

Mark A. Strong proposes the following substitute bill:

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 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:

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

30 **17C-1-202**, as last amended by Laws of Utah 2025, First Special Session, Chapter 16
 31 **17C-1-207**, as last amended by Laws of Utah 2025, First Special Session, Chapter 16
 32 **59-2-1101**, as last amended by Laws of Utah 2025, First Special Session, Chapter 15

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

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

36 **11-13-227 . Transportation reinvestment zones.**

- 37 (1) Subject to the provisions of this part, any two or more public agencies may enter into an
 38 agreement with one another to create a transportation reinvestment zone as described in
 39 this section.
- 40 (2) To create a transportation reinvestment zone, two or more public agencies, at least one
 41 of which has land use authority over the transportation reinvestment zone area, shall:
- 42 (a) define the transportation infrastructure need and proposed improvement;
 43 (b) define the boundaries of the zone;
 44 (c) establish terms for sharing sales tax revenue among the members of the agreement;
 45 (d) establish a base year to calculate the increase of property tax revenue within the zone;
 46 (e) establish terms for sharing any increase in property tax revenue within the zone; and
 47 (f) before an agreement is approved as required in Section 11-13-202.5, hold a public
 48 hearing regarding the details of the proposed transportation reinvestment zone.
- 49 (3) Any agreement to establish a transportation reinvestment zone is subject to the
 50 requirements of Sections 11-13-202, 11-13-202.5, 11-13-206, and 11-13-207.
- 51 (4)(a) Each public agency that is party to an agreement under this section shall annually
 52 publish a report including a statement of the increased tax revenue and the
 53 expenditures made in accordance with the agreement.
- 54 (b) Each public agency that is party to an agreement under this section shall transmit a
 55 copy of the report described in Subsection (4)(a) to the state auditor.
- 56 (5) If any surplus revenue remains in a tax revenue account created as part of a
 57 transportation reinvestment zone agreement, the parties may use the surplus for other
 58 purposes as determined by agreement of the parties.
- 59 (6)(a) An action taken under this section is not subject to:
- 60 (i) Section 10-8-2;
 61 (ii) Title 10, Chapter 20, Municipal Land Use, Development, and Management Act;
 62 (iii) Title 17, Chapter 79, County Land Use, Development, and Management Act; or
 63 (iv) Section 17-78-103, except the provisions governing a county purchasing,

64 acquiring, owning, or holding property in Subsection 17-78-103(3) do apply.

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

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

68 **17-60-202 . Counties authorized to levy and collect taxes, sue and be sued, and**
69 **acquire property.**

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

71 (i) as prescribed by statute:

72 (A) levy a tax;

73 (B) perform an assessment;

74 (C) collect a tax;

75 (D) borrow money; or

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

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

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

85 (2) A county may:

86 (a) sue and be sued;

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

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

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

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

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

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

- 98 (3)(a) For purposes of Subsection (2)(c), water rights that are not appurtenant to land do
99 not constitute real property that may be acquired by the county through
100 condemnation.
- 101 (b) Nothing in Subsection (2)(c) may be construed to authorize a county to acquire by
102 condemnation the rights to water unless the land to which those water rights are
103 appurtenant is acquired by condemnation.
- 104 (4) Except as provided in Subsection (6) and subject to Section 17-78-103, each county
105 intending to acquire real property for the purpose of expanding the county's
106 infrastructure or other facilities used for providing services that the county offers or
107 intends to offer shall provide written notice of the county's intent to acquire the property
108 if:
- 109 (a) the property is located:
- 110 (i) outside the boundaries of the unincorporated area of the county; and
111 (ii) in a county of the first or second class; and
- 112 (b) the intended use of the property is contrary to:
- 113 (i) the anticipated use of the property under the general plan of the county in whose
114 unincorporated area or the municipality in whose boundaries the property is
115 located; or
116 (ii) the property's current zoning designation.
- 117 (5)(a) Each notice under Subsection (4) shall:
- 118 (i) indicate that the county intends to acquire real property;
119 (ii) identify the real property; and
120 (iii) be sent to:
- 121 (A) each county in whose unincorporated area and each municipality in whose
122 boundaries the property is located; and
123 (B) each affected entity.
- 124 (b) A notice under Subsection (4) is a protected record as provided in Subsection
125 63G-2-305(8).
- 126 (6) The notice requirement of Subsection (4) does not apply if the county previously
127 provided notice under Section 17-79-203 identifying the general location within the
128 municipality or unincorporated part of the county where the property to be acquired is
129 located.
- 130 (7) If a county is not required to comply with the notice requirement of Subsection (4)
131 because of application of Subsection (6), the county shall provide the notice specified in

132 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.**

135 (1) [~~Subject to Subsection (4), a~~] A county may purchase, receive, hold, sell, lease, convey,
 136 or otherwise acquire and dispose of any real or personal property or any interest in [such]
 137 real or personal property if the action:

138 (a) is in the public interest; and

139 (b) complies with:

140 (i) this section; and

141 (ii) other law.

142 (2) Any property interest acquired by the county shall be held in the name of the county
 143 unless specifically otherwise provided by law.

144 (3)(a) Except as provided in Subsection (3)(c), before a county may acquire real
 145 property that is located within the geographic boundaries of another county by
 146 exchange, purchase, or lease, the acquiring county shall obtain the express
 147 permission of the county where the real property is located.

148 (b) Express permission, as described in Subsection (3)(a), requires, at minimum:

149 (i) formal action of the legislative body; or

150 (ii) an executed memorandum of understanding or other contractual agreement
 151 between the county that is acquiring real property and the county where the real
 152 property is located.

153 (c) Subsection (3)(a) does not apply to a county's acquisition of a joint interest in real
 154 property that is located within the geographic boundaries of another county as part of
 155 a joint project, including public buildings, public infrastructure, or public initiatives,
 156 between two or more counties or other political subdivisions through an agreement
 157 governed by Title 11, Chapter 13, Interlocal Cooperation Act.

158 [(3)] (4) The county legislative body shall provide by ordinance, resolution, rule, or
 159 regulation for the manner in which property shall be acquired, managed, and disposed of.

160 [(4)] (5)(a) Before a county may dispose of a significant parcel of real property, the
 161 county shall:

162 (i) provide reasonable notice of the proposed disposition at least 14 days before the
 163 opportunity for public comment under Subsection [(4)(a)(ii)] (5)(a)(ii); and

164 (ii) allow an opportunity for public comment on the proposed disposition.

165 (b) Each county shall, by ordinance, define what constitutes:

166 (i) a significant parcel of real property for purposes of Subsection [~~(4)~~(a)] (5)(a); and

167 (ii) reasonable notice for purposes of Subsection [~~(4)~~(a)(i)] (5)(a)(i).

168 [~~(5)~~] (6)(a) A county may dispose of a significant parcel of real property in exchange for
 169 less than the present fair market value of the significant parcel of real property if the
 170 adjusted present value of the significant parcel of real property is equal to or greater
 171 than the present fair market value of the significant parcel of real property.

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

175 [~~(6)~~] (7) Before a county agrees to dispose of a significant parcel of real property, the county
 176 may require the potential purchaser or lessee to provide evidence that:

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

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

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

181 [~~(7)~~] (8) If a county receives an unsolicited offer to purchase or lease a significant parcel of
 182 real property:

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

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

187 [~~(8)~~] (9) A county may presume that the present fair market value of a significant parcel of
 188 real property is equal to the average of two appraised values each of which is based upon
 189 fair market value and calculated by a unique, independent appraiser who is licensed or
 190 certified in accordance with Title 61, Chapter 2g, Real Estate Appraiser Licensing and
 191 Certification Act.

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

193 **17-78-201 . Development of county resources.**

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

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

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

198 **17C-1-202 . Agency powers.**

199 (1) An agency may:

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

234 10-8-2 or 17-78-103.

235 (b) An agency may not facilitate or assist a county in violating Subsection 17-78-103(3).

236 (5)(a) An agency may, subject to Subsection (5)(c), enter into a participation agreement
237 with a person to govern the development the person will undertake within a project
238 area.

239 (b) A participation agreement under Subsection (5)(a) shall include a description of:

240 (i) the project area development that the person will undertake;

241 (ii) the amount of project area funds the agency agrees to pay to the person to
242 facilitate the development; and

243 (iii) the terms and conditions under which the agency agrees to pay project area funds
244 to the person.

245 (c)(i) A participation agreement under Subsection (5)(a) is subject to board approval
246 by resolution of the board.

247 (ii) A resolution under Subsection (5)(c)(i) shall include a finding by the board
248 describing how the project area development described in the participation
249 agreement will contribute to achieving the goals, policies, and purposes of the
250 project area plan.

251 (d)(i) Beginning on May 7, 2025, any participation agreement under this Subsection
252 (5) shall include a provision authorizing the agency, directly or through the county
253 in which the agency operates, to use funding that would otherwise be provided to
254 the participant to pay a participant's delinquent property tax or privilege tax or
255 resolve a political subdivision lien against the participant, as described in
256 Subsection 17C-1-409(6).

257 (ii) An agency that has entered into a participation agreement before May 7, 2025,
258 shall, as soon as reasonably practical, enter into an amendment to the participation
259 agreement with a participant to include a provision authorizing the agency to use
260 funding that would otherwise be provided to the participant to pay a participant's
261 delinquent property tax or privilege tax or resolve a political subdivision lien
262 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**
265 **requirements.**

266 (1) In order to assist and cooperate in the planning, undertaking, construction, or operation
267 of project area development within an area in which the public entity is authorized to

- 268 act, a public entity may:
- 269 (a)(i) provide or cause to be furnished:
- 270 (A) parks, playgrounds, or other recreational facilities;
- 271 (B) community, educational, water, sewer, or drainage facilities; or
- 272 (C) any other works which the public entity is otherwise empowered to undertake;
- 273 (ii) provide, furnish, dedicate, close, vacate, pave, install, grade, regrade, plan, or
- 274 replan streets, roads, roadways, alleys, sidewalks, or other places;
- 275 (iii) in any part of the project area:
- 276 (A)(I) plan or replan any property within the project area;
- 277 (II) plat or replat any property within the project area;
- 278 (III) vacate a plat;
- 279 (IV) amend a plat; or
- 280 (V) zone or rezone any property within the project area; and
- 281 (B) make any legal exceptions from building regulations and ordinances;
- 282 (iv) purchase or legally invest in any of the bonds of an agency and exercise all of the
- 283 rights of any holder of the bonds;
- 284 (v) notwithstanding any law to the contrary, enter into an agreement for a period of
- 285 time with another public entity concerning action to be taken pursuant to any of
- 286 the powers granted in this title;
- 287 (vi) do anything necessary to aid or cooperate in the planning or implementation of
- 288 the project area development;
- 289 (vii) in connection with the project area plan, become obligated to the extent
- 290 authorized and funds have been made available to make required improvements or
- 291 construct required structures; and
- 292 (viii) lend, grant, or contribute funds to an agency for project area development or
- 293 proposed project area development, including assigning revenue or taxes in
- 294 support of an agency bond or obligation; and
- 295 (b) for less than fair market value or for no consideration, and subject to Subsection (3):
- 296 (i) purchase or otherwise acquire property from an agency;
- 297 (ii) lease property from an agency;
- 298 (iii) sell, grant, convey, donate, or otherwise dispose of the public entity's property to
- 299 an agency; or
- 300 (iv) lease the public entity's property to an agency.
- 301 (2)(a) [~~The~~] Except as provided in Subsection (2)(b), the following are not subject to

302 Section 10-8-2, 17-60-203, or 17-78-103:

303 [~~(a)~~] (i) project area development assistance that a public entity provides under this
304 section; or

305 [~~(b)~~] (ii) a transfer of funds or property from an agency to a public entity.

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

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

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

313 **59-2-1101 . Definitions -- Exemption of certain property -- Proportional**
314 **payments for certain property -- Exception -- County legislative body authority to adopt**
315 **rules or ordinances.**

316 (1) As used in this section:

317 (a) "Charitable purposes" means:

318 (i) for property used as a nonprofit hospital or a nursing home, the standards outlined
319 in *Howell v. County Board of Cache County ex rel. IHC Hospitals, Inc.*, 881 P.2d
320 880 (Utah 1994); and

321 (ii) for property other than property described in Subsection (1)(a)(i), providing a gift
322 to the community.

323 (b) "Compliance period" means a period equal to 15 taxable years beginning with the
324 first taxable year for which the taxpayer claims a tax credit under Section 42, Internal
325 Revenue Code, or Section 59-7-607 or 59-10-1010.

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

328 (A) maintains a regular faculty and curriculum; and

329 (B) has a regularly enrolled body of pupils and students.

330 (ii) "Educational purposes" includes:

331 (A) the physical or mental teaching, training, or conditioning of competitive
332 athletes by a national governing body of sport recognized by the United States
333 Olympic Committee that qualifies as being tax exempt under Section
334 501(c)(3), Internal Revenue Code; and

335 (B) an activity in support of or incidental to the teaching, training, or conditioning

- 336 described in this Subsection (1)(c)(ii).
- 337 (d) "Exclusive use exemption" means a property tax exemption under Subsection
338 (3)(a)(iv), for property owned by a nonprofit entity used exclusively for one or more
339 of the following purposes:
- 340 (i) religious purposes;
 - 341 (ii) charitable purposes; or
 - 342 (iii) educational purposes.
- 343 (e)(i) "Farm machinery and equipment" means tractors, milking equipment and
344 storage and cooling facilities, feed handling equipment, irrigation equipment,
345 harvesters, choppers, grain drills and planters, tillage tools, scales, combines,
346 spreaders, sprayers, haying equipment, including balers and cubers, and any other
347 machinery or equipment used primarily for agricultural purposes.
- 348 (ii) "Farm machinery and equipment" does not include vehicles required to be
349 registered with the Motor Vehicle Division or vehicles or other equipment used
350 for business purposes other than farming.
- 351 (f) "Gift to the community" means:
- 352 (i) the lessening of a government burden; or
 - 353 (ii)(A) the provision of a significant service to others without immediate
354 expectation of material reward;
 - 355 (B) the use of the property is supported to a material degree by donations and gifts
356 including volunteer service;
 - 357 (C) the recipients of the charitable activities provided on the property are not
358 required to pay for the assistance received, in whole or in part, except that if in
359 part, to a material degree;
 - 360 (D) the beneficiaries of the charitable activities provided on the property are
361 unrestricted or, if restricted, the restriction bears a reasonable relationship to
362 the charitable objectives of the nonprofit entity that owns the property; and
 - 363 (E) any commercial activities provided on the property are subordinate or
364 incidental to charitable activities provided on the property.
- 365 (g) "Government exemption" means a property tax exemption provided under
366 Subsection (3)(a)(i), (ii), or (iii).
- 367 (h)(i) "Nonprofit entity" means an entity:
- 368 (A) that is organized on a nonprofit basis, that dedicates the entity's property to the
369 entity's nonprofit purpose, and that makes no dividend or other form of

- 370 financial benefit available to a private interest;
- 371 (B) for which, upon dissolution, the entity's assets are distributable only for
372 exempt purposes under state law or to the government for a public purpose; and
- 373 (C) for which none of the net earnings or donations made to the entity inure to the
374 benefit of private shareholders or other individuals, as the private inurement
375 standard has been interpreted under Section 501(c)(3), Internal Revenue Code.
- 376 (ii) "Nonprofit entity" includes an entity:
- 377 (A) if the entity is treated as a disregarded entity for federal income tax purposes
378 and wholly owned by, and controlled under the direction of, a nonprofit entity;
379 and
- 380 (B) for which none of the net earnings and profits of the entity inure to the benefit
381 of any person other than a nonprofit entity.
- 382 (iii) "Nonprofit entity" includes an entity that is not an entity described in Subsection
383 (1)(h)(i) if the entity jointly owns a property that:
- 384 (A) is used for the purpose of providing permanent supportive housing;
- 385 (B) has an owner that is an entity described in Subsection (1)(h)(i) or that is a
386 housing authority that operates the permanent supportive housing;
- 387 (C) has an owner that receives public funding from a federal, state, or local
388 government entity to provide support services and rental subsidies to the
389 permanent supportive housing;
- 390 (D) is intended to be transferred at or before the end of the compliance period to
391 an entity described in Subsection (1)(h)(i) or a housing authority that will
392 continue to operate the property as permanent supportive housing; and
- 393 (E) has been certified by the Utah Housing Corporation as meeting the
394 requirements described in Subsections (1)(h)(iii)(A) through (D).
- 395 (iv) "Nonprofit entity" includes an entity that is not an entity described in Subsection
396 (1)(h)(i) if:
- 397 (A) the entity is a housing organization as defined in Subsection 35A-8-2401(1)(a);
398 and
- 399 (B) the entity is owned by an entity described in Subsection (1)(h)(i) or a housing
400 authority.
- 401 (i) "Permanent supportive housing" means a housing facility that:
- 402 (i) provides supportive services;
- 403 (ii) makes a 15-year commitment to provide rent subsidies to tenants of the housing

- 404 facility when the housing facility is placed in service;
- 405 (iii) receives an allocation of federal low-income housing tax credits in accordance
- 406 with 26 U.S.C. Sec. 42; and
- 407 (iv) leases each unit to a tenant:
- 408 (A) who, immediately before leasing the housing, was homeless as defined in 24
- 409 C.F.R. 583.5; and
- 410 (B) whose rent is capped at no more than 30% of the tenant's household income.
- 411 (j)(i) "Property of" means property that an entity listed in Subsection (3)(a)(ii) or (iii)
- 412 has a legal right to possess.
- 413 (ii) "Property of" includes a lease of real property if:
- 414 (A) the property is wholly leased to a state or political subdivision entity listed in
- 415 Subsection (3)(a)(ii) or (iii) under a triple net lease; and
- 416 (B) the lease is in effect for the entire calendar year.
- 417 (k) "Supportive service" means a service that is an eligible cost under 24 C.F.R. 578.53.
- 418 (l) "Triple net lease" means a lease agreement under which the lessee is responsible for
- 419 the real estate taxes, building insurance, and maintenance of the property separate
- 420 from and in addition to the rental price.
- 421 (2)(a) Except as provided in Subsection (2)(b), an exemption under this part may be
- 422 allowed only if the claimant is the owner of the property as of January 1 of the year
- 423 the exemption is claimed.
- 424 (b) A claimant shall collect and pay a proportional tax based upon the length of time that
- 425 the property was not owned by the claimant if:
- 426 (i) the claimant is a federal, state, or political subdivision entity described in
- 427 Subsection (3)(a)(i), (ii), or (iii); or
- 428 (ii) in accordance with Subsection (3)(a)(iv):
- 429 (A) the claimant is a nonprofit entity; and
- 430 (B) the property is used exclusively for religious, charitable, or educational
- 431 purposes.
- 432 (3)(a) The following property is exempt from taxation:
- 433 (i) property exempt under the laws of the United States;
- 434 (ii) property of:
- 435 (A) the state;
- 436 (B) school districts; and
- 437 (C) public libraries;

- 438 (iii) except as provided in Title 11, Chapter 13, Interlocal Cooperation Act, or in
439 Subsection (6), property of:
- 440 (A) counties;
 - 441 (B) cities;
 - 442 (C) towns;
 - 443 (D) special districts;
 - 444 (E) special service districts; and
 - 445 (F) all other political subdivisions of the state;
- 446 (iv) except as provided in Subsection [~~(6) or (7)~~] (7) or (8), property owned by a
447 nonprofit entity used exclusively for one or more of the following purposes:
- 448 (A) religious purposes;
 - 449 (B) charitable purposes; or
 - 450 (C) educational purposes;
- 451 (v) places of burial not held or used for private or corporate benefit;
- 452 (vi) farm machinery and equipment;
- 453 (vii) a high tunnel, as defined in Section 10-20-613;
- 454 (viii) intangible property; and
- 455 (ix) the ownership interest of an out-of-state public agency, as defined in Section
456 11-13-103:
- 457 (A) if that ownership interest is in property providing additional project capacity,
458 as defined in Section 11-13-103; and
 - 459 (B) on which a fee in lieu of ad valorem property tax is payable under Section
460 11-13-302.
- 461 (b) For purposes of a property tax exemption for property of school districts under
462 Subsection (3)(a)(ii)(B), a charter school under Title 53G, Chapter 5, Charter
463 Schools, is considered to be a school district.
- 464 (4) Subject to Subsection (5), if property that is allowed an exclusive use exemption or a
465 government exemption ceases to qualify for the exemption because of a change in the
466 ownership of the property:
- 467 (a) the new owner of the property shall pay a proportional tax based upon the period of
468 time:
 - 469 (i) beginning on the day that the new owner acquired the property; and
 - 470 (ii) ending on the last day of the calendar year during which the new owner acquired
471 the property; and

- 472 (b) the new owner of the property and the person from whom the new owner acquires
473 the property shall notify the county assessor, in writing, of the change in ownership
474 of the property within 30 days from the day that the new owner acquires the property.
- 475 (5) Notwithstanding Subsection (4)(a), the proportional tax described in Subsection (4)(a):
476 (a) is subject to any exclusive use exemption or government exemption that the property
477 is entitled to under the new ownership of the property; and
478 (b) applies only to property that is acquired after December 31, 2005.
- 479 (6)(a) As used in this Subsection (6), "extraterritorial county property" means real
480 property owned by a county that is located outside the geographical boundaries of the
481 county.
- 482 (b) Notwithstanding Subsection (3)(a)(iii)(A) and except as provided in Subsection
483 (6)(c):
484 (i) beginning January 1, 2027, extraterritorial county property that is acquired on or
485 after May 6, 2026, is subject to property taxation; and
486 (ii) beginning January 1, 2029, extraterritorial county property that was acquired
487 before May 6, 2026, is subject to property taxation.
- 488 (c) Extraterritorial county property shall retain the exemption described in Subsection
489 (3)(a)(iii)(A) if:
490 (i) the county that owns the property and the county where the property is located
491 agree to maintain the exemption described in Subsection (3)(a)(iii)(A) in regard to
492 the extraterritorial county property; and
493 (ii) enter into an agreement regarding the extraterritorial county property.
- 494 (d) If extraterritorial county property is subject to property taxation as described in this
495 Subsection (6), the extraterritorial county property shall be assessed and taxed at the
496 property's taxable value and use immediately before the county's acquisition of the
497 extraterritorial county property, including any assessment under Part 5, Farmland
498 Assessment Act.
- 499 (e)(i) If the use of extraterritorial county property subject to property taxation
500 changes from an agricultural use to a non-qualifying use, as described in Part 5,
501 Farmland Assessment Act, the county that owns the property shall be subject to
502 the rollback tax described in Section 59-2-506.
503 (ii) The rollback tax described in Subsection (6)(e)(i) shall be calculated based on the
504 difference between the greenbelt assessment and the fair market value assessment
505 for the preceding five years.

- 506 ~~[(6)]~~ (7)(a) A property may not receive an exemption under Subsection (3)(a)(iv) if:
- 507 (i) the nonprofit entity that owns the property participates in or intervenes in any
- 508 political campaign on behalf of or in opposition to any candidate for public office,
- 509 including the publishing or distribution of statements; or
- 510 (ii) a substantial part of the activities of the nonprofit entity that owns the property
- 511 consists of carrying on propaganda or otherwise attempting to influence
- 512 legislation, except as provided under Subsection 501(h), Internal Revenue Code.
- 513 (b) Whether a nonprofit entity is engaged in an activity described in Subsection ~~[(6)](a)~~
- 514 (7)(a) shall be determined using the standards described in Section 501, Internal
- 515 Revenue Code.
- 516 ~~[(7)]~~ (8) A property may not receive an exemption under Subsection (3)(a)(iv) if:
- 517 (a) the property is used for a purpose that is not religious, charitable, or educational; and
- 518 (b) the use for a purpose that is not religious, charitable, or educational is more than de
- 519 minimis.
- 520 ~~[(8)]~~ (9) A county legislative body may adopt rules or ordinances to:
- 521 (a) effectuate an exemption under this part; and
- 522 (b) designate one or more persons to perform the functions given to the county under
- 523 this part.
- 524 ~~[(9)]~~ (10) If a person is dissatisfied with an exemption decision made under designated
- 525 decision-making authority as described in Subsection ~~[(8)](b)~~ (9)(b), that person may
- 526 appeal the decision to the commission under Section 59-2-1006.
- 527 Section 8. **Effective Date.**
- 528 This bill takes effect on May 6, 2026.