

**CERTIFIED TAX RATES AMENDMENTS**

2015 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

House Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill addresses property tax certified tax rates.

**Highlighted Provisions:**

This bill:

- ▶ provides for adjustments of the certified tax rates of school districts;
- ▶ provides that a school district is not subject to certain notice and public hearing requirements with respect to the certified tax rate adjustments;
- ▶ repeals obsolete language;
- ▶ establishes a repeal date for the certified tax rate adjustment provisions; and
- ▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**59-2-924.2**, as and further amended by Revisor Instructions, Laws of Utah 2014, Chapter 270 and last amended by Laws of Utah 2014, Chapter 270

**63I-1-259**, as last amended by Laws of Utah 2014, Chapter 54

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

29 Section 1. Section **59-2-924.2** is amended to read:

30 **59-2-924.2. Adjustments to the calculation of a taxing entity's certified tax rate.**

31 (1) For purposes of this section, "certified tax rate" means a certified tax rate calculated  
32 in accordance with Section [59-2-924](#).

33 (2) Beginning January 1, 1997, if a taxing entity receives increased revenues from  
34 uniform fees on tangible personal property under Section [59-2-404](#), [59-2-405](#), [59-2-405.1](#),  
35 [59-2-405.2](#), or [59-2-405.3](#) as a result of any county imposing a sales and use tax under Chapter  
36 12, Part 11, County Option Sales and Use Tax, the taxing entity shall decrease its certified tax  
37 rate to offset the increased revenues.

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

40 (i) decreased on a one-time basis by the amount of the estimated sales and use tax  
41 revenue to be distributed to the county under Subsection [59-12-1102\(3\)](#); and

42 (ii) increased by the amount necessary to offset the county's reduction in revenue from  
43 uniform fees on tangible personal property under Section [59-2-404](#), [59-2-405](#), [59-2-405.1](#),  
44 [59-2-405.2](#), or [59-2-405.3](#) as a result of the decrease in the certified tax rate under Subsection  
45 (3)(a)(i).

46 (b) The commission shall determine estimates of sales and use tax distributions for  
47 purposes of Subsection (3)(a).

48 (4) Beginning January 1, 1998, if a municipality has imposed an additional resort  
49 communities sales and use tax under Section [59-12-402](#), the municipality's certified tax rate  
50 shall be decreased on a one-time basis by the amount necessary to offset the first 12 months of  
51 estimated revenue from the additional resort communities sales and use tax imposed under  
52 Section [59-12-402](#).

53 (5) (a) This Subsection (5) applies to each county that:

54 (i) establishes a countywide special service district under Title 17D, Chapter 1, Special  
55 Service District Act, to provide jail service, as provided in Subsection [17D-1-201\(10\)](#); and

56 (ii) levies a property tax on behalf of the special service district under Section  
57 [17D-1-105](#).

58 (b) (i) The certified tax rate of each county to which this Subsection (5) applies shall be

59 decreased by the amount necessary to reduce county revenues by the same amount of revenues  
60 that will be generated by the property tax imposed on behalf of the special service district.

61 (ii) Each decrease under Subsection (5)(b)(i) shall occur contemporaneously with the  
62 levy on behalf of the special service district under Section 17D-1-105.

63 (6) (a) As used in this Subsection (6):

64 (i) "Annexing county" means a county whose unincorporated area is included within a  
65 public safety district by annexation.

66 (ii) "Annexing municipality" means a municipality whose area is included within a  
67 public safety district by annexation.

68 (iii) "Equalized public safety protection tax rate" means the tax rate that results from:

69 (A) calculating, for each participating county and each participating municipality, the  
70 property tax revenue necessary:

71 (I) in the case of a fire district, to cover all of the costs associated with providing fire  
72 protection, paramedic, and emergency services:

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

74 (Bb) for a participating municipality, in the municipality; or

75 (II) in the case of a police district, to cover all the costs:

76 (Aa) associated with providing law enforcement service:

77 (Ii) for a participating county, in the unincorporated area of the county; and

78 (IIii) for a participating municipality, in the municipality; and

79 (Bb) that the police district board designates as the costs to be funded by a property  
80 tax; and

81 (B) adding all the amounts calculated under Subsection (6)(a)(iii)(A) for all  
82 participating counties and all participating municipalities and then dividing that sum by the  
83 aggregate taxable value of the property, as adjusted in accordance with Section 59-2-913:

84 (I) for participating counties, in the unincorporated area of all participating counties;  
85 and

86 (II) for participating municipalities, in all the participating municipalities.

87 (iv) "Fire district" means a service area under Title 17B, Chapter 2a, Part 9, Service  
88 Area Act:

89 (A) created to provide fire protection, paramedic, and emergency services; and

90 (B) in the creation of which an election was not required under Subsection  
91 17B-1-214(3)(c).

92 (v) "Participating county" means a county whose unincorporated area is included  
93 within a public safety district at the time of the creation of the public safety district.

94 (vi) "Participating municipality" means a municipality whose area is included within a  
95 public safety district at the time of the creation of the public safety district.

96 (vii) "Police district" means a service area under Title 17B, Chapter 2a, Part 9, Service  
97 Area Act, within a county of the first class:

98 (A) created to provide law enforcement service; and

99 (B) in the creation of which an election was not required under Subsection  
100 17B-1-214(3)(c).

101 (viii) "Public safety district" means a fire district or a police district.

102 (ix) "Public safety service" means:

103 (A) in the case of a public safety district that is a fire district, fire protection,  
104 paramedic, and emergency services; and

105 (B) in the case of a public safety district that is a police district, law enforcement  
106 service.

107 (b) In the first year following creation of a public safety district, the certified tax rate of  
108 each participating county and each participating municipality shall be decreased by the amount  
109 of the equalized public safety tax rate.

110 (c) In the first budget year following annexation to a public safety district, the certified  
111 tax rate of each annexing county and each annexing municipality shall be decreased by an  
112 amount equal to the amount of revenue budgeted by the annexing county or annexing  
113 municipality:

114 (i) for public safety service; and

115 (ii) in:

116 (A) for a taxing entity operating under a January 1 through December 31 fiscal year,  
117 the prior calendar year; or

118 (B) for a taxing entity operating under a July 1 through June 30 fiscal year, the prior  
119 fiscal year.

120 (d) Each tax levied under this section by a public safety district shall be considered to

121 be levied by:

122 (i) each participating county and each annexing county for purposes of the county's tax  
123 limitation under Section 59-2-908; and

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

127 (e) The calculation of a public safety district's certified tax rate for the year of  
128 annexation shall be adjusted to include an amount of revenue equal to one half of the amount  
129 of revenue budgeted by the annexing entity for public safety service in the annexing entity's  
130 prior fiscal year if:

131 (i) the public safety district operates on a January 1 through December 31 fiscal year;

132 (ii) the public safety district approves an annexation of an entity operating on a July 1  
133 through June 30 fiscal year; and

134 (iii) the annexation described in Subsection (6)(e)(ii) takes effect on July 1.

135 ~~[(7) For the calendar year beginning on January 1, 2007, the calculation of a taxing  
136 entity's certified tax rate, calculated in accordance with Section 59-2-924, shall be adjusted by  
137 the amount necessary to offset any change in the certified tax rate that may result from  
138 excluding the following from the certified tax rate under Subsection 59-2-924(3) enacted by the  
139 Legislature during the 2007 General Session:]~~

140 ~~[(a) personal property tax revenue:]~~

141 ~~[(i) received by a taxing entity;]~~

142 ~~[(ii) assessed by a county assessor in accordance with Part 3, County Assessment; and]~~

143 ~~[(iii) for personal property that is semiconductor manufacturing equipment; or]~~

144 ~~[(b) the taxable value of personal property:]~~

145 ~~[(i) contained on the tax rolls of a taxing entity;]~~

146 ~~[(ii) assessed by a county assessor in accordance with Part 3, County Assessment; and]~~

147 ~~[(iii) that is semiconductor manufacturing equipment.]~~

148 ~~[(8)]~~ (7) (a) The base taxable value ~~[for the base year]~~ under Subsection 17C-1-102(6)  
149 shall be reduced for any year to the extent necessary to provide a community development and  
150 renewal agency established under Title 17C, Limited Purpose Local Government Entities -  
151 Community Development and Renewal Agencies Act, with approximately the same amount of

152 money the agency would have received without a reduction in the county's certified tax rate,  
153 calculated in accordance with Section 59-2-924, if:

- 154 (i) in that year there is a decrease in the certified tax rate under Subsection (2) or (3)(a);
- 155 (ii) the amount of the decrease is more than 20% of the county's certified tax rate of the  
156 previous year; and
- 157 (iii) the decrease results in a reduction of the amount to be paid to the agency under  
158 Section 17C-1-403 or 17C-1-404.

159 (b) The base taxable value under Subsection 17C-1-102(6) shall be increased in any  
160 year to the extent necessary to provide a community development and renewal agency with  
161 approximately the same amount of money as the agency would have received without an  
162 increase in the certified tax rate that year if:

- 163 (i) in that year the base taxable value under Subsection 17C-1-102(6) is reduced due to  
164 a decrease in the certified tax rate under Subsection (2) or (3)(a); and
- 165 (ii) the certified tax rate of a city, school district, local district, or special service  
166 district increases independent of the adjustment to the taxable value of the base year.

167 (c) Notwithstanding a decrease in the certified tax rate under Subsection (2) or (3)(a),  
168 the amount of money allocated and, when collected, paid each year to a community  
169 development and renewal agency established under Title 17C, Limited Purpose Local  
170 Government Entities - Community Development and Renewal Agencies Act, for the payment  
171 of bonds or other contract indebtedness, but not for administrative costs, may not be less than  
172 that amount would have been without a decrease in the certified tax rate under Subsection (2)  
173 or (3)(a).

174 ~~[(9)]~~ (8) (a) For the calendar year beginning on January 1, 2014, the calculation of a  
175 county assessing and collecting levy shall be adjusted by the amount necessary to offset:

- 176 (i) any change in the certified tax rate that may result from amendments to Part 16,  
177 Multicounty Assessing and Collecting Levy, in Laws of Utah 2014, Chapter 270, Section 3;  
178 and
- 179 (ii) the difference in the amount of revenue a taxing entity receives from or contributes  
180 to the Property Tax Valuation Agency Fund, created in Section 59-2-1602, that may result from  
181 amendments to Part 16, Multicounty Assessing and Collecting Levy, in Laws of Utah 2014,  
182 Chapter 270, Section 3.

183 (b) A taxing entity is not required to comply with the notice and public hearing  
184 requirements in Section 59-2-919 for an adjustment to the county assessing and collecting levy  
185 described in Subsection ~~(9)~~ (8)(a).

186 (9) (a) For the calendar year beginning on January 1, 2017, the commission shall  
187 increase or decrease a school district's certified tax rate to offset a change in revenues from the  
188 calendar year beginning on January 1, 2016, to the calendar year beginning on January 1, 2017,  
189 as follows:

190 (i) the commission shall increase a school district's certified tax rate by the amount  
191 necessary to offset a decrease in revenues that may result from the repeal of Section 59-2-924.3  
192 on December 31, 2016; and

193 (ii) the commission shall decrease a school district's certified tax rate by the amount  
194 necessary to offset an increase in revenues that may result from the repeal of Section  
195 59-2-924.3 on December 31, 2016.

196 (b) A school district is not required to comply with the notice and public hearing  
197 requirements of Section 59-2-919 for an offset to the certified tax rate described in Subsection  
198 (9)(a).

199 Section 2. Section 63I-1-259 is amended to read:

200 **63I-1-259. Repeal dates, Title 59.**

201 (1) Subsection 59-2-924(3)(g) is repealed on December 31, 2016.

202 (2) Subsection 59-2-924.2(9) is repealed on December 31, 2017.

203 ~~(2)~~ (3) Section 59-2-924.3 is repealed on December 31, 2016.

204 ~~(3)~~ (4) Section 59-9-102.5 is repealed December 31, 2020.

**Legislative Review Note**  
as of 1-14-15 9:10 AM

**Office of Legislative Research and General Counsel**