

HB0445S02 compared with HB0445

~~{Omitted text}~~ shows text that was in HB0445 but was omitted in HB0445S02

inserted text shows text that was not in HB0445 but was inserted into HB0445S02

DISCLAIMER: This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

County Government Land Purchasing

2026 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Mark A. Strong

Senate Sponsor: Daniel McCay

LONG TITLE

General Description:

This bill deals with a county's acquisition of real property located in another county.

Highlighted Provisions:

This bill:

- provides that a county may not acquire real property that is located in another county through exchange, purchase, or lease unless:

- the ~~{legislative body of the}~~ county where the real property provides express permission; and

- the county's acquisition is a joint acquisition with another political subdivision as part of an interlocal agreement;

- provides that real property owned by a county that is located outside the geographical boundaries of the county is not exempt from taxation under Title 59, Chapter 2, Property Tax Act, unless exceptions apply; and

- makes technical and conforming changes.

Money Appropriated in this Bill:

HB0445

HB0445 compared with HB0445S02

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

11-13-227 , as last amended by Laws of Utah 2025, First Special Session, Chapter 15

17-60-202 , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 13

17-78-103 , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14

17-78-201 , as renumbered and amended by Laws of Utah 2025, First Special Session, Chapter 14

17C-1-202 , as last amended by Laws of Utah 2025, First Special Session, Chapter 16

17C-1-207 , as last amended by Laws of Utah 2025, First Special Session, Chapter 16

59-2-1101 , as last amended by Laws of Utah 2025, First Special Session, Chapter 15

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

Section 1. Section **11-13-227** is amended to read:

11-13-227. Transportation reinvestment zones.

- (1) Subject to the provisions of this part, any two or more public agencies may enter into an agreement with one another to create a transportation reinvestment zone as described in this section.
- (2) To create a transportation reinvestment zone, two or more public agencies, at least one of which has land use authority over the transportation reinvestment zone area, shall:
 - (a) define the transportation infrastructure need and proposed improvement;
 - (b) define the boundaries of the zone;
 - (c) establish terms for sharing sales tax revenue among the members of the agreement;
 - (d) establish a base year to calculate the increase of property tax revenue within the zone;
 - (e) establish terms for sharing any increase in property tax revenue within the zone; and
 - (f) before an agreement is approved as required in Section 11-13-202.5, hold a public hearing regarding the details of the proposed transportation reinvestment zone.
- (3) Any agreement to establish a transportation reinvestment zone is subject to the requirements of Sections 11-13-202, 11-13-202.5, 11-13-206, and 11-13-207.
- (4)

HB0445 compared with HB0445S02

(a) Each public agency that is party to an agreement under this section shall annually publish a report including a statement of the increased tax revenue and the expenditures made in accordance with the agreement.

(b) Each public agency that is party to an agreement under this section shall transmit a copy of the report described in Subsection (4)(a) to the state auditor.

(5) If any surplus revenue remains in a tax revenue account created as part of a transportation reinvestment zone agreement, the parties may use the surplus for other purposes as determined by agreement of the parties.

(6)

(a) An action taken under this section is not subject to:

(i) Section 10-8-2;

(ii) Title 10, Chapter 20, Municipal Land Use, Development, and Management Act;

(iii) Title 17, Chapter 79, County Land Use, Development, and Management Act; or

(iv) Section 17-78-103, except the provisions governing a county purchasing, acquiring, owning, or holding property in Subsection {~~17-78-1093(3)~~ } 17-78-103(3) do apply.

(b) An ordinance, resolution, or agreement adopted under this title is not a land use regulation as defined in Sections 10-20-102 and 17-79-102.

Section 2. Section **17-60-202** is amended to read:

17-60-202. Counties authorized to levy and collect taxes, sue and be sued, and acquire property.

(1)

(a) Except as provided in Subsection (1)(b), a county may:

(i) as prescribed by statute:

(A) levy a tax;

(B) perform an assessment;

(C) collect a tax;

(D) borrow money; or

(E) levy and collect a special assessment for a conferred benefit; or

(ii) provide a service, exercise a power, or perform a function that is reasonably related to the safety, health, morals, and welfare of county inhabitants.

HB0445 compared with HB0445S02

(b) A county or a governmental instrumentality of a county may not perform an action described in Subsection (1)(a)(i) or provide a service, exercise a power, or perform a function described in Subsection (1)(a)(ii) in another county or a municipality within the other county without first entering into an agreement under Title 11, Chapter 13, Interlocal Cooperation Act, or other contract with the other county to perform the action, provide the service, exercise the power, or perform the function.

86 (2) A county may:

87 (a) sue and be sued;

88 (b)

(i) subject to Subsection (4), acquire real property by tax sale, purchase, lease, contract, or gift; and

90 (ii) hold the real property acquired under Subsection (2)(b)(i) as necessary and proper for county purposes;

92 (c)

(i) subject to [~~Subsections (3)(a) and (b)~~] Subsection (3), acquire real property by condemnation, as provided in Title 78B, Chapter 6, Part 5, Eminent Domain; and

94 (ii) hold the real property acquired under Subsection (2)(c)(i) as necessary and proper for county purposes;

96 (d) as may be necessary to the exercise of its powers, acquire personal property by purchase, lease, contract, or gift, and hold such personal property; and

98 (e) manage and dispose of its property as the interests of its inhabitants may require.

99 (3)

(a) For purposes of Subsection (2)(c), water rights that are not appurtenant to land do not constitute real property that may be acquired by the county through condemnation.

102 (b) Nothing in Subsection (2)(c) may be construed to authorize a county to acquire by condemnation the rights to water unless the land to which those water rights are appurtenant is acquired by condemnation.

105 (4) Except as provided in Subsection (6) and subject to Section 17-78-103, each county intending to acquire real property for the purpose of expanding the county's infrastructure or other facilities used for providing services that the county offers or intends to offer shall provide written notice of the county's intent to acquire the property if:

110 (a) the property is located:

HB0445 compared with HB0445S02

- 111 (i) outside the boundaries of the unincorporated area of the county; and
112 (ii) in a county of the first or second class; and
113 (b) the intended use of the property is contrary to:
114 (i) the anticipated use of the property under the general plan of the county in whose unincorporated area
or the municipality in whose boundaries the property is located; or
117 (ii) the property's current zoning designation.
118 (5)
(a) Each notice under Subsection (4) shall:
119 (i) indicate that the county intends to acquire real property;
120 (ii) identify the real property; and
121 (iii) be sent to:
122 (A) each county in whose unincorporated area and each municipality in whose boundaries the property
is located; and
124 (B) each affected entity.
125 (b) A notice under Subsection (4) is a protected record as provided in Subsection 63G-2-305(8).
127 (6) The notice requirement of Subsection (4) does not apply if the county previously provided notice
under Section 17-79-203 identifying the general location within the municipality or unincorporated
part of the county where the property to be acquired is located.
131 (7) If a county is not required to comply with the notice requirement of Subsection (4) because of
application of Subsection (6), the county shall provide the notice specified in Subsection (4) as soon
as practicable after the county's acquisition of the real property.
133 Section 3. Section **17-78-103** is amended to read:
134 **17-78-103. Acquisition, management, and disposal of property.**
136 (1) ~~[Subject to Subsection (4), a]~~ A county may purchase, receive, hold, sell, lease, convey, or
otherwise acquire and dispose of any real or personal property or any interest in [such] real or
personal property{f{}} {;}
139 {(a)} if the action:
138 (a) is in the public interest; and
139 (b) complies with:
140 (i) this section; and
141 (ii) other law{f{}} ; and }

HB0445 compared with HB0445S02

- 140 {~~(b) in accordance with the requirements of this section.~~}
- 141 (2) Any property interest acquired by the county shall be held in the name of the county unless
specifically otherwise provided by law.
- 143 (3)
- (a) Except as provided in Subsection (3)(c), before a county may acquire real property that is located
within the geographic boundaries of another county by exchange, purchase, or lease, the acquiring
county shall obtain the express permission of the {~~legislative body of the~~} county where the real
property is located.
- 147 (b) Express permission, as described in Subsection (3)(a), requires {~~formal legislative action of the~~
~~legislative body.~~} , at minimum:
- 149 (i) formal action of the legislative body; or
- 150 (ii) an executed memorandum of understanding or other contractual agreement between the county that
is acquiring real property and the county where the real property is located.
- 149 (c) Subsection (3)(a) does not apply to a county's acquisition of a joint interest in real property that
is located within the geographic boundaries of another county as part of a joint project, including
public buildings, public infrastructure, or public initiatives, between two or more counties or
other political subdivisions through an agreement governed by Title 11, Chapter 13, Interlocal
Cooperation Act.
- 154 [(3)] (4) The county legislative body shall provide by ordinance, resolution, rule, or regulation for the
manner in which property shall be acquired, managed, and disposed of.
- 156 [(4)] (5)
- (a) Before a county may dispose of a significant parcel of real property, the county shall:
- 158 (i) provide reasonable notice of the proposed disposition at least 14 days before the opportunity for
public comment under Subsection [(4)(a)(ii)] (5)(a)(ii); and
- 160 (ii) allow an opportunity for public comment on the proposed disposition.
- 161 (b) Each county shall, by ordinance, define what constitutes:
- 162 (i) a significant parcel of real property for purposes of Subsection [(4)(a)] (5)(a); and
- 163 (ii) reasonable notice for purposes of Subsection [(4)(a)(i)] (5)(a)(i).
- 164 [(5)] (6)
- (a) A county may dispose of a significant parcel of real property in exchange for less than the present
fair market value of the significant parcel of real property if the adjusted present value of the

HB0445 compared with HB0445S02

significant parcel of real property is equal to or greater than the present fair market value of the significant parcel of real property.

(b) Subsection [(5)(a)] (6)(a) does not affect a county's authority to dispose of a significant parcel of real property in a manner different from Subsection [(5)(a)] (6)(a) and in accordance with applicable law.

[(6)] (7) Before a county agrees to dispose of a significant parcel of real property, the county may require the potential purchaser or lessee to provide evidence that:

(a) the potential purchaser's or lessee's offer is bona fide;

(b) the potential purchaser or lessee has the ability to pay the disposition price; or

(c) any future benefits to the county from the disposal of the significant parcel of real property are reasonably anticipated.

[(7)] (8) If a county receives an unsolicited offer to purchase or lease a significant parcel of real property:

(a) the county is not required to consider the offer; and

(b) a person may not consider the offer in determining the present fair market value of the significant parcel of real property, unless considering the offer is warranted under generally accepted standards of professional appraisal practice.

[(8)] (9) A county may presume that the present fair market value of a significant parcel of real property is equal to the average of two appraised values each of which is based upon fair market value and calculated by a unique, independent appraiser who is licensed or certified in accordance with Title 61, Chapter 2g, Real Estate Appraiser Licensing and Certification Act.

Section 4. Section 17-78-201 is amended to read:

17-78-201. Development of county resources.

(1) A county may provide for the development of the county's mineral, water, [manpower] {workforce} personnel, industrial, historical, cultural, and other resources.

(2) Nothing in this section modifies the requirements of Section 17-78-103.

Section 5. Section 17C-1-202 is amended to read:

17C-1-202. Agency powers.

(1) An agency may:

(a) sue and be sued;

(b) enter into contracts generally;

HB0445 compared with HB0445S02

- 198 (c) buy, obtain an option upon, acquire by gift, or otherwise acquire any interest in real or personal
property;
- 200 (d) hold, sell, convey, grant, gift, or otherwise dispose of any interest in real or personal property;
- 202 (e) own, hold, maintain, utilize, manage, or operate real or personal property, which may include the
use of agency funds or the collection of revenue;
- 204 (f) enter into a lease agreement on real or personal property, either as lessee or lessor;
- 205 (g) provide for project area development as provided in this title;
- 206 (h) receive and use agency funds as provided in this title;
- 207 (i) if disposing of or leasing land, retain controls or establish restrictions and covenants running with the
land consistent with the project area plan;
- 209 (j) accept financial or other assistance from any public or private source for the agency's activities,
powers, and duties, and expend any funds the agency receives for any purpose described in this title;
- 212 (k) borrow money or accept financial or other assistance from a public entity or any other source for
any of the purposes of this title and comply with any conditions of any loan or assistance;
- 215 (l) issue bonds to finance the undertaking of any project area development or for any of the agency's
other purposes, including:
- 217 (i) reimbursing an advance made by the agency or by a public entity to the agency;
- 218 (ii) refunding bonds to pay or retire bonds previously issued by the agency; and
- 219 (iii) refunding bonds to pay or retire bonds previously issued by the community that created the agency
for expenses associated with project area development;
- 221 (m) pay an impact fee, exaction, or other fee imposed by a community in connection with land
development;
- 223 (n) subject to Part 10, Agency Taxing Authority, levy a property tax; or
- 224 (o) transact other business and exercise all other powers described in this title.
- 225 (2) The establishment of controls or restrictions and covenants under Subsection (1)(i) is a public
purpose.
- 227 (3) An agency may acquire real property under Subsection (1)(c) that is outside a project area only if
the board determines that the property will benefit a project area.
- 229 (4)
- (a) ~~[An]~~ Except as provided in Subsection (4)(b), an agency is not subject to Section 10-8-2 or
17-78-103.

HB0445 compared with HB0445S02

- 231 (b) An agency may not facilitate or assist a county in violating Subsection 17-78-103(3).
232 (5)
- (a) An agency may, subject to Subsection (5)(c), enter into a participation agreement with a person to govern the development the person will undertake within a project area.
- 235 (b) A participation agreement under Subsection (5)(a) shall include a description of:
236 (i) the project area development that the person will undertake;
237 (ii) the amount of project area funds the agency agrees to pay to the person to facilitate the development; and
239 (iii) the terms and conditions under which the agency agrees to pay project area funds to the person.
241 (c)
- (i) A participation agreement under Subsection (5)(a) is subject to board approval by resolution of the board.
- 243 (ii) A resolution under Subsection (5)(c)(i) shall include a finding by the board describing how the project area development described in the participation agreement will contribute to achieving the goals, policies, and purposes of the project area plan.
- 247 (d)
- (i) Beginning on May 7, 2025, any participation agreement under this Subsection (5) shall include a provision authorizing the agency, directly or through the county in which the agency operates, to use funding that would otherwise be provided to the participant to pay a participant's delinquent property tax or privilege tax or resolve a political subdivision lien against the participant, as described in Subsection 17C-1-409(6).
- 253 (ii) An agency that has entered into a participation agreement before May 7, 2025, shall, as soon as reasonably practical, enter into an amendment to the participation agreement with a participant to include a provision authorizing the agency to use funding that would otherwise be provided to the participant to pay a participant's delinquent property tax or privilege tax or resolve a political subdivision lien against the participant, as described in Subsection 17C-1-409(6).
- 263 Section 6. Section **17C-1-207** is amended to read:
264 **17C-1-207. Public entities may assist with project area development -- Notice requirements.**
262 (1) In order to assist and cooperate in the planning, undertaking, construction, or operation of project area development within an area in which the public entity is authorized to act, a public entity may:
265 (a)

HB0445 compared with HB0445S02

(i) provide or cause to be furnished:

(A) parks, playgrounds, or other recreational facilities;

(B) community, educational, water, sewer, or drainage facilities; or

(C) any other works which the public entity is otherwise empowered to undertake;

(ii) provide, furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or replan streets, roads, roadways, alleys, sidewalks, or other places;

(iii) in any part of the project area:

(A)

(I) plan or replan any property within the project area;

(II) plat or replat any property within the project area;

(III) vacate a plat;

(IV) amend a plat; or

(V) zone or rezone any property within the project area; and

(B) make any legal exceptions from building regulations and ordinances;

(iv) purchase or legally invest in any of the bonds of an agency and exercise all of the rights of any holder of the bonds;

(v) notwithstanding any law to the contrary, enter into an agreement for a period of time with another public entity concerning action to be taken pursuant to any of the powers granted in this title;

(vi) do anything necessary to aid or cooperate in the planning or implementation of the project area development;

(vii) in connection with the project area plan, become obligated to the extent authorized and funds have been made available to make required improvements or construct required structures; and

(viii) lend, grant, or contribute funds to an agency for project area development or proposed project area development, including assigning revenue or taxes in support of an agency bond or obligation; and

(b) for less than fair market value or for no consideration, and subject to Subsection (3):

(i) purchase or otherwise acquire property from an agency;

(ii) lease property from an agency;

(iii) sell, grant, convey, donate, or otherwise dispose of the public entity's property to an agency; or

(iv) lease the public entity's property to an agency.

(2)

HB0445 compared with HB0445S02

(a) ~~[The]~~ Except as provided in Subsection (2)(b), the following are not subject to Section 10-8-2, 17-60-203, or 17-78-103:

- ~~[(a)]~~ (i) project area development assistance that a public entity provides under this section; or
- ~~[(b)]~~ (ii) a transfer of funds or property from an agency to a public entity.

(b) An agency may not transfer property to a county if the transfer would result in the county violating Subsection 17-78-103(3).

(3) A public entity may provide assistance described in Subsection (1)(b) no sooner than 15 days after the day on which the public entity completes the requirements for publishing notice of the assistance for the public entity's jurisdiction, as a class A notice under Section 63G-30-102, for at least 15 days.

Section 7. Section **59-2-1101** is amended to read:

59-2-1101. Definitions -- Exemption of certain property -- Proportional payments for certain property -- Exception -- County legislative body authority to adopt rules or ordinances.

(1) As used in this section:

(a) "Charitable purposes" means:

- (i) for property used as a nonprofit hospital or a nursing home, the standards outlined in *Howell v. County Board of Cache County ex rel. IHC Hospitals, Inc.*, 881 P.2d 880 (Utah 1994); and
- (ii) for property other than property described in Subsection (1)(a)(i), providing a gift to the community.
- (b) "Compliance period" means a period equal to 15 taxable years beginning with the first taxable year for which the taxpayer claims a tax credit under Section 42, Internal Revenue Code, or Section 59-7-607 or 59-10-1010.

(c)

(i) "Educational purposes" means purposes carried on by an educational organization that normally:

- (A) maintains a regular faculty and curriculum; and
- (B) has a regularly enrolled body of pupils and students.

(ii) "Educational purposes" includes:

- (A) the physical or mental teaching, training, or conditioning of competitive athletes by a national governing body of sport recognized by the United States Olympic Committee that qualifies as being tax exempt under Section 501(c)(3), Internal Revenue Code; and
- (B) an activity in support of or incidental to the teaching, training, or conditioning described in this Subsection (1)(c)(ii).

HB0445 compared with HB0445S02

- 333 (d) "Exclusive use exemption" means a property tax exemption under Subsection (3)(a)(iv), for
property owned by a nonprofit entity used exclusively for one or more of the following purposes:
- 336 (i) religious purposes;
- 337 (ii) charitable purposes; or
- 338 (iii) educational purposes.
- 339 (e)
- (i) "Farm machinery and equipment" means tractors, milking equipment and storage and cooling
facilities, feed handling equipment, irrigation equipment, harvesters, choppers, grain drills and
planters, tillage tools, scales, combines, spreaders, sprayers, haying equipment, including balers and
cubers, and any other machinery or equipment used primarily for agricultural purposes.
- 344 (ii) "Farm machinery and equipment" does not include vehicles required to be registered with the Motor
Vehicle Division or vehicles or other equipment used for business purposes other than farming.
- 347 (f) "Gift to the community" means:
- 348 (i) the lessening of a government burden; or
- 349 (ii)
- (A) the provision of a significant service to others without immediate expectation of material reward;
- 351 (B) the use of the property is supported to a material degree by donations and gifts including volunteer
service;
- 353 (C) the recipients of the charitable activities provided on the property are not required to pay for the
assistance received, in whole or in part, except that if in part, to a material degree;
- 356 (D) the beneficiaries of the charitable activities provided on the property are unrestricted or, if
restricted, the restriction bears a reasonable relationship to the charitable objectives of the nonprofit
entity that owns the property; and
- 359 (E) any commercial activities provided on the property are subordinate or incidental to charitable
activities provided on the property.
- 361 (g) "Government exemption" means a property tax exemption provided under Subsection (3)(a)(i), (ii),
or (iii).
- 363 (h)
- (i) "Nonprofit entity" means an entity:
- 364

HB0445 compared with HB0445S02

(A) that is organized on a nonprofit basis, that dedicates the entity's property to the entity's nonprofit purpose, and that makes no dividend or other form of financial benefit available to a private interest;

(B) for which, upon dissolution, the entity's assets are distributable only for exempt purposes under state law or to the government for a public purpose; and

(C) for which none of the net earnings or donations made to the entity inure to the benefit of private shareholders or other individuals, as the private inurement standard has been interpreted under Section 501(c)(3), Internal Revenue Code.

(ii) "Nonprofit entity" includes an entity:

(A) if the entity is treated as a disregarded entity for federal income tax purposes and wholly owned by, and controlled under the direction of, a nonprofit entity; and

(B) for which none of the net earnings and profits of the entity inure to the benefit of any person other than a nonprofit entity.

(iii) "Nonprofit entity" includes an entity that is not an entity described in Subsection (1)(h)(i) if the entity jointly owns a property that:

(A) is used for the purpose of providing permanent supportive housing;

(B) has an owner that is an entity described in Subsection (1)(h)(i) or that is a housing authority that operates the permanent supportive housing;

(C) has an owner that receives public funding from a federal, state, or local government entity to provide support services and rental subsidies to the permanent supportive housing;

(D) is intended to be transferred at or before the end of the compliance period to an entity described in Subsection (1)(h)(i) or a housing authority that will continue to operate the property as permanent supportive housing; and

(E) has been certified by the Utah Housing Corporation as meeting the requirements described in Subsections (1)(h)(iii)(A) through (D).

(iv) "Nonprofit entity" includes an entity that is not an entity described in Subsection (1)(h)(i) if:

(A) the entity is a housing organization as defined in Subsection 35A-8-2401(1)(a); and

(B) the entity is owned by an entity described in Subsection (1)(h)(i) or a housing authority.

(i) "Permanent supportive housing" means a housing facility that:

(i) provides supportive services;

HB0445 compared with HB0445S02

(ii) makes a 15-year commitment to provide rent subsidies to tenants of the housing facility when the housing facility is placed in service;

401 (iii) receives an allocation of federal low-income housing tax credits in accordance with 26 U.S.C. Sec. 42; and

403 (iv) leases each unit to a tenant:

404 (A) who, immediately before leasing the housing, was homeless as defined in 24 C.F.R. 583.5; and

406 (B) whose rent is capped at no more than 30% of the tenant's household income.

407 (j)

(i) "Property of" means property that an entity listed in Subsection (3)(a)(ii) or (iii) has a legal right to possess.

409 (ii) "Property of" includes a lease of real property if:

410 (A) the property is wholly leased to a state or political subdivision entity listed in Subsection (3)(a)(ii) or (iii) under a triple net lease; and

412 (B) the lease is in effect for the entire calendar year.

413 (k) "Supportive service" means a service that is an eligible cost under 24 C.F.R. 578.53.

414 (l) "Triple net lease" means a lease agreement under which the lessee is responsible for the real estate taxes, building insurance, and maintenance of the property separate from and in addition to the rental price.

417 (2)

(a) Except as provided in Subsection (2)(b), an exemption under this part may be allowed only if the claimant is the owner of the property as of January 1 of the year the exemption is claimed.

420 (b) A claimant shall collect and pay a proportional tax based upon the length of time that the property was not owned by the claimant if:

422 (i) the claimant is a federal, state, or political subdivision entity described in Subsection (3)(a)(i), (ii), or (iii); or

424 (ii) in accordance with Subsection (3)(a)(iv):

425 (A) the claimant is a nonprofit entity; and

426 (B) the property is used exclusively for religious, charitable, or educational purposes.

428 (3)

(a) The following property is exempt from taxation:

429 (i) property exempt under the laws of the United States;

HB0445 compared with HB0445S02

- 430 (ii) property of:
- 431 (A) the state;
- 432 (B) school districts; and
- 433 (C) public libraries;
- 434 (iii) except as provided in Title 11, Chapter 13, Interlocal Cooperation Act, or in Subsection (6),
property of:
- 436 (A) counties;
- 437 (B) cities;
- 438 (C) towns;
- 439 (D) special districts;
- 440 (E) special service districts; and
- 441 (F) all other political subdivisions of the state;
- 442 (iv) except as provided in Subsection [~~(6) or (7)~~] (7) or (8), property owned by a nonprofit entity
used exclusively for one or more of the following purposes:
- 444 (A) religious purposes;
- 445 (B) charitable purposes; or
- 446 (C) educational purposes;
- 447 (v) places of burial not held or used for private or corporate benefit;
- 448 (vi) farm machinery and equipment;
- 449 (vii) a high tunnel, as defined in Section 10-20-613;
- 450 (viii) intangible property; and
- 451 (ix) the ownership interest of an out-of-state public agency, as defined in Section 11-13-103:
- 453 (A) if that ownership interest is in property providing additional project capacity, as defined in Section
11-13-103; and
- 455 (B) on which a fee in lieu of ad valorem property tax is payable under Section 11-13-302.
- 457 (b) For purposes of a property tax exemption for property of school districts under Subsection (3)(a)
(ii)(B), a charter school under Title 53G, Chapter 5, Charter Schools, is considered to be a school
district.
- 460 (4) Subject to Subsection (5), if property that is allowed an exclusive use exemption or a government
exemption ceases to qualify for the exemption because of a change in the ownership of the property:
- 463 (a) the new owner of the property shall pay a proportional tax based upon the period of time:

HB0445 compared with HB0445S02

- 465 (i) beginning on the day that the new owner acquired the property; and
466 (ii) ending on the last day of the calendar year during which the new owner acquired the property; and
468 (b) the new owner of the property and the person from whom the new owner acquires the property shall
notify the county assessor, in writing, of the change in ownership of the property within 30 days
from the day that the new owner acquires the property.
- 471 (5) Notwithstanding Subsection (4)(a), the proportional tax described in Subsection (4)(a):
472 (a) is subject to any exclusive use exemption or government exemption that the property is entitled to
under the new ownership of the property; and
474 (b) applies only to property that is acquired after December 31, 2005.
475 (6)
- (a) ~~{Notwithstanding the exemption}~~ As used in this Subsection {~~(3)(a)(iii)(A)~~ (6), {beginning
January 1, 2026,} "extraterritorial county property" means real property owned by a county that is
located outside the geographical boundaries of ~~{that}~~ the county ~~{is not exempt from taxation}~~ .
- 482 (b) Notwithstanding Subsection (3)(a)(iii)(A) and except as provided in Subsection (6)(c):
484 (i) beginning January 1, 2027, extraterritorial county property that is acquired on or after May 6, 2026,
is subject to property taxation; and
- 486 (ii) beginning January 1, 2029, extraterritorial county property that was acquired before May 6, 2026, is
subject to property taxation.
- 488 (c) Extraterritorial county property shall retain the exemption described in Subsection (3)(a)(iii)(A) if:
490 (i) the county that owns the property and the county where the property is located agree to maintain the
exemption described in Subsection (3)(a)(iii)(A) in regard to the extraterritorial county property; and
493 (ii) enter into an agreement regarding the extraterritorial county property.
- 478 (b){~~(d)~~} ~~{Property}~~ If extraterritorial county property is subject to property taxation as described in
this Subsection {~~(6)(a) shall continue to~~ (6), the extraterritorial county property shall be assessed
and taxed at the property's taxable value and use immediately before the county's acquisition of the
extraterritorial county property, including any assessment under Part 5, Farmland Assessment Act.
- 481 (c){~~(e)~~}
- (i) If the use of ~~{property described in this Subsection (6)}~~ extraterritorial county property subject to
property taxation changes from an agricultural use to a non-qualifying use, as described in Part 5,
Farmland Assessment Act, the county that owns the property shall be subject to the rollback tax
described in Section 59-2-506.

HB0445 compared with HB0445S02

- 485 (ii) The rollback tax described in Subsection ~~{(6)(e)(i)}~~ (6)(e)(i) shall be calculated based on the
difference between the greenbelt assessment and the fair market value assessment for the preceding
five years.
- 488 ~~[(6)]~~ (7)
- (a) A property may not receive an exemption under Subsection (3)(a)(iv) if:
- 489 (i) the nonprofit entity that owns the property participates in or intervenes in any political campaign
on behalf of or in opposition to any candidate for public office, including the publishing or
distribution of statements; or
- 492 (ii) a substantial part of the activities of the nonprofit entity that owns the property consists of
carrying on propaganda or otherwise attempting to influence legislation, except as provided
under Subsection 501(h), Internal Revenue Code.
- 495 (b) Whether a nonprofit entity is engaged in an activity described in Subsection ~~[(6)(a)]~~ (7)(a) shall be
determined using the standards described in Section 501, Internal Revenue Code.
- 498 ~~[(7)]~~ (8) A property may not receive an exemption under Subsection (3)(a)(iv) if:
- 499 (a) the property is used for a purpose that is not religious, charitable, or educational; and
- 500 (b) the use for a purpose that is not religious, charitable, or educational is more than de minimis.
- 502 ~~[(8)]~~ (9) A county legislative body may adopt rules or ordinances to:
- 503 (a) effectuate an exemption under this part; and
- 504 (b) designate one or more persons to perform the functions given to the county under this part.
- 506 ~~[(9)]~~ (10) If a person is dissatisfied with an exemption decision made under designated decision-making
authority as described in Subsection ~~[(8)(b)]~~ (9)(b), that person may appeal the decision to the
commission under Section 59-2-1006.

527 Section 8. **Effective date.**

Effective Date.

This bill takes effect on May 6, 2026.

2-25-26 11:59 AM