

**MINUTES OF THE
HOUSE REVENUE AND TAXATION
STANDING COMMITTEE**

Wednesday, February 22, 2017 • 4:10 pm • 445 State Capitol

Members Present:

Rep. Steve Eliason, Chair
Rep. Douglas V. Sagers, Vice Chair
Rep. Joel K. Briscoe
Rep. Gage Froerer
Rep. Brian M. Greene
Rep. Brian S. King
Rep. Karianne Lisonbee
Rep. Jefferson Moss
Rep. Tim Quinn

Rep. Jon E. Stanard

Members Absent:

Rep. Ken Ivory
Rep. Brad R. Wilson

Staff Present:

Mr. Leif G. Elder, Policy Analyst
Ms. Linda Service, Committee Secretary

Note: A list of others present, a copy of related materials, and an audio recording of the meeting can be found at le.utah.gov.

Vice Chair Sagers called the meeting to order at 4:22 p.m.

MOTION: Rep. Lisonbee moved to approve the minutes of the February 16, 2017 meeting. The motion passed with a vote of 7-0-5.

Yeas:

Rep. J. Briscoe
Rep. B. Greene
Rep. B. King
Rep. K. Lisonbee
Rep. J. Moss
Rep. D. Sagers
Rep. J. Stanard

Nays:

Abs:

Rep. S. Eliason
Rep. G. Froerer
Rep. K. Ivory
Rep. T. Quinn
Rep. B. Wilson

1. 1st Sub. H.B. 318 Recycling Market Development Zone Amendments (Peterson, J.)

Rep. J. Peterson explained the bill.

MOTION: Rep. Greene moved to amend 1st Substitute H.B. 318 with Amendment #1.

1. Page 36, Lines 1082 through 1093:

1082 (86) { ~~-(a) subject to Subsection (86)(b).~~ _____ amounts paid or charged for a
purchase or lease
1083 made by a person located in a recycling market development zone designated under

Section
1084 63N-2-404 for machinery and equipment :
(a) used in the recycling market development zone
1085 directly in:
1086 (i) commercial composting; or
1087 (ii) manufacturing facilities or plant units that:
1088 (A) manufacture, process, compound, or produce recycled items of tangible personal
1089 property for sale; or
1090 (B) reduce or reuse postconsumer waste material; and
1091 (b) { ~~— before a person is allowed an exemption under this Subsection (86);~~
-} if the person
1092 { ~~— shall obtain~~ has obtained a form certified by the Governor's Office of
Economic Development under Section
1093 63N-2-410 that the machinery is integral to the composting or recycling process.

2. *Page 40, Line 1216:*

1216 located within a recycling market development zone are integral to the composting
and recycling

3. *Page 40, Line 1218:*

1218 (a) on a form provided by the State Tax Commission that shall be retained by
the taxpayer

4. *Page 40, Line 1224:*

1224 (2) The actions { ~~— affect~~ affecting the following sections take effect for a
taxable year beginning on

The motion passed with a vote of 8-0-4.

Yeas:

Rep. G. Froerer
Rep. B. Greene
Rep. B. King
Rep. K. Lisonbee
Rep. J. Moss
Rep. T. Quinn
Rep. D. Sagers
Rep. J. Stanard

Nays:

Abs:

Rep. J. Briscoe
Rep. S. Eliason
Rep. K. Ivory
Rep. B. Wilson

MOTION: Rep. Greene moved to hold 1st Substitute H.B. 318 as amended.
The motion passed with a vote of 8-0-4.

Yeas:

Rep. G. Froerer
Rep. B. Greene
Rep. B. King
Rep. K. Lisonbee
Rep. J. Moss
Rep. T. Quinn
Rep. D. Sagers
Rep. J. Stanard

Nays:

Abs:

Rep. J. Briscoe
Rep. S. Eliason
Rep. K. Ivory
Rep. B. Wilson

2. 2nd Sub. H.B. 294 Utah Intergenerational Poverty Work and Self-sufficiency Tax Credit (*Westwood, J.*)

Rep. Westwood explained the bill assisted by Mr. Matthew Weinstein, Voices for Utah Children.

MOTION: Rep. Eliason moved to pass 2nd Substitute H.B. 294 out favorably.
The motion passed with a vote of 7-1-4.

Yeas:

Rep. S. Eliason
Rep. G. Froerer
Rep. B. Greene
Rep. B. King
Rep. J. Moss
Rep. T. Quinn
Rep. D. Sagers

Nays:

Rep. J. Stanard

Abs:

Rep. J. Briscoe
Rep. K. Ivory
Rep. K. Lisonbee
Rep. B. Wilson

MOTION: Rep. Eliason moved to saunter.
The motion passed with a vote of 8-0-4.

Yeas:

Rep. S. Eliason
Rep. G. Froerer
Rep. B. Greene
Rep. B. King
Rep. J. Moss
Rep. T. Quinn
Rep. D. Sagers
Rep. J. Stanard

Nays:

Abs:

Rep. J. Briscoe
Rep. K. Ivory
Rep. K. Lisonbee
Rep. B. Wilson

3. H.B. 45 Property Tax Assessment Changes (McCay, D.)

Rep. McCay explained the bill.

Mr. Lincoln Shurtz, Utah Association of Counties, spoke in favor of the bill.

Mr. Sterling Brown, Utah Farm Bureau, spoke to the bill.

Mr. Craig Butters, Cache County Executive, spoke in favor of the bill.

Mr. Billy Hesterman, Utah Taxpayers Association, spoke against the bill.

MOTION: Rep. Eliason moved to amend H.B. 45 with Amendment #1.

1. Page 1, Lines 21 through 22:

21 • a ski area; { ~~and~~

>provides that the changes in this bill that make land ineligible for assessment under the Farmland Assessment Act do not exempt the land from the rollback tax; and

22 ▶ makes technical and conforming changes.

▶ Page 2, Line 31

31 59-2-504, as last amended by Laws of Utah 2003, Chapter 208

59-2-506, as last amended by Laws of Utah 2014, Chapter 279

▶ Page 8, Line 244

244 [(iii) pavement.]

Section 4. Section 59-2-506 is amended to read:

59-2-506. Rollback tax – Penalty – Computation of tax – Procedure – Lien – Interest – Notice – Collection – Distribution – Appeal to county board of equalization.

(1) Except as provided in this section, Section 59-2-506.5, or Section 59-2-511, if land is withdrawn from this part, the land is subject to a rollback tax imposed in accordance with this section.

(2) (a) An owner shall notify the county assessor that land is withdrawn from this part within 120 days after the day on which the land is withdrawn from this part.

(b) An owner that fails to notify the county assessor under Subsection (2)(a) that land is withdrawn from this part is subject to a penalty equal to the greater of:

(i) \$10; or

(ii) 2% of the rollback tax due for the last year of the rollback period.

(3) (a) The county assessor shall determine the amount of the rollback tax by computing the difference for the rollback period described in Subsection (3)(b) between:

(i) the tax paid while the land was assessed under this part; and

(ii) the tax that would have been paid had the property not been assessed under this part.

(b) For purposes of this section, the rollback period is a time period that:

(i) begins on the later of:

(A) the date the land is first assessed under this part; or

(B) five years preceding the day on which the county assessor mails the notice required by Subsection (5); and

(ii) ends the day on which the county assessor mails the notice required by

Subsection (5).

(4) (a) The county treasurer shall:

(i) collect the rollback tax; and

(ii) after the rollback tax is paid, certify to the county recorder that the rollback tax lien on the property has been satisfied by:

(A) preparing a document that certifies that the rollback tax lien on the property has been satisfied; and

(B) providing the document described in Subsection (4)(a)(ii)(A) to the county recorder for recordation.

(b) The rollback tax collected under this section shall:

(i) be paid into the county treasury; and

(ii) be paid by the county treasurer to the various taxing entities pro rata in accordance with the property tax levies for the current year.

(5) (a) The county assessor shall mail to an owner of the land that is subject to a rollback tax a notice that:

(i) the land is withdrawn from this part;

(ii) the land is subject to a rollback tax under this section; and

(iii) the rollback tax is delinquent if the owner of the land does not pay the tax within 30 days after the day on which the county assessor mails the notice.

(b) (i) The rollback tax is due and payable on the day the county assessor mails the notice required by Subsection (5)(a).

(ii) Subject to Subsection (7), the rollback tax is delinquent if an owner of the land that is withdrawn from this part does not pay the rollback tax within 30 days after the day on which the county assessor mails the notice required by Subsection (5)(a).

(6) (a) Subject to Subsection (6)(b), the following are a lien on the land assessed under this part:

(i) the rollback tax; and

(ii) interest imposed in accordance with Subsection (7).

(b) The lien described in Subsection (6)(a) shall:

(i) arise upon the imposition of the rollback tax under this section;

(ii) end on the day on which the rollback tax and interest imposed in accordance with Subsection (7) are paid in full; and

(iii) relate back to the first day of the rollback period described in Subsection (3)(b).

(7) (a) A delinquent rollback tax under this section shall accrue interest:

(i) from the date of delinquency until paid; and

(ii) at the interest rate established under Section 59-2-1331 and in effect on January 1 of the year in which the delinquency occurs.

(b) A rollback tax that is delinquent on September 1 of any year shall be included on the notice required by Section 59-2-1317, along with interest calculated on that delinquent amount through November 30 of the year in which the county treasurer provides the notice under Section 59-2-1317.

(8) (a) { ~~Land~~ **Except as provided in Subsection (8)(c), land** that becomes ineligible for assessment under this part only as a result of an amendment to this part is not subject to the rollback tax if the owner of the land notifies the county assessor that the land is withdrawn from this part in accordance with Subsection (2).

(b) Land described in Subsection (8)(a) that is withdrawn from this part as a result of an event other than an amendment to this part, whether voluntary or involuntary, is subject to the rollback tax.

(c) Land that becomes ineligible for assessment under this part as a result of the changes in 2017 General Session H.B. 45 is subject to the rollback tax.

(9) Except as provided in Section 59-2-511, land that becomes exempt from taxation under Utah Constitution Article XIII, Section 3, is not subject to the rollback tax if the land meets the requirements of Section 59-2-503 to be assessed under this part.

(10) Land that becomes ineligible for assessment under this part only as a result of a split estate mineral rights owner exercising the right to extract a mineral is not subject to the rollback tax:

(a) (i) for the portion of the land required by a split estate mineral rights owner to extract a mineral if, after the split estate mineral rights owner exercises the right to extract a mineral, the portion of the property that remains in agricultural production still meets the acreage requirements of Section 59-2-503 for assessment under this part; or

(ii) for the entire acreage that would otherwise qualify for assessment under this part if, after the split estate mineral rights owner exercises the right to extract a mineral, the entire acreage that would otherwise qualify for assessment under this part no longer meets the acreage requirements of Section 59-2-503 for assessment under this part only due to the extraction of the mineral by the split estate mineral rights owner; and

(b) for the period of time that the property described in Subsection (10)(a) is ineligible for assessment under this part due to the extraction of a mineral by the split estate mineral rights owner.

- (11) (a) Subject to Subsection (11)(b), an owner of land may appeal to the county board of equalization:
- (i) a decision by a county assessor to withdraw land from assessment under this part;
 - or
 - (ii) the imposition of a rollback tax under this section.
- (b) An owner shall file an appeal under Subsection (11)(a) no later than 45 days after the day on which the county assessor mails the notice required by Subsection (5).

The motion passed with a vote of 9-0-3.

Yeas:

Rep. J. Briscoe
Rep. S. Eliason
Rep. G. Froerer
Rep. B. King
Rep. K. Lisonbee
Rep. J. Moss
Rep. T. Quinn
Rep. D. Sagers
Rep. J. Stanard

Nays:

Abs:

Rep. B. Greene
Rep. K. Ivory
Rep. B. Wilson

MOTION: Rep. King moved to pass H.B. 45 out favorably as amended.
The motion passed with a vote of 8-1-3.

Yeas:

Rep. J. Briscoe
Rep. S. Eliason
Rep. B. King
Rep. K. Lisonbee
Rep. J. Moss
Rep. T. Quinn
Rep. D. Sagers
Rep. J. Stanard

Nays:

Rep. G. Froerer

Abs:

Rep. B. Greene
Rep. K. Ivory
Rep. B. Wilson

MOTION: Rep. Lisonbee moved to adjourn.
The motion passed with a vote of 9-0-3.

Yeas:

Rep. J. Briscoe
Rep. S. Eliason
Rep. G. Froerer
Rep. B. King
Rep. K. Lisonbee
Rep. J. Moss
Rep. T. Quinn
Rep. D. Sagers
Rep. J. Stanard

Nays:

Abs:

Rep. B. Greene
Rep. K. Ivory
Rep. B. Wilson

Vice Chair Sagers adjourned the meeting at 4:41 p.m.

Rep. Steve Eliason, Chair