

SB0231 compared with SB0231S01

- 11 ▸ modifies the burden of proof if a property owner whose property is being condemned files
12 evidence that the pipeline is intended to be used for energy generation.

13 **Money Appropriated in this Bill:**

14 None

15 **Other Special Clauses:**

16 This bill provides a special effective date.

17 **Utah Code Sections Affected:**

18 AMENDS:

- 22 ~~{17-69-301 (Effective 05/06/26), as renumbered and amended by Laws of Utah 2025, First~~
23 ~~Special Session, Chapter 13}~~
- 24 ~~{17D-4-204 (Effective 05/06/26), as last amended by Laws of Utah 2025, Chapter 347}~~
- 25 ~~{54-26-301 (Effective 05/06/26), as enacted by Laws of Utah 2025, Chapter 318}~~
- 26 ~~{54-26-301.5 (Effective 05/06/26), as enacted by Laws of Utah 2025, Chapter 318}~~
- 27 ~~{59-2-924 (Effective 05/06/26) (Applies beginning 01/01/26), as last amended by Laws of~~
28 ~~Utah 2025, First Special Session, Chapter 15}~~
- 29 ~~{59-2-1301.5 (Effective 05/06/26) (Applies beginning 01/01/26), as enacted by Laws of Utah~~
30 ~~2018, Chapter 197}~~
- 31 ~~{59-2-1365 (Effective 05/06/26) (Applies beginning 01/01/26), as last amended by Laws of~~
32 ~~Utah 2018, Chapter 197}~~
- 33 **78B-6-501 , as last amended by Laws of Utah 2025, Chapter 277**
- 34 **78B-6-502 , as last amended by Laws of Utah 2024, Chapters 25, 350**
- 35 **78B-6-503 , as last amended by Laws of Utah 2024, Chapter 350**
- 36 **78B-6-508 , as renumbered and amended by Laws of Utah 2008, Chapter 3**

37 ENACTS:

- 38 ~~{10-8-96 (Effective 05/06/26), Utah Code Annotated 1953}~~
- 39 ~~{17-63-711 (Effective 05/06/26), Utah Code Annotated 1953}~~
- 40 ~~{17B-1-122 (Effective 05/06/26), Utah Code Annotated 1953}~~
- 41 ~~{53F-8-204 (Effective 05/06/26), Utah Code Annotated 1953}~~

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

43 Section 1. Section 1 is enacted to read:

SB0231 compared with SB0231S01

41 **10-8-96. Tax increment prohibition.**

42 (1) As used in this section:

43 (a) "Large load customer" means the same as that term is defined in Section 54-26-101.

44 (b) "Project area" means the same as that term is defined in Section 59-2-924.

45 (c) "Tax increment" means the same as that term is defined in Section 59-2-924.

46 (2) A municipality may not agree to provide tax increment to an entity that has a large load customer located within the entity's project area unless the agreement was made before May 6, 2026.

49 Section 2. Section 2 is enacted to read:

50 **17-63-711. Tax increment prohibition.**

51 (1) As used in this section:

52 (a) "Large load customer" means the same as that term is defined in Section 54-26-101.

53 (b) "Project area" means the same as that term is defined in Section 59-2-924.

54 (c) "Tax increment" means the same as that term is defined in Section 59-2-924.

55 (2) A county may not agree to provide tax increment to an entity that has a large load customer located within the entity's project area unless the agreement was made before May 6, 2026.

58 ~~{Section 3. Section 17-69-301 is amended to read: }~~

59 **17-69-301. Duties and services.**

60 (1) A county auditor shall~~[-perform]~~:

61 (a) perform in accordance with Section 17-69-304, an accounting duty or service described in this chapter;

63 (b) perform an auditing duty or service described in this chapter;~~[-and]~~

64 (c) after the county auditor receives a notice required by Section 54-26-301 or 54-26-301.5, notify the municipalities, school districts, special districts, and public infrastructure districts within which a large load customer, as that term is defined in Section 54-26-101, is located; and

68 (d) perform other duties as may be required by law.

69 (2) A county auditor shall provide to the county legislative body a statement of county debt in accordance with Section 17-63-702.

71 (3) A county auditor may conduct, in relation to any county officer or county office, department, division, court, or entity, as the county auditor considers necessary, the following duties and services:

74 (a) financial audits;

SB0231 compared with SB0231S01

- 75 (b) attestation-level examinations, reviews, and agreed-upon procedures, engagements, or reviews of
financial statements;
- 77 (c) subject to Section 17-69-303, performance audits;
- 78 (d) subject to Section 17-69-304, accounting services; and
- 79 (e) other duties as required by law.
- 80 (4) In a county of the first class, the county auditor shall conduct the services under Subsections (3)(a)
through (c) in accordance with generally accepted government auditing standards.
- 83 (5) A county legislative body may change the title of county auditor to county controller for a county
auditor's office that predominantly performs accounting services.
- 85 (6) The county auditor may not conduct the services described in Subsections (3)(a) through (c) with
respect to the auditor's own office, accounts, or financial records.
- 87 (7) Nothing in this chapter limits a county legislative body's authority under Section 17-64-404 or a
county executive's authority under Section 17-65-304.

89 Section 4. Section 4 is enacted to read:

90 **17B-1-122. Tax increment prohibition.**

91 (1) As used in this section:

92 (a) "Large load customer" means the same as that term is defined in Section 54-26-101.

93 (b) "Project area" means the same as that term is defined in Section 59-2-924.

94 (c) "Tax increment" means the same as that term is defined in Section 59-2-924.

95 (2) A special district may not agree to provide tax increment to an entity that has a large load customer
located within the entity's project area unless the agreement was made before May 6, 2026.

98 ~~{Section 5. Section 17D-4-204 is amended to read: }~~

99 **17D-4-204. Relation to other local entities.**

- 100 (1) Notwithstanding the creation of a public infrastructure district, the creating entity and any other
public entity, as applicable, retains all of the entity's authority over all zoning, planning, design
specifications and approvals, and permitting within the public infrastructure district.
- 104 (2) The inclusion of property within the boundaries of a public infrastructure district does not preclude
the inclusion of the property within any other special district.
- 106 (3)
- (a) All infrastructure that is connected to another public entity's system:

107

SB0231 compared with SB0231S01

- (i) belongs to that public entity, regardless of inclusion within the boundaries of a public infrastructure district, unless the public infrastructure district and the public entity otherwise agree; and
- 110 (ii) shall comply with the design, inspection requirements, and other standards of the public entity.
- 112 (b) A public infrastructure district shall convey or transfer the infrastructure described in Subsection (3)
- (a) free of liens or financial encumbrances to the public entity at no cost to the public entity.
- 115 (4)
- (a)
- (i) No public entity or private person shall receive funds from any portion of a public infrastructure district's property tax revenue without a resolution of the public infrastructure district's board authorizing the public entity or private person to receive the funds.
- 119 (ii) A public infrastructure district may not agree to provide tax increment, as that term is defined in Section 59-2-924, to an entity that has a large load customer, as that term is defined in Section 54-26-101, within the entity's project area, as that term is defined in Section 59-2-924, unless the agreement was made before May 6, 2026.
- 124 (b) Subsection (4)(a) does not apply to the county's expenses related to collecting property tax in accordance with Title 59, Chapter 2, [~~Part 12, Property Tax Act~~] Part 13, Collection of Taxes.
- 127 (c) Subsection (4)(a) applies notwithstanding any provision in:
- 128 (i) Title 17C, Limited Purpose Local Government Entities - Community Reinvestment Agency Act;
- 130 (ii) Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act;
- 131 (iii) a statute governing a development authority created under Utah Constitution, Article XI; or
- 133 (iv) a provision of code related to the collection, distribution, or sharing of tax increment revenue, incremental property tax increases, or actions related to the collection, distribution, or sharing of tax increment revenue or incremental property tax increases.

137 Section 6. Section 6 is enacted to read:

138 **53F-8-204. Tax increment prohibition.**

139 (1) As used in this section:

140 (a) "Large load customer" means the same as that term is defined in Section 54-26-101.

141 (b) "Project area" means the same as that term is defined in Section 59-2-924.

142 (c) "Tax increment" means the same as that term is defined in Section 59-2-924.

143

SB0231 compared with SB0231S01

(2) A school district may not agree to provide tax increment to an entity that has a large load customer located within the entity's project area unless the agreement was made before May 6, 2026.

146 {Section 7. ~~Section 54-26-301 is amended to read: }~~

147 **54-26-301. Large load contract requirements -- Notification to the county.**

149 (1) Electric service for a large-scale service request shall be provided only under one or more large load contracts with:

151 (a) a qualified electric utility;

152 (b) a large-scale generation provider; or

153 (c) any combination of Subsections (1)(a) and (1)(b).

154 (2) A large load customer shall:

155 (a) contract for all of the customer's projected electrical requirements under the large-scale service request;[- and]

157 (b) maintain contracts with resources or load shedding capabilities sufficient to meet the customer's actual electrical requirements at all times[-] ; and

159 (c) within 30 days after the day on which the commission approves the large load contract, notify the county auditor and the county treasurer for the county in which the customer will use the electric service for which the large load customer contracts under the large-scale service request of the large load customer's address.

163 (3) A large load contract with a qualified electric utility shall:

164 (a) ensure that all large load incremental costs are allocated to and paid by the large load customer;

166 (b) comply with all system requirements;

167 (c) require the large load customer to maintain financial security sufficient to cover the large load customer's obligations;

169 (d) specify:

170 (i) points of interconnection;

171 (ii) power delivery points;

172 (iii) the amount of electrical capacity contracted for;

173 (iv) the term of service; and

174 (v) any arrangements for backup power supply;

175 (e) provide curtailment provisions if the large load customer's demand exceeds the amount of contractually supported demand;

SB0231 compared with SB0231S01

- 177 (f) identify the incremental generation resources that the qualified electric utility will use to serve the
large load customer; and
- 179 (g) include provisions addressing the allocation and payment of long-term operation and maintenance
costs for large load facilities.
- 181 (4) A large load contract with a large-scale generation provider that provides service through a
connected electrical system shall:
- 183 (a) ensure that all large load incremental costs are allocated to and paid by the large load customer;
- 185 (b) comply with all system requirements;
- 186 (c) specify:
- 187 (i) points of interconnection;
- 188 (ii) power delivery points;
- 189 (iii) the amount of electrical capacity contracted for;
- 190 (iv) the term of service; and
- 191 (v) any arrangements for backup power supply; and
- 192 (d) provide curtailment provisions if the large load customer's demand exceeds the real-time dispatch
of the large-scale generation provider's resources under the large load contract, net of transmission
losses.
- 195 (5) A qualified electric utility:
- 196 (a) has no duty to serve a large load customer except as explicitly provided in a large load contract; and
- 198 (b) is not required to provide backup power to a large load customer except as explicitly provided in a
large load contract.
- 200 (6) A qualified electric utility may not be required to commence design and construction of large load
facilities until after:
- 202 (a) executing a large load construction contract; and
- 203 (b) obtaining commission approval in accordance with Section 54-26-302.
- 204 (7) A qualified electric utility or large-scale generation provider shall:
- 205 (a) obtain commission approval in accordance with Section 54-26-302 before providing electric service
under a large load contract; and
- 207 (b) negotiate the terms of a large load contract with a large load customer on a case-by-case basis.
- 209 (8) Within 15 business days after executing a large load contract, a person executing the contract shall
submit an application for approval to the commission for review under Section 54-26-302.

SB0231 compared with SB0231S01

212 ~~{Section 8. Section 54-26-301.5 is amended to read: }~~

213 **54-26-301.5. Private generation contracts -- Notification to county.**

A large load customer seeking to receive electric service through a closed private generation system:

217 (1) may negotiate directly with a large-scale generation provider;~~[-and]~~

218 (2) is not required to submit a large-scale service request to a qualified electric utility~~[-]~~ ; and

219 (3) is required, within 30 days after the day on which the large load customer and large-scale generation provider reach an agreement, to notify the county auditor and the county treasurer for the county in which the large load customer will use the electric service that the large load customer has negotiated to receive through a closed private generation system of the large load customer's address.

224 ~~{Section 9. Section 59-2-924 is amended to read: }~~

225 **59-2-924. Definitions -- Report of valuation of property to county auditor and commission -- Transmittal by auditor to governing bodies -- Calculation of certified tax rate -- Rulemaking authority -- Adoption of tentative budget -- Notice provided by the commission.**

229 (1) As used in this section:

230 (a)

(i) "Ad valorem property tax revenue" means revenue collected in accordance with this chapter minus revenue the taxing entity receives in accordance with Subsection 59-2-1365(4).

233 (ii) "Ad valorem property tax revenue" does not include:

234 (A) interest;

235 (B) penalties;

236 (C) collections from redemptions; or

237 (D) revenue received by a taxing entity from personal property that is semiconductor manufacturing equipment assessed by a county assessor in accordance with Part 3, County Assessment.

240 (b) "Adjusted tax increment" means the same as that term is defined in Section 17C-1-102.

242 (c)

(i) "Aggregate taxable value of all property taxed" means:

243 (A) the aggregate taxable value of all real property a county assessor assesses in accordance with Part 3, County Assessment, for the current year;

245

SB0231 compared with SB0231S01

- 248 (B) the aggregate taxable value of all real and personal property the commission assesses in
accordance with Part 2, Assessment of Property, for the current year; and
- (C) the aggregate year end taxable value of all personal property a county assessor assesses in
accordance with Part 3, County Assessment, contained on the prior year's tax rolls of the taxing
entity.
- 251 (ii) "Aggregate taxable value of all property taxed" does not include the aggregate year end taxable
value of personal property that is:
- 253 (A) semiconductor manufacturing equipment assessed by a county assessor in accordance with Part 3,
County Assessment; and
- 255 (B) contained on the prior year's tax rolls of the taxing entity.
- 256 (d) "Base taxable value" means:
- 257 (i) for an authority created under Section 11-58-201, the same as that term is defined in Section
11-58-102;
- 259 (ii) for the Point of the Mountain State Land Authority created in Section 11-59-201, the same as that
term is defined in Section [~~11-59-207~~] 11-59-208;
- 261 (iii) for the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201, the
same as that term is defined in Section 11-70-101;
- 263 (iv) for an agency created under Section 17C-1-201.5, the same as that term is defined in Section
17C-1-102;
- 265 (v) for an authority created under Section 63H-1-201, the same as that term is defined in Section
63H-1-102;
- 267 (vi) for a host local government, the same as that term is defined in Section 63N-2-502;
- 269 (vii) for a housing and transit reinvestment zone or convention center reinvestment zone created under
Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, the same as that term is
defined in Section 63N-3-602;
- 272 (viii) for a home ownership promotion zone created under Title 10, Chapter 21, Part 5, Home
Ownership Promotion Zone for Municipalities, or Title 17, Chapter 80, Part 5, Home Ownership
Promotion Zone, a property's taxable value as shown upon the assessment roll last equalized during
the base year, as that term is defined in Section 10-21-101 or Section 17-80-101;

277

SB0231 compared with SB0231S01

- (ix) for a first home investment zone created under Title 63N, Chapter 3, Part 16, First Home Investment Zone Act, a property's taxable value as shown upon the assessment roll last equalized during the base year, as that term is defined in Section 63N-3-1601;
- 281 (x) for a major sporting event venue zone created under Title 63N, Chapter 3, Part 17, Major Sporting Event Venue Zone Act, a property's taxable value as shown upon the assessment roll last equalized during the property tax base year, as that term is defined in Section 63N-3-1701; or
- 285 (xi) for an electrical energy development zone [~~created~~] designated under Section 79-6-1104, the value of the property within an electrical energy development zone, as shown on the assessment roll last equalized before the [~~creation~~] designation of the electrical energy development zone, as that term is defined in Section 79-6-1104.
- 290 (e) "Centrally assessed benchmark value" means an amount equal to the average year end taxable value of real and personal property the commission assesses in accordance with Part 2, Assessment of Property, for the previous three calendar years, adjusted for taxable value attributable to:
- 294 (i) an annexation to a taxing entity;
- 295 (ii) an incorrect allocation of taxable value of real or personal property the commission assesses in accordance with Part 2, Assessment of Property; or
- 297 (iii) a change in value as a result of a change in the method of apportioning the value prescribed by the Legislature, a court, or the commission in an administrative rule or administrative order.
- 300 (f) "Centrally assessed industry" means the following industry classes the commission assesses in accordance with Part 2, Assessment of Property:
- 302 (i) air carrier;
- 303 (ii) coal;
- 304 (iii) coal load out property;
- 305 (iv) electric generation;
- 306 (v) electric rural;
- 307 (vi) electric utility;
- 308 (vii) gas utility;
- 309 (viii) ground access property;
- 310 (ix) land only property;
- 311 (x) liquid pipeline;
- 312 (xi) metalliferous mining;

SB0231 compared with SB0231S01

- 313 (xii) nonmetalliferous mining;
314 (xiii) oil and gas gathering;
315 (xiv) oil and gas production;
316 (xv) oil and gas water disposal;
317 (xvi) railroad;
318 (xvii) sand and gravel; and
319 (xviii) uranium.
- 320 (g)
- (i) "Centrally assessed new growth" means the greater of:
- 321 (A) for each centrally assessed industry, zero; or
322 (B) the amount calculated by subtracting the centrally assessed benchmark value for each centrally assessed industry, adjusted for prior year end incremental value, from the taxable value of real and personal property the commission assesses in accordance with Part 2, Assessment of Property, for each centrally assessed industry for the current year, adjusted for current year incremental value.
- 328 (ii) "Centrally assessed new growth" does not include a change in value for a centrally assessed industry as a result of a change in the method of apportioning the value prescribed by the Legislature, a court, or the commission in an administrative rule or administrative order.
- 332 (h) "Certified tax rate" means a tax rate that will provide the same ad valorem property tax revenue for a taxing entity as was budgeted by that taxing entity for the prior year.
- 334 (i) "Community reinvestment agency" means the same as that term is defined in Section 17C-1-102.
- 336 (j) "Eligible new growth" means the greater of:
- 337 (i) zero; or
338 (ii) the sum of:
- 339 (A) locally assessed new growth;
340 (B) centrally assessed new growth; and
341 (C) project area new growth or hotel property new growth.
- 342 (k) "Host local government" means the same as that term is defined in Section 63N-2-502.
- 344 (l) "Hotel property" means the same as that term is defined in Section 63N-2-502.
- 345 (m) "Hotel property new growth" means an amount equal to the incremental value that is no longer provided to a host local government as incremental property tax revenue.

SB0231 compared with SB0231S01

- 347 (n) "Incremental property tax revenue" means the same as that term is defined in Section 63N-2-502.
- 349 (o) "Incremental value" means:
- 350 (i) for an authority created under Section 11-58-201, the amount calculated by multiplying:
- 352 (A) the difference between the taxable value and the base taxable value of the property that is located
within a project area and on which property tax differential is collected; and
- 355 (B) the number that represents the percentage of the property tax differential that is paid to the
authority;
- 357 (ii) for the Point of the Mountain State Land Authority created in Section 11-59-201, an amount
calculated by multiplying:
- 359 (A) the difference between the current assessed value of the property and the base taxable value; and
- 361 (B) the number that represents the percentage of the property tax augmentation, as defined in Section
[11-59-207] 11-59-208, that is paid to the Point of the Mountain State Land Authority;
- 364 (iii) for the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201, the
amount calculated by multiplying:
- 366 (A) the difference between the taxable value for the current year and the base taxable value of the
property that is located within a project area; and
- 368 (B) the number that represents the percentage of enhanced property tax revenue, as defined in Section
11-70-101;
- 370 (iv) for an agency created under Section 17C-1-201.5, the amount calculated by multiplying:
- 372 (A) the difference between the taxable value and the base taxable value of the property located within a
project area and on which tax increment is collected; and
- 375 (B) the number that represents the adjusted tax increment from that project area that is paid to the
agency;
- 377 (v) for an authority created under Section 63H-1-201, the amount calculated by multiplying:
- 379 (A) the difference between the taxable value and the base taxable value of the property located within a
project area and on which property tax allocation is collected; and
- 382 (B) the number that represents the percentage of the property tax allocation from that project area that is
paid to the authority;
- 384 (vi) for a housing and transit reinvestment zone or convention center reinvestment zone created in
accordance with Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, an
amount calculated by multiplying:

SB0231 compared with SB0231S01

- 387 (A) the difference between the taxable value and the base taxable value of the property that is located
within a housing and transit reinvestment zone or convention center reinvestment zone and on which
tax increment is collected; and
- 391 (B) the number that represents the percentage of the tax increment that is paid to the housing and transit
reinvestment zone or convention center reinvestment zone;
- 394 (vii) for a host local government, an amount calculated by multiplying:
- 395 (A) the difference between the taxable value and the base taxable value of the hotel property on which
incremental property tax revenue is collected; and
- 397 (B) the number that represents the percentage of the incremental property tax revenue from that hotel
property that is paid to the host local government;
- 399 (viii) for a home ownership promotion zone created under Title 10, Chapter 21, Part 5, Home
Ownership Promotion Zone for Municipalities, or Title 17, Chapter 80, Part 5, Home Ownership
Promotion Zone, an amount calculated by multiplying:
- 402 (A) the difference between the taxable value and the base taxable value of the property that is located
within a home ownership promotion zone and on which tax increment is collected; and
- 405 (B) the number that represents the percentage of the tax increment that is paid to the home ownership
promotion zone;
- 407 (ix) for a first home investment zone created in accordance with Title 63N, Chapter 3, Part 16, First
Home Investment Zone Act, an amount calculated by multiplying:
- 409 (A) the difference between the taxable value and the base taxable value of the property that is located
within a first home investment zone and on which tax increment is collected; and
- 412 (B) the number that represents the percentage of the tax increment that is paid to the first home
investment zone;
- 414 (x) for a major sporting event venue zone created pursuant to Title 63N, Chapter 3, Part 17, Major
Sporting Event Venue Zone Act, an amount calculated by multiplying:
- 417 (A) the difference between the taxable value and the base taxable value of the property located within
a qualified development zone for a major sporting event venue zone and upon which property tax
increment is collected; and
- 420 (B) the number that represents the percentage of tax increment that is paid to the major sporting event
venue zone, as approved by a major sporting event venue zone committee described in Section
63N-1a-1706; or

SB0231 compared with SB0231S01

- 423 (xi) for an electrical energy development zone [~~created~~] designated under Section 79-6-1104, the
amount calculated by multiplying:
- 425 (A) the difference between the taxable value and the base taxable value of the property that is located
within the electrical energy developmental zone; and
- 427 (B) the number that represents the percentage of the tax increment that is paid to a community
reinvestment agency and the Electrical Energy Development Investment Fund created in Section
79-6-1105.
- 430 (p)
- (i) "Locally assessed new growth" means the greater of:
- 431 (A) zero; or
- 432 (B) the amount calculated by subtracting the year end taxable value of real property the county
assessor assesses in accordance with Part 3, County Assessment, for the previous year, adjusted
for prior year end incremental value from the taxable value of real property the county assessor
assesses in accordance with Part 3, County Assessment, for the current year, adjusted for current
year incremental value.
- 438 (ii) "Locally assessed new growth" does not include a change in:
- 439 (A) value as a result of factoring in accordance with Section 59-2-704, reappraisal, or another
adjustment;
- 441 (B) assessed value based on whether a property is allowed a residential exemption for a primary
residence under Section 59-2-103;
- 443 (C) assessed value based on whether a property is assessed under Part 5, Farmland Assessment Act; or
- 445 (D) assessed value based on whether a property is assessed under Part 17, Urban Farming Assessment
Act.
- 447 (q) "Project area" means:
- 448 (i) for an authority created under Section 11-58-201, the same as that term is defined in Section
11-58-102;
- 450 (ii) for the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201, the
same as that term is defined in Section 11-70-101;
- 452 (iii) for an agency created under Section 17C-1-201.5, the same as that term is defined in Section
17C-1-102;
- 454

SB0231 compared with SB0231S01

- 456 (iv) for an authority created under Section 63H-1-201, the same as that term is defined in Section 63H-1-102;
- (v)
- (A) for a housing and transit reinvestment zone [~~or convention center reinvestment zone~~] created under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, the same as [~~that term~~] the term "housing and transit reinvestment zone" is defined in Section 63N-3-602; or
- 460 (B) for a convention center reinvestment zone created under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, the same as the term "convention center reinvestment zone" is defined in Section 63N-3-602;
- 463 (vi) for a home ownership promotion zone created under Title 10, Chapter 21, Part 5, Home Ownership Promotion Zone for Municipalities, or Title 17, Chapter 80, Part 5, Home Ownership Promotion Zone, the same as [~~that term~~] the term "home ownership promotion zone" is defined in Section 10-21-101 or Section 17-80-101;
- 467 (vii) for a first home investment zone created under Title 63N, Chapter 3, Part 16, First Home Investment Zone Act, the same as that term is defined in Section 63N-3-1601; or
- 470 (viii) for a major sporting event venue zone established under Title 63N, Chapter 3, Part 17, Major Sporting Event Venue Zone Act, the qualified development zone, as defined in Section 63N-3-1701.
- 473 (r) "Project area new growth" means:
- 474 (i) for an authority created under Section 11-58-201, an amount equal to the incremental value that is no longer provided to an authority as property tax differential;
- 477 (ii) for the Point of the Mountain State Land Authority created in Section 11-59-201, an amount equal to the incremental value that is no longer provided to the Point of the Mountain State Land Authority as property tax augmentation, as defined in Section [~~11-59-207~~] 11-59-208;
- 481 (iii) for the Utah Fairpark Area Investment and Restoration District created in Section 11-70-201, an amount equal to the incremental value that is no longer provided to the Utah Fairpark Area Investment and Restoration District;
- 484 (iv) for an agency created under Section 17C-1-201.5, an amount equal to the incremental value that is no longer provided to an agency as tax increment;
- 486 (v) for an authority created under Section 63H-1-201, an amount equal to the incremental value that is no longer provided to an authority as property tax allocation;

489

SB0231 compared with SB0231S01

- (vi) for a housing and transit reinvestment zone or convention center reinvestment zone created under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, an amount equal to the incremental value that is no longer provided to a housing and transit reinvestment zone or convention center reinvestment zone as tax increment;
- 494 (vii) for a home ownership promotion zone created under Title 10, Chapter 21, Part 5, Home Ownership Promotion Zone for Municipalities, or Title 17, Chapter 80, Part 5, Home Ownership Promotion Zone, an amount equal to the incremental value that is no longer provided to a home ownership promotion zone as tax increment;
- 498 (viii) for a first home investment zone created under Title 63N, Chapter 3, Part 16, First Home Investment Zone Act, an amount equal to the incremental value that is no longer provided to a first home investment zone as tax increment; or
- 501 (ix) for a major sporting event venue zone created under Title 63N, Chapter 3, Part 17, Major Sporting Event Venue Zone Act, an amount equal to the incremental value that is no longer provided to the creating entity of a major sporting event venue zone as property tax increment.
- 505 (s) "Project area incremental revenue" means the same as that term is defined in Section 17C-1-1001.
- 507 (t) "Property tax allocation" means the same as that term is defined in Section 63H-1-102.
- 508 (u) "Property tax differential" means the same as that term is defined in Sections 11-58-102 and 79-6-1104.
- 510 (v) "Subtraction" means the amount of revenue the taxing entity receives in the prior year in accordance with Subsection 59-2-1365(4).
- 512 [~~(v)~~] (w) "Tax increment" means:
- 513 (i) for a project created under Section 17C-1-201.5, the same as that term is defined in Section 17C-1-102;
- 515 (ii) for a housing and transit reinvestment zone or convention center reinvestment zone created under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, the same as the term "property tax increment" is defined in Section 63N-3-602;
- 519 (iii) for a home ownership promotion zone created under Title 10, Chapter 21, Part 5, Home Ownership Promotion Zone for Municipalities, or Title 17, Chapter 80, Part 5, Home Ownership Promotion Zone, the same as that term is defined in Section 10-21-101 or Section 17-80-101;
- 523 (iv) for a first home investment zone created under Title 63N, Chapter 3, Part 16, First Home Investment Zone Act, the same as that term is defined in Section 63N-3-1601; or

SB0231 compared with SB0231S01

- 526 (v) for a major sporting event venue zone created under Title 63N, Chapter 3, Part 17, Major Sporting
Event Venue Zone Act, property tax increment, as that term is defined in Section 63N-3-1701.
- 529 (2) Before June 1 of each year, each county assessor shall deliver to the county auditor and the
commission the following statements:
- 531 (a) a statement containing the aggregate valuation of all taxable real property a county assessor assesses
in accordance with Part 3, County Assessment, for each taxing entity; and
- 534 (b) a statement containing the taxable value of all personal property a county assessor assesses in
accordance with Part 3, County Assessment, from the prior year end values.
- 537 (3) The county auditor shall, on or before June 8, transmit to the governing body of each taxing entity:
- 539 (a) the statements described in Subsections (2)(a) and (b);
- 540 (b) an estimate of the revenue from personal property;
- 541 (c) the certified tax rate; and
- 542 (d) all forms necessary to submit a tax levy request.
- 543 (4)
- (a) Except as otherwise provided in this section, the certified tax rate shall be calculated by dividing the
ad valorem property tax revenue that a taxing entity budgeted for the prior year minus subtractions
by the amount calculated under Subsection (4)(b).
- 547 (b) For purposes of Subsection (4)(a), the legislative body of a taxing entity shall calculate an amount as
follows:
- 549 (i) calculate for the taxing entity the difference between:
- 550 (A) the aggregate taxable value of all property taxed; and
- 551 (B) any adjustments for current year incremental value;
- 552 (ii) after making the calculation required by Subsection (4)(b)(i), calculate an amount determined by
increasing or decreasing the amount calculated under Subsection (4)(b)(i) by the average of the
percentage net change in the value of taxable property for the equalization period for the three
calendar years immediately preceding the current calendar year;
- 557 (iii) after making the calculation required by Subsection (4)(b)(ii), calculate the product of:
- 559 (A) the amount calculated under Subsection (4)(b)(ii); and
- 560 (B) the percentage of property taxes collected for the five calendar years immediately preceding the
current calendar year; and
- 562 (iv) after making the calculation required by Subsection (4)(b)(iii), calculate an amount determined by:

SB0231 compared with SB0231S01

- 564 (A) multiplying the percentage of property taxes collected for the five calendar years immediately
preceding the current calendar year by eligible new growth; and
- 567 (B) subtracting the amount calculated under Subsection (4)(b)(iv)(A) from the amount calculated under
Subsection (4)(b)(iii).
- 569 (5) A certified tax rate for a taxing entity described in this Subsection (5) shall be calculated as follows:
- 571 (a) except as provided in Subsection (5)(b) or (c), for a new taxing entity, the certified tax rate is zero;
- 573 (b) for a municipality incorporated on or after July 1, 1996, the certified tax rate is:
- 574 (i) in a county of the first, second, or third class, the levy imposed for municipal-type services under
Title 17, Chapter 78, Part 5, Provision of Municipal-Type Services to Unincorporated Areas; and
- 577 (ii) in a county of the fourth, fifth, or sixth class, the levy imposed for general county purposes and
such other levies imposed solely for the municipal-type services identified in Section 17-78-501 and
Subsection 17-63-101(23);
- 580 (c) for a community reinvestment agency that received all or a portion of a taxing entity's project area
incremental revenue in the prior year under Title 17C, Chapter 1, Part 10, Agency Taxing Authority,
the certified tax rate is calculated as described in Subsection (4) except that the commission shall
treat the total revenue transferred to the community reinvestment agency as ad valorem property tax
revenue that the taxing entity budgeted for the prior year; and
- 586 (d) for debt service voted on by the public, the certified tax rate is the actual levy imposed by that
section, except that a certified tax rate for the following levies shall be calculated in accordance with
Section 59-2-913 and this section:
- 589 (i) a school levy provided for under Section 53F-8-301, 53F-8-302, or 53F-8-303; and
- 590 (ii) a levy to pay for the costs of state legislative mandates or judicial or administrative orders under
Section 59-2-1602.
- 592 (6)
- (a) A taxing entity may impose a judgment levy under Section 59-2-1328 or 59-2-1330 at a rate that is
sufficient to generate only the revenue required to satisfy one or more eligible judgments.
- 595 (b) The ad valorem property tax revenue generated by a judgment levy described in Subsection (6)(a)
may not be considered in establishing a taxing entity's aggregate certified tax rate.
- 598 (7)
- (a) For the purpose of calculating the certified tax rate, the county auditor shall use:
- 599 (i) the taxable value of real property:

SB0231 compared with SB0231S01

- 600 (A) the county assessor assesses in accordance with Part 3, County Assessment; and
602 (B) contained on the assessment roll;
- 603 (ii) the year end taxable value of personal property:
- 604 (A) a county assessor assesses in accordance with Part 3, County Assessment; and
605 (B) contained on the prior year's assessment roll; and
- 606 (iii) the taxable value of real and personal property the commission assesses in accordance with Part
2, Assessment of Property.
- 608 (b) For purposes of Subsection (7)(a), taxable value does not include eligible new growth.
- 610 (8)
- (a) On or before June 30 of each year, a taxing entity shall adopt a tentative budget.
- 611 (b) If a taxing entity intends to exceed the certified tax rate, the taxing entity shall notify the county
auditor of:
- 613 (i) the taxing entity's intent to exceed the certified tax rate; and
614 (ii) the amount by which the taxing entity proposes to exceed the certified tax rate.
- 615 (c) The county auditor shall notify property owners of any intent to levy a tax rate that exceeds the
certified tax rate in accordance with Sections 59-2-919 and 59-2-919.1.
- 617 (9)
- (a) Subject to Subsection (9)(d), the commission shall provide notice, through electronic means on or
before July 31, to a taxing entity and the Revenue and Taxation Interim Committee if:
- 620 (i) the amount calculated under Subsection (9)(b) is 10% or more of the year end taxable value of
the real and personal property the commission assesses in accordance with Part 2, Assessment
of Property, for the previous year, adjusted for prior year end incremental value; and
- 624 (ii) the amount calculated under Subsection (9)(c) is 50% or more of the total year end taxable
value of the real and personal property of a taxpayer the commission assesses in accordance
with Part 2, Assessment of Property, for the previous year.
- 627 (b) For purposes of Subsection (9)(a)(i), the commission shall calculate an amount by subtracting the
taxable value of real and personal property the commission assesses in accordance with Part 2,
Assessment of Property, for the current year, adjusted for current year incremental value, from the
year end taxable value of the real and personal property the commission assesses in accordance with
Part 2, Assessment of Property, for the previous year, adjusted for prior year end incremental value.

633

SB0231 compared with SB0231S01

- (c) For purposes of Subsection (9)(a)(ii), the commission shall calculate an amount by subtracting the total taxable value of real and personal property of a taxpayer the commission assesses in accordance with Part 2, Assessment of Property, for the current year, from the total year end taxable value of the real and personal property of a taxpayer the commission assesses in accordance with Part 2, Assessment of Property, for the previous year.
- 639 (d) The notification under Subsection (9)(a) shall include a list of taxpayers that meet the requirement under Subsection (9)(a)(ii).

641 ~~{Section 10. Section 59-2-1301.5 is amended to read: }~~

642 **59-2-1301.5. Definitions.**

As used in this part:

- 644 (1) "Large load customer" means the same as that term is defined in Section 54-26-101.
- 645 (2) "Tax notice charge" means an amount that:
- 646 (a) a property owner owes to a tax notice charge entity in relation to real property; and
- 647 (b) the county treasurer lists on the property tax notice in accordance with Section 59-2-1317 or another statutory authorization allowing the item's inclusion on the property tax notice.
- 650 ~~[(2)]~~ (3) "Tax notice charge entity" means the entity that certifies to the county treasurer an outstanding amount that:
- 652 (a) a property owner owes to the entity in relation to the property; and
- 653 (b) the county treasurer lists on the property tax notice as a tax notice charge.

654 ~~{Section 11. Section 59-2-1365 is amended to read: }~~

655 **59-2-1365. Payment to taxing entities by county treasurer -- Investment of proceeds -- Transfer and receipt of money between taxing entities.**

- 658 (1) Except as provided in Subsections (3)~~[and (4)]~~, (4), and (5), the county treasurer shall pay to the treasurer of each taxing entity and each tax notice charge entity in the county on or before the tenth day of each month:
- 661 (a) all money that the county treasurer received during the preceding month that is due to the taxing entity or tax notice charge entity; and
- 663 (b) each taxing entity's and each tax notice charge entity's proportionate share of money the county treasurer received during the preceding month for:
- 665 (i) delinquent taxes and tax notice charges;
- 666 (ii) interest;

SB0231 compared with SB0231S01

- 667 (iii) penalties; and
668 (iv) costs on all tax sales and redemptions.
- 669 (2) Except as provided in Subsections (3) and (4), the county treasurer shall:
- 670 (a) adopt an appropriate procedure to account for the transfer and receipt of money between taxing
entities and tax notice charge entities;
- 672 (b) make a final annual settlement on March 31 with each taxing entity and tax notice charge entity,
including providing the entity a written statement for the most recent calendar year of the amount of:
- 675 (i) total taxes and tax notice charges charged;
676 (ii) current taxes and tax notice charges collected;
677 (iii) treasurer's relief;
678 (iv) redemptions;
679 (v) penalties;
680 (vi) interest;
681 (vii) in lieu fee collections on motor vehicles; and
682 (viii) miscellaneous collections;
- 683 (c) invest the money [it] the county treasurer receives under Subsection (1); and
684 (d) pay annually to each taxing entity and tax notice charge entity in the county the interest earned on
the invested money under Subsection (2)(c):
- 686 (i) on or before March 31; and
687 (ii) apportioned according to the proportion that the:
- 688 (A) taxing entity's tax receipts bear to the total tax receipts received by the county treasurer; and
690 (B) tax notice charge entity's tax notice charge receipts bear to the total tax notice charge receipts that
the county treasurer receives.
- 692 (3) [~~Notwithstanding Subsections (1) and (2), a~~] A county may:
- 693 (a) negotiate with a taxing entity or tax notice charge entity a procedure other than the procedure
provided in Subsection (2)(a) to account for the transfer and receipt of money between the county
and the taxing entity or tax notice charge entity; and
696 (b) establish a date other than the tenth day of each month for the county treasurer to make payments
required under Subsection (1).
- 698 (4)
(a) A county treasurer shall:

SB0231 compared with SB0231S01

- 699 (i) distribute revenue from the property tax collected from a large load customer to each taxing
entity within the county in accordance with Subsection (4)(b); and
- 701 (ii) remit the remaining revenue from the property tax collected from a large load customer to the
state treasurer for distribution to the remaining taxing entities in the state in accordance with
Subsection (4)(b).
- 704 (b) The commission shall determine each taxing entity's proportion of property tax revenue a county
collects from a large load customer by:
- 706 (i) calculating the amount of revenue due to each county on the basis of the percentage that the
population of the county bears to the total population of all counties using the population figures
described in Section 59-12-205; and
- 709 (ii) calculating how much of a county's share of the revenue is due to each taxing entity within the
county in the same proportion as the revenue collected from real property tax is distributed.
- 712 (5) This section does not invalidate an existing contract between a county and a taxing entity or tax
notice charge entity relating to the apportionment and payment of money or interest.

25 Section 1. Section 78B-6-501 is amended to read:

26 **78B-6-501. Eminent domain -- Uses for which right may be exercised -- Limitations on**
eminent domain.

- 28 (1) As used in this section:
- 29 (a) "Century farm" means real property that is:
- 30 (i) assessed under Title 59, Chapter 2, Part 5, Farmland Assessment Act; and
- 31 (ii) owned or held by the same family for a continuous period of 100 years or more.
- 32 (b) "Energy generation" means the production of electricity from any source, including solar, wind, gas,
geothermal, hydroelectric, or thermal.
- 34 (c)
- (i) "Energy generation facility" means a building, structure, equipment, or system necessary for energy
generation.
- 36 (ii) "Energy generation facility" includes a substation, an inverter, a transformer, a battery energy
storage system, a collector system, or an interconnection facility.
- 38 (d) "Mineral or element" means the same as that term is defined in Section 65A-17-101.
- 39 [(e)] (e)
- (i) "Mining use" means:

SB0231 compared with SB0231S01

- 40 (A) the full range of permitted or active activities, from prospecting and exploration to reclamation
and closure, associated with the exploitation of a mineral deposit; and
- 43 (B) the use of the surface, subsurface, groundwater, and surface water of an area in connection with
the activities described in Subsection[~~(1)(e)(i)(A)~~] (1)(e)(i)(A) that have been, are being, or will
be conducted.
- 46 (ii) "Mining use" includes, whether conducted on-site or off-site:
- 47 (A) sampling, staking, surveying, exploration, or development activity;
- 48 (B) drilling, blasting, excavating, or tunneling;
- 49 (C) the removal, transport, treatment, deposition, and reclamation of overburden, development rock,
tailings, and other waste material;
- 51 (D) the recovery of sand and gravel;
- 52 (E) removal, transportation, extraction, beneficiation, or processing of ore;
- 53 (F) use of solar evaporation ponds and other facilities for the recovery of minerals in solution;
- 55 (G) smelting, refining, autoclaving, or other primary or secondary processing operation;
- 57 (H) the recovery of any mineral left in residue from a previous extraction or processing operation;
- 59 (I) a mining activity that is identified in a work plan or permitting document;
- 60 (J) the use, operation, maintenance, repair, replacement, construction, or alteration of a building,
structure, facility, equipment, machine, tool, or other material or property that results from or is used
in a surface or subsurface mining operation or activity;
- 64 (K) an accessory, incidental, or ancillary activity or use, both active and passive, including a utility,
private way or road, pipeline, land excavation, working, embankment, pond, gravel excavation,
mining waste, conveyor, power line, trackage, storage, reserve, passive use area, buffer zone, and
power production facility;
- 69 (L) the construction of a storage, factory, processing, or maintenance facility; and
- 70 (M) an activity described in Subsection 40-8-4(19)(a).
- 71 (f) "Objective evidence" means:
- 72 (i) a development plan that includes at least one of the following:
- 73 (A) an executed site control, lease, or easement agreement;
- 74 (B) a filed application for a permit or an approved permit;
- 75 (C) an executed interconnection request or agreement; or
- 76 (D) a filed or approved certificate, license, or other similar government authorization; or

SB0231 compared with SB0231S01

78 (ii) substantial action toward development.

79 [~~2~~] (g)

(i) "Pipeline" means a pipeline, conduit, or related right-of-way or easement used to transport natural gas, petroleum, a petroleum product, hydrogen, carbon dioxide, or other gaseous or liquid substance.

82 (ii) "Pipeline" includes a facility that is reasonably necessary to the operation of the pipeline.

84 (2) Except as provided in Subsections (3), (4), [~~and~~](5), and (7) and subject to the provisions of this part, the right of eminent domain may be exercised on behalf of the following public uses:

87 (a) all public uses authorized by the federal government;

88 (b) public buildings and grounds for the use of the state, and all other public uses authorized by the Legislature;

90 (c)

(i) public buildings and grounds for the use of any county, city, town, or board of education;

92 (ii) reservoirs, canals, aqueducts, flumes, ditches, or pipes for conducting water or sewage, including to or from a development, for the use of the inhabitants of any county, city, or town, or for the draining of any county, city, or town;

95 (iii) the raising of the banks of streams, removing obstructions from streams, and widening, deepening, or straightening their channels;

97 (iv) bicycle paths and sidewalks adjacent to paved roads;

98 (v) roads, byroads, streets, and alleys for public vehicular use, including for access to a development; and

100 (vi) all other public uses for the benefit of any county, city, or town, or its inhabitants;

101 (d) wharves, docks, piers, chutes, booms, ferries, bridges, toll roads, byroads, plank and turnpike roads, roads for transportation by traction engines or road locomotives, roads for logging or lumbering purposes, and railroads and street railways for public transportation;

105 (e) reservoirs, dams, watergates, canals, ditches, flumes, tunnels, aqueducts and pipes for the supplying of persons, mines, mills, smelters or other works for the reduction of ores, with water for domestic or other uses, or for irrigation purposes, or for the draining and reclaiming of lands, or for solar evaporation ponds and other facilities for the recovery of minerals or elements in solution;

110 (f)

SB0231 compared with SB0231S01

- 114 (i) roads, railroads, tramways, tunnels, ditches, flumes, pipes, and dumping places to access or facilitate the milling, smelting, or other reduction of ores, or the working of mines, quarries, coal mines, or mineral deposits including oil, gas, and minerals or elements in solution;
- 117 (ii) outlets, natural or otherwise, for the deposit or conduct of tailings, refuse or water from mills, smelters or other works for the reduction of ores, or from mines, quarries, coal mines or mineral deposits including minerals or elements in solution;
- 118 (iii) mill dams;
- 119 (iv) gas, oil or coal pipelines, tanks or reservoirs, including any subsurface stratum or formation in any land for the underground storage of natural gas, and in connection with that, any other interests in property which may be required to adequately examine, prepare, maintain, and operate underground natural gas storage facilities;
- 123 (v) subject to Subsection (6), solar evaporation ponds and other facilities for the recovery of minerals in solution; and
- 125 (vi) any occupancy in common by the owners or possessors of different mines, quarries, coal mines, mineral deposits, mills, smelters, or other places for the reduction of ores, or any place for the flow, deposit or conduct of tailings or refuse matter;
- 129 (g) byroads leading from a highway to:
 - 130 (i) a residence; or
 - 131 (ii) a farm;
- 132 (h) telecommunications, electric light and electric power lines, sites for electric light and power plants, or sites for the transmission of broadcast signals from a station licensed by the Federal Communications Commission in accordance with 47 C.F.R. Part 73 and that provides emergency broadcast services;
 - 136 (i) sewage service for:
 - 137 (i) a city, a town, or any settlement of not fewer than 10 families;
 - 138 (ii) a public building belonging to the state; or
 - 139 (iii) a college or university;
 - 140 (j) canals, reservoirs, dams, ditches, flumes, aqueducts, and pipes for supplying and storing water for the operation of machinery for the purpose of generating and transmitting electricity for power, light or heat;
 - 143 (k) cemeteries and public parks; and

SB0231 compared with SB0231S01

- 144 (1) sites for mills, smelters or other works for the reduction of ores and necessary to their successful
operation, including the right to take lands for the discharge and natural distribution of smoke,
fumes, and dust, produced by the operation of works, provided that the powers granted by this
section may not be exercised in any county where the population exceeds 20,000, or within one mile
of the limits of any city or incorporated town nor unless the proposed condemner has the right to
operate by purchase, option to purchase or easement, at least 75% in value of land acreage owned by
persons or corporations situated within a radius of four miles from the mill, smelter or other works
for the reduction of ores; nor beyond the limits of the four-mile radius; nor as to lands covered by
contracts, easements, or agreements existing between the condemner and the owner of land within
the limit and providing for the operation of such mill, smelter, or other works for the reduction of
ores; nor until an action shall have been commenced to restrain the operation of such mill, smelter,
or other works for the reduction of ores.
- 158 (3) The right of eminent domain may not be exercised on behalf of the following uses:
- 159 (a) except as provided in Subsection (2)(c)(iv), trails, paths, or other ways for walking, hiking,
bicycling, equestrian use, or other recreational uses, or whose primary purpose is as a foot path,
equestrian trail, bicycle path, or walkway;
- 162 (b)
- (i) a public park whose primary purpose is:
- 163 (A) as a trail, path, or other way for walking, hiking, bicycling, or equestrian use; or
- 165 (B) to connect other trails, paths, or other ways for walking, hiking, bicycling, or equestrian use; or
- 167 (ii) a public park established on real property that is:
- 168 (A) a century farm; and
- 169 (B) located in a county of the first class.
- 170 (4)
- (a) The right of eminent domain may not be exercised within a migratory bird production area created
on or before December 31, 2020, under Title 23A, Chapter 13, Migratory Bird Production Area,
except as follows:
- 173 (i) subject to Subsection (4)(b), an electric utility may condemn land within a migratory bird
production area located in a county of the first class only for the purpose of installing buried
power lines;

176

SB0231 compared with SB0231S01

(ii) an electric utility may condemn land within a migratory bird production area in a county other than a county of the first class to install:

178 (A) buried power lines; or

179 (B) a new overhead transmission line that is parallel to and abutting an existing overhead transmission line or collocated within an existing overhead transmission line right of way; or

182 (iii) the Department of Transportation may exercise eminent domain for the purpose of the construction of the West Davis Highway.

184 (b) Before exercising the right of eminent domain under Subsection (4)(a)(i), the electric utility shall demonstrate that:

186 (i) the proposed condemnation would not have an unreasonable adverse effect on the preservation, use, and enhancement of the migratory bird production area; and

188 (ii) there is no reasonable alternative to constructing the power line within the boundaries of a migratory bird production area.

190 (5) If the intended public purpose is for a mining use, a private person may not exercise the power of eminent domain over property, or an interest in property, that is already used for a mining use within the boundary of:

193 (a) a permit area, as defined in Section 40-8-4;

194 (b) an area for which a permit has been issued by the Division of Water Quality, as part of the underground injection control program, under rules made by the Water Quality Board in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act;

197 (c) private property; or

198 (d) an area under a state or federal lease.

199 (6)

(a) For the purpose of solar evaporation ponds and other facilities for the recovery of minerals or elements in solution on or from the Great Salt Lake, a public use includes removal or extinguishment, by a state entity, in whole or in part, on Great Salt Lake Sovereign lands of:

203 (i) a solar evaporation pond;

204 (ii) improvements, property, easements, or rights-of-way appurtenant to a solar evaporation pond, including a lease hold; or

206 (iii) other facilities for the recovery of minerals or elements in solution.

207

SB0231 compared with SB0231S01

(b) The public use under this Subsection (6) is in the furtherance of the benefits to public trust assets attributable to the Great Salt Lake under Section 65A-1-1.

209 (7)

(a) A private person may not exercise the power of eminent domain to acquire an estate or right for a pipeline to serve a property that is:

211 (i) devoted to energy generation primarily for the energy generator's own use or an energy generation facility primarily for use by the energy generation facility's beneficiary; or

214 (ii) planned to be used, based on objective evidence, for energy generation primarily for the energy generator's own use or an energy generation facility primarily for use by the energy generation facility's beneficiary.

217 (b) The prohibition described in Subsection (7)(a) applies to an eminent domain action that is pending on, or occurs on or after, the effective date of this bill.

219 Section 2. Section 78B-6-502 is amended to read:

220 **78B-6-502. Estates and rights that may be taken.**

Except as provided in Subsection 78B-6-501(3), (4), [~~or (5)~~] (5), or (7), the following estates and rights in lands are subject to being taken for public use:

223 (1) a fee simple, when taken for:

224 (a) public buildings or grounds;

225 (b) permanent buildings;

226 (c) reservoirs and dams, and permanent flooding occasioned by them;

227 (d) any permanent flood control structure affixed to the land;

228 (e) an outlet for a flow, a place for the deposit of debris or tailings of a mine, mill, smelter, or other place for the reduction of ores; and

230 (f) subject to Subsection 78B-6-501(6), solar evaporation ponds and other facilities for the recovery of minerals in solution, except when the surface ground is underlaid with minerals, coal, or other deposits sufficiently valuable to justify extraction, only a perpetual easement may be taken over the surface ground over the deposits;

234 (2) an easement, when taken for any other use; and

235 (3) the right of entry upon and occupation of lands, with the right to take from those lands earth, gravel, stones, trees, and timber as necessary for a public use.

237 Section 3. Section 78B-6-503 is amended to read:

SB0231 compared with SB0231S01

238 **78B-6-503. Private property which may be taken.**

Except as provided in Subsection 78B-6-501(3), (4), [~~or (5)~~] (5), or (7), private property that may be taken under this part includes:

- 241 (1) all real property belonging to any person;
- 242 (2) lands belonging to the state, or to any county, city or incorporated town, not appropriated to some public use;
- 244 (3) property appropriated to public use, except that the property may not be taken unless for a more necessary public use than that to which the property has already been appropriated;
- 247 (4) franchises for toll roads, toll bridges, ferries, and all other franchises, except that the franchises may not be taken unless for free highways, railroads, or other more necessary public use;
- 250 (5) all rights of way for any and all purposes mentioned in Section 78B-6-501, and any and all structures and improvements on the property, and the lands held or used in connection with the property, except that:
- 253 (a) the property is subject to be connected with, crossed, or intersected by any other right of way or improvement or structure;
- 255 (b) the property is subject to a limited use in common with the owners, when necessary; and
- 257 (c) uses of crossings, intersections, and connections shall be made in the manner most compatible with the greatest public benefit and the least private injury; and
- 259 (6) all classes of private property not enumerated if the taking is authorized by law.

260 Section 4. Section 78B-6-508 is amended to read:

261 **78B-6-508. Who may appear and defend -- Burden of proof.**

- 262 (1) [~~—All persons~~] A person in occupation of, or having or claiming an interest in, any of the property described in the complaint, or in the damages for the taking, [~~though not~~] even if the person is not named, including shareholders in a mutual stock water company in a proceeding involving the taking of the company or property belonging to the company, may appear, plead and defend, each in respect to [~~his~~] the person's own property or interest, or that claimed by [~~him~~] the person, in the same manner as if named in the complaint.

269 (2)

- (a) In a claim involving the exercise of eminent domain in violation of Subsection 78B-6-501(7)(b), a property owner may file a sworn declaration that includes objective evidence, as defined in Section 78B-6-501, as prima facie evidence of planned use.

SB0231 compared with SB0231S01

273 (b) Once a property owner files a sworn declaration in accordance with Subsection (2)(a), the burden of
proof shifts to the person exercising eminent domain to rebut the prima facie evidence by clear and
convincing evidence.

276 (c) This Subsection (2) applies to a claim that is pending on, or is made on or after, the effective date of
this bill.

717 Section 13. **Retrospective Operation.**

The following sections have retrospective operation to January 1, 2026:

719 (1) Section 59-2-924 (Effective 05/06/26) (Applies beginning 01/01/26);

720 (2) Section 59-2-1301.5 (Effective 05/06/26) (Applies beginning 01/01/26); and

721 (3) Section 59-2-1365 (Effective 05/06/26) (Applies beginning 01/01/26).

278 Section 5. **Effective date.**

Effective Date.

This bill takes effect {on May 6, 2026.} :

280 (1) except as provided in Subsection (2), May 6, 2026; or

281 (2) if approved by two-thirds of all members elected to each house:

282 (a) upon approval by the governor;

283 (b) without the governor's signature, the day following the constitutional time limit of Utah
Constitution, Article VII, Section 8; or

285 (c) in the case of a veto, the date of veto override.

2-25-26 3:57 PM