

Norman K Thurston proposes the following substitute bill:

Income Tax Revenue Amendments

2025 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Norman K Thurston

Senate Sponsor:

LONG TITLE

General Description:

This bill modifies provisions relating to state income tax revenue.

Highlighted Provisions:

This bill:

- defines terms;
- requires the State Tax Commission, the Office of the Legislative Fiscal Analyst, and the Governor's Office of Planning and Budget to annually determine by consensus whether federal tax law changes will likely result in a material increase in state income tax revenue;
- requires the State Tax Commission to submit a report to the Revenue and Taxation Interim Committee if a determination is made by consensus that federal tax law changes will likely result in a material increase in state income tax revenue;
- authorizes the Revenue and Taxation Interim Committee, upon receiving a report, to recommend legislative action for the next general session to negate the material increase in state income tax revenue;
- requires the State Tax Commission to submit a report to the Division of Finance following the general session if a determination is made by consensus that a material increase in state income tax revenue is still expected;
- creates the Income Tax Surplus Restricted Account (account);
- specifies purposes for which revenue deposited into the account may be used; and
- requires the Division of Finance, upon receiving a report, to deposit the estimated amount of the material increase in state income tax revenue into the account.

Money Appropriated in this Bill:

None

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

ENACTS:

59-1-103, Utah Code Annotated 1953

59-1-214, Utah Code Annotated 1953

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

Section 1. Section **59-1-103** is enacted to read:

59-1-103 . Income Tax Surplus Restricted Account.

(1) As used in this section:

(a) "Account" means the Income Tax Surplus Restricted Account created in Subsection

(2).

(b) "Material increase in state income tax revenue" means the same as that term is defined in Section 59-1-214.

(2) There is created within the Income Tax Fund a restricted account known as the "Income Tax Surplus Restricted Account."

(3) The account shall be funded by the revenue deposited into the account in accordance with Subsection (5).

(4)(a) The account shall earn interest.

(b) The interest described in Subsection (4)(a) shall be deposited into the account.

(5) After receiving from the commission an electronic report under Subsection 59-1-214(6)(b) indicating the likelihood of a material increase in state income tax revenue, the Division of Finance shall, at the end of the fiscal year for which the material increase in state income tax revenue is expected, deposit into the account an amount of income tax revenue that is equal to the estimate of the amount of the material increase in state income tax revenue specified in the report.

(6) Upon appropriation, the money in the account may be used for the purposes specified by the Legislature in accordance with Utah Constitution, Article X, Section 1.

Section 2. Section **59-1-214** is enacted to read:

59-1-214 . Reporting on federal tax law changes expected to result in a material increase in state income tax revenue.

(1) As used in this section:

(a) "Federal tax law change" means any modification to the Internal Revenue Code approved by Congress.

(b) "Material increase in state income tax revenue" means a net increase in revenue the state is expected to receive from the income taxes imposed under this title for a fiscal year, as compared to the latest consensus revenue estimates adopted by the Executive Appropriations Committee, that is equal to or greater than .5% of the revenue the state received from the income taxes imposed under this title for the preceding fiscal year.

(c) "Specified entities" means the commission, the Office of the Legislative Fiscal Analyst, and the Governor's Office of Planning and Budget.

(2) The specified entities shall annually determine by consensus whether federal tax law changes will likely result in a material increase in state income tax revenue for:

(a) the next fiscal year; and

(b) the first taxable year in which the federal tax law change takes effect.

(3) In determining whether federal tax law changes will likely result in a material increase in state income tax revenue under Subsection (2), the specified entities may consider:

(a) federal tax law changes enacted in any taxable year;

(b) legislative action to increase or offset increases in state income tax revenue; and

(c) any other factors the specified entities determine to be relevant.

(4)(a) The commission shall submit to the Revenue and Taxation Interim Committee an electronic report on or before October 1 of each year in which the specified entities predict a material increase in state income tax revenue by consensus under Subsection (2).

(b) The report described in Subsection (4)(a) shall include:

(i) a description of each federal tax law change expected to result in a material increase in state income tax revenue for the next fiscal year; and

(ii) an estimate of the amount of the material increase in state income tax revenue that the state is expected to receive for the next fiscal year as a result of the federal tax law changes described under Subsection (4)(b)(i), based on consensus between the specified entities.

(5) Upon receiving the report described in Subsection (4)(a), the Revenue and Taxation Interim Committee shall:

(a) review the information provided in the report; and

(b) if the Revenue and Taxation Interim Committee decides to recommend legislative action to the Legislature in order to negate the material increase in state income tax revenue predicted for the next fiscal year, prepare legislation for consideration in the

97 next annual general session.

98 (6)(a) If the commission submits a report under Subsection (4), the specified entities
99 shall, following the Legislature's next annual general session, determine by consensus
100 whether legislative action taken during the annual general session negates the
101 specified entities' initial prediction of a material increase in state income tax revenue
102 for the next fiscal year.

103 (b)(i) If the specified entities determine by consensus under Subsection (6)(a) that
104 legislative action taken during the annual general session does not negate the
105 specified entities' initial prediction of a material increase in state income tax
106 revenue for the next fiscal year, the commission shall submit to the Division of
107 Finance an electronic report on or before the June 1 following the annual general
108 session.

109 (ii) The report described in this Subsection (6)(b) shall include the information
110 required by Subsection (4)(b)(ii).

111 Section 3. **Effective Date.**

112 This bill takes effect on July 1, 2025.