

**Effective 1/1/2016**

**59-2-301.7 Definitions -- Assessment of property used for radioactive or hazardous waste storage.**

- (1) As used in this section:
  - (a) "Hazardous waste" has the same meaning as that term is defined in Section 19-6-102.
  - (b)
    - (i) "Radioactive waste" means:
      - (A) low-level radioactive waste as defined in 42 U.S.C. Sec. 10101; or
      - (B) high-level radioactive waste as defined in 42 U.S.C. Sec. 10101.
    - (ii) "Radioactive waste" does not include naturally occurring radioactive materials.
- (2) Subject to Subsection (3), in assessing the fair market value of property, a county assessor shall consider, as part of the determination of fair market value, whether property that is not currently used for the storage of hazardous waste or radioactive waste has been used in the past for the storage of hazardous waste or radioactive waste in a manner that affects:
  - (a) the functionality of the property;
  - (b) the ability to use the property; or
  - (c) property rights.
- (3) Subsection (2) applies to the extent a county assessor knows, or reasonably should have known, that property has been used in the past for the storage of hazardous waste or radioactive waste.
- (4) This section does not prohibit a county assessor from including as part of a determination of the fair market value of property any other factor affecting the fair market value of the property.

Enacted by Chapter 199, 2015 General Session