funding level for the basic school program.]~~

~~[(g) "WPU value amount" means an amount:]~~

~~[(i) that is equal to the product of:]~~

~~[(A) the WPU value increase limit, and]~~

~~[(B) the percentage share of local revenue to the cost of the basic school program in the immediately preceding fiscal year, and]~~

~~[(ii) set annually by the Legislature in Subsection (3)(a).]~~

~~[(h) "WPU value increase limit" means the lesser of:]~~

~~[(i) the total cost to the basic school program to increase the WPU value over the WPU value in the prior fiscal year, or]~~

~~[(ii) the total cost to the basic school program to increase the WPU value by 4% over the WPU value in the prior fiscal year.]~~

~~[(i) "WPU value rate" means a tax rate certified by the commission that will generate an amount of revenue equal to the WPU value amount described in Subsection (3)(a).]~~

(2) (a) The minimum basic local amount for the fiscal year that begins on July 1, ~~[2023, is \$708,960,800]~~ 2024, is \$684,529,000 in revenue statewide.

(b) The preliminary estimate of the minimum basic tax rate for a fiscal year that begins on July 1, ~~[2023, is .001356]~~ 2024, is 0.001288.

~~[(3) (a) The WPU value amount for the fiscal year that begins on July 1, 2023, is \$27,113,600 in revenue statewide.]~~

~~[(b) The preliminary estimate of the WPU value rate for the fiscal year that begins on July 1, 2023, is .000052.]~~

~~[(4) (3) (a) On or before June 22, the commission shall certify [for the year: ~~{ }~~]~~

~~[(i)] the minimum basic tax rate[; and] for the year.~~

~~[(ii) the WPU value rate.]~~

(b) The estimate of the minimum basic tax rate provided in Subsection (2)(b) ~~[and the estimate of the WPU value rate provided in Subsection (3)(b) are]~~ is based on a forecast for property values for the next calendar year.

(c) The certified minimum basic tax rate described in Subsection ~~[(4)(a)(i) and the~~

## HB0512S01 compared with HB0512

~~certified WPU value rate described in Subsection (4)(a)(ii) are]~~ (3)(a) is based on property values as of January 1 of the current calendar year, except personal property, which is based on values from the previous calendar year.

~~[(5)] (4)~~ (a) To qualify for receipt of the state contribution toward the basic school program and as a school district's contribution toward the cost of the basic school program for the school district, each local school board shall impose the ~~[combined basic]~~ minimum basic tax rate.

(b) (i) The state is not subject to the notice requirements of Section 59-2-926 before imposing the tax rates described in this Subsection ~~[(5)] (4)~~.

(ii) The state is subject to the notice requirements of Section 59-2-926 if the state authorizes a tax rate that exceeds the tax rates described in this Subsection ~~[(5)] (4)~~.

~~[(6)] (5)~~ (a) The state shall contribute to each school district toward the cost of the basic school program in the school district an amount of money that is the difference between the cost of the school district's basic school program and the sum of revenue generated by the school district by the following:

- (i) the ~~[combined basic]~~ minimum basic tax rate; and
- (ii) the basic levy increment rate.

(b) (i) If the difference described in Subsection ~~[(6)(a)] (5)(a)~~ equals or exceeds the cost of the basic school program in a school district, no state contribution shall be made to the basic school program for the school district.

(ii) The proceeds of the difference described in Subsection ~~[(6)(a)] (5)(a)~~ that exceed the cost of the basic school program shall be paid into the Uniform School Fund as provided by law and by the close of the fiscal year in which the proceeds were calculated.

~~[(7)] (6)~~ Upon appropriation by the Legislature, the Division of Finance shall deposit an amount equal to the proceeds generated statewide~~[(7)]~~

~~[(a)]~~ by the basic levy increment rate into the Minimum Basic Growth Account created in Section 53F-9-302~~[(7)]~~, and~~[(7)]~~.

~~[(b)]~~ by the WPU value rate into the Teacher and Student Success Account created in Section 53F-9-306.

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

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

## HB0512S01 compared with HB0512

(1) In addition to the notice requirements of Section 59-2-919, the county auditor, on or before July 22 of each year, shall notify each owner of real estate who is listed on the assessment roll.

(2) The notice described in Subsection (1) shall:

(a) except as provided in Subsection (4), be sent to all owners of real property by mail 10 or more days before the day on which:

(i) the county board of equalization meets; and

(ii) the taxing entity holds a public hearing on the proposed increase in the certified tax rate;

(b) be on a form that is:

(i) approved by the commission; and

(ii) uniform in content in all counties in the state; and

(c) contain for each property:

(i) the assessor's determination of the value of the property;

(ii) the taxable value of the property;

(iii) (A) the deadline for the taxpayer to make an application to appeal the valuation or equalization of the property under Section 59-2-1004; or

(B) for property assessed by the commission, the deadline for the taxpayer to apply to the commission for a hearing on an objection to the valuation or equalization of the property under Section 59-2-1007;

(iv) for a property assessed by the commission, a statement that the taxpayer may not appeal the valuation or equalization of the property to the county board of equalization;

(v) itemized tax information for all applicable taxing entities, including:

(A) the dollar amount of the taxpayer's tax liability for the property in the prior year;

and

(B) the dollar amount of the taxpayer's tax liability under the current rate;

(vi) the following, stated separately:

(A) the charter school levy described in Section 53F-2-703;

(B) the multicounty assessing and collecting levy described in Subsection 59-2-1602(2);

(C) the county assessing and collecting levy described in Subsection 59-2-1602(4); and

## HB0512S01 compared with HB0512

(D) for a fiscal year that begins on or after July 1, 2023, the [~~combined basic~~ minimum basic tax rate as defined in Section 53F-2-301;

(vii) the tax impact on the property;

(viii) the time and place of the required public hearing for each entity;

(ix) property tax information pertaining to:

(A) taxpayer relief;

(B) options for payment of taxes;

(C) collection procedures; and

(D) the residential exemption described in Section 59-2-103;

(x) information specifically authorized to be included on the notice under this chapter;

(xi) the last property review date of the property as described in Subsection 59-2-303.1(1)(c); and

(xii) other property tax information approved by the commission.

(3) If a taxing entity that is subject to the notice and hearing requirements of Subsection 59-2-919(4) proposes a tax increase, the notice described in Subsection (1) shall state, in addition to the information required by Subsection (2):

(a) the dollar amount of the taxpayer's tax liability if the proposed increase is approved;

(b) the difference between the dollar amount of the taxpayer's tax liability if the proposed increase is approved and the dollar amount of the taxpayer's tax liability under the current rate, placed in close proximity to the information described in Subsection (2)(c)(viii); and

(c) the percentage increase that the dollar amount of the taxpayer's tax liability under the proposed tax rate represents as compared to the dollar amount of the taxpayer's tax liability under the current tax rate.

(4) (a) Subject to the other provisions of this Subsection (4), a county auditor may, at the county auditor's discretion, provide the notice required by this section to a taxpayer by electronic means if a taxpayer makes an election, according to procedures determined by the county auditor, to receive the notice by electronic means.

(b) (i) If a notice required by this section is sent by electronic means, a county auditor shall attempt to verify whether a taxpayer receives the notice.

(ii) If receipt of the notice sent by electronic means cannot be verified 14 days or more

## HB0512S01 compared with HB0512

before the county board of equalization meets and the taxing entity holds a public hearing on a proposed increase in the certified tax rate, the notice required by this section shall also be sent by mail as provided in Subsection (2).

(c) A taxpayer may revoke an election to receive the notice required by this section by electronic means if the taxpayer provides written notice to the county auditor on or before April 30.

(d) An election or a revocation of an election under this Subsection (4):

(i) does not relieve a taxpayer of the duty to pay a tax due under this chapter on or before the due date for paying the tax; or

(ii) does not alter the requirement that a taxpayer appealing the valuation or the equalization of the taxpayer's real property submit the application for appeal within the time period provided in Subsection 59-2-1004(3).

(e) A county auditor shall provide the notice required by this section as provided in Subsection (2), until a taxpayer makes a new election in accordance with this Subsection (4), if:

(i) the taxpayer revokes an election in accordance with Subsection (4)(c) to receive the notice required by this section by electronic means; or

(ii) the county auditor finds that the taxpayer's electronic contact information is invalid.

(f) A person is considered to be a taxpayer for purposes of this Subsection (4) regardless of whether the property that is the subject of the notice required by this section is exempt from taxation.

Section 3. Section **59-2-926** is amended to read:

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

If the state authorizes a tax rate that exceeds the [~~combined basic~~] minimum basic tax rate described in Section 53F-2-301, or authorizes a levy pursuant to Section 59-2-1602 that exceeds the certified revenue levy as defined in Section 59-2-102, the state shall publish a notice no later than 10 days after the last day of the annual legislative general session that meets the following requirements:

(1) (a) The Office of the Legislative Fiscal Analyst shall advertise that the state authorized a levy that generates revenue in excess of the previous year's ad valorem tax revenue, plus eligible new growth as defined in Section 59-2-924, but exclusive of revenue from collections from redemptions, interest, and penalties:

## HB0512S01 compared with HB0512

- (i) in a newspaper of general circulation in the state; and
- (ii) as required in Section 45-1-101.

(b) Except an advertisement published on a website, the advertisement described in Subsection (1)(a):

(i) shall be no less than 1/4 page in size and the type used shall be no smaller than 18 point, and surrounded by a 1/4-inch border;

(ii) may not be placed in that portion of the newspaper where legal notices and classified advertisements appear; and

(iii) shall be run once.

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

### "NOTICE OF TAX INCREASE

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

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

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

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

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

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

Section 4. **Effective date.**

This bill takes effect on July 1, 2024.

Section 5. Coordinating H.B. 512 with H.B. 1

If H.B. 512, Minimum Basic Tax Rate Reduction, and H.B. 1, Public Education Base Budget Amendments, both pass and become law, the Legislature intends that, on July 1, 2024,



**HB0512S01 compared with HB0512**

the amendments to Section 53F-2-301 in H.B. 512 supersede the amendments to Section 53F-2-301 in H.B.1.