

**Representative Wayne A. Harper** proposes the following substitute bill:

**PROPERTY TAX ASSESSMENT REVISIONS**

2008 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Wayne A. Harper**

Senate Sponsor: Wayne L. Niederhauser

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**LONG TITLE**

**General Description:**

This bill amends provisions in the Property Tax Act relating to the real property appraisal requirements for county assessors.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ requires a county assessor of a first, second, or third class county to use a computer assisted mass appraisal system to conduct its annual update of property values;
- ▶ requires a county assessor to maintain a record of the last property review date for each parcel of real property located within the county assessor's county on the county's computer system;
- ▶ requires a county assessor to prepare a five-year plan to comply with the statutory property review requirements;
- ▶ requires a county assessor to include the last property review date for a parcel of property on the property owner's tax notice;
- ▶ provides a penalty if a county assessor fails to comply with statutory property review requirements; and
- ▶ makes technical changes.



26 **Monies Appropriated in this Bill:**

27 None

28 **Other Special Clauses:**

29 This bill takes effect on January 1, 2009.

30 This bill coordinates with H.B. 186, Property Tax -- Assessment and Collection  
31 Amendments, by changing technical cross references.

32 **Utah Code Sections Affected:**

33 AMENDS:

34 **59-2-102**, as last amended by Laws of Utah 2007, Chapters 107, 234, and 329

35 **59-2-303.1**, as last amended by Laws of Utah 1995, Chapter 271

36 **59-2-505**, as last amended by Laws of Utah 2003, Chapter 208

37 **59-2-906.2**, as last amended by Laws of Utah 2005, Chapter 195

38 **59-2-918.5**, as last amended by Laws of Utah 2000, Chapter 61

39 **59-2-918.6**, as enacted by Laws of Utah 2007, Chapter 297

40 **59-2-919**, as last amended by Laws of Utah 2006, Chapters 26 and 104

41 **59-2-1004**, as last amended by Laws of Utah 2001, Chapter 106

42 **59-2-1330**, as last amended by Laws of Utah 2002, Chapters 196 and 240

43 ENACTS:

44 **59-2-919.1**, Utah Code Annotated 1953



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

47 Section 1. Section **59-2-102** is amended to read:

48 **59-2-102. Definitions.**

49 As used in this chapter and title:

50 (1) "Aerial applicator" means aircraft or rotorcraft used exclusively for the purpose of  
51 engaging in dispensing activities directly affecting agriculture or horticulture with an  
52 airworthiness certificate from the Federal Aviation Administration certifying the aircraft or  
53 rotorcraft's use for agricultural and pest control purposes.

54 (2) "Air charter service" means an air carrier operation which requires the customer to  
55 hire an entire aircraft rather than book passage in whatever capacity is available on a scheduled  
56 trip.

57 (3) "Air contract service" means an air carrier operation available only to customers  
58 who engage the services of the carrier through a contractual agreement and excess capacity on  
59 any trip and is not available to the public at large.

60 (4) "Aircraft" is as defined in Section 72-10-102.

61 (5) "Airline" means any air carrier operating interstate routes on a scheduled basis  
62 which offers to fly passengers or cargo on the basis of available capacity on regularly scheduled  
63 routes.

64 (6) "Assessment roll" means a permanent record of the assessment of property as  
65 assessed by the county assessor and the commission and may be maintained manually or as a  
66 computerized file as a consolidated record or as multiple records by type, classification, or  
67 categories.

68 (7) (a) "Certified revenue levy" means a property tax levy that provides the same  
69 amount of ad valorem property tax revenue as was collected for the prior year, plus new  
70 growth, but exclusive of revenue from collections from redemptions, interest, and penalties.

71 (b) For purposes of this Subsection (7), "ad valorem property tax revenue" does not  
72 include property tax revenue received by a taxing entity from personal property that is:

- 73 (i) assessed by a county assessor in accordance with Part 3, County Assessment; and
- 74 (ii) semiconductor manufacturing equipment.

75 (8) "County-assessed commercial vehicle" means:

76 (a) any commercial vehicle, trailer, or semitrailer which is not apportioned under  
77 Section 41-1a-301 and is not operated interstate to transport the vehicle owner's goods or  
78 property in furtherance of the owner's commercial enterprise;

79 (b) any passenger vehicle owned by a business and used by its employees for  
80 transportation as a company car or vanpool vehicle; and

81 (c) vehicles which are:

82 (i) especially constructed for towing or wrecking, and which are not otherwise used to  
83 transport goods, merchandise, or people for compensation;

84 (ii) used or licensed as taxicabs or limousines;

85 (iii) used as rental passenger cars, travel trailers, or motor homes;

86 (iv) used or licensed in this state for use as ambulances or hearses;

87 (v) especially designed and used for garbage and rubbish collection; or

88 (vi) used exclusively to transport students or their instructors to or from any private,  
89 public, or religious school or school activities.

90 (9) (a) Except as provided in Subsection (9)(b), for purposes of Section 59-2-801,  
91 "designated tax area" means a tax area created by the overlapping boundaries of only the  
92 following taxing entities:

93 (i) a county; and

94 (ii) a school district.

95 (b) Notwithstanding Subsection (9)(a), "designated tax area" includes a tax area created  
96 by the overlapping boundaries of:

97 (i) the taxing entities described in Subsection (9)(a); and

98 (ii) (A) a city or town if the boundaries of the school district under Subsection (9)(a)  
99 and the boundaries of the city or town are identical; or

100 (B) a special service district if the boundaries of the school district under Subsection  
101 (9)(a) are located entirely within the special service district.

102 (10) "Eligible judgment" means a final and unappealable judgment or order under  
103 Section 59-2-1330:

104 (a) that became a final and unappealable judgment or order no more than 14 months  
105 prior to the day on which the notice required by [~~Subsection 59-2-919(4)~~] Section 59-2-919.1 is  
106 required to be mailed; and

107 (b) for which a taxing entity's share of the final and unappealable judgment or order is  
108 greater than or equal to the lesser of:

109 (i) \$5,000; or

110 (ii) 2.5% of the total ad valorem property taxes collected by the taxing entity in the  
111 previous fiscal year.

112 (11) (a) "Escaped property" means any property, whether personal, land, or any  
113 improvements to the property, subject to taxation and is:

114 (i) inadvertently omitted from the tax rolls, assigned to the incorrect parcel, or assessed  
115 to the wrong taxpayer by the assessing authority;

116 (ii) undervalued or omitted from the tax rolls because of the failure of the taxpayer to  
117 comply with the reporting requirements of this chapter; or

118 (iii) undervalued because of errors made by the assessing authority based upon

119 incomplete or erroneous information furnished by the taxpayer.

120 (b) Property which is undervalued because of the use of a different valuation  
121 methodology or because of a different application of the same valuation methodology is not  
122 "escaped property."

123 (12) "Fair market value" means the amount at which property would change hands  
124 between a willing buyer and a willing seller, neither being under any compulsion to buy or sell  
125 and both having reasonable knowledge of the relevant facts. For purposes of taxation, "fair  
126 market value" shall be determined using the current zoning laws applicable to the property in  
127 question, except in cases where there is a reasonable probability of a change in the zoning laws  
128 affecting that property in the tax year in question and the change would have an appreciable  
129 influence upon the value.

130 (13) "Farm machinery and equipment," for purposes of the exemption provided under  
131 Section 59-2-1101, means tractors, milking equipment and storage and cooling facilities, feed  
132 handling equipment, irrigation equipment, harvesters, choppers, grain drills and planters, tillage  
133 tools, scales, combines, spreaders, sprayers, haying equipment, and any other machinery or  
134 equipment used primarily for agricultural purposes; but does not include vehicles required to be  
135 registered with the Motor Vehicle Division or vehicles or other equipment used for business  
136 purposes other than farming.

137 (14) "Geothermal fluid" means water in any form at temperatures greater than 120  
138 degrees centigrade naturally present in a geothermal system.

139 (15) "Geothermal resource" means:

140 (a) the natural heat of the earth at temperatures greater than 120 degrees centigrade;  
141 and

142 (b) the energy, in whatever form, including pressure, present in, resulting from, created  
143 by, or which may be extracted from that natural heat, directly or through a material medium.

144 (16) (a) "Goodwill" means:

145 (i) acquired goodwill that is reported as goodwill on the books and records:

146 (A) of a taxpayer; and

147 (B) that are maintained for financial reporting purposes; or

148 (ii) the ability of a business to:

149 (A) generate income:

- 150 (I) that exceeds a normal rate of return on assets; and
- 151 (II) resulting from a factor described in Subsection (16)(b); or
- 152 (B) obtain an economic or competitive advantage resulting from a factor described in
- 153 Subsection (16)(b).
- 154 (b) The following factors apply to Subsection (16)(a)(ii):
- 155 (i) superior management skills;
- 156 (ii) reputation;
- 157 (iii) customer relationships;
- 158 (iv) patronage; or
- 159 (v) a factor similar to Subsections (16)(b)(i) through (iv).
- 160 (c) "Goodwill" does not include:
- 161 (i) the intangible property described in Subsection (20)(a) or (b);
- 162 (ii) locational attributes of real property, including:
- 163 (A) zoning;
- 164 (B) location;
- 165 (C) view;
- 166 (D) a geographic feature;
- 167 (E) an easement;
- 168 (F) a covenant;
- 169 (G) proximity to raw materials;
- 170 (H) the condition of surrounding property; or
- 171 (I) proximity to markets;
- 172 (iii) value attributable to the identification of an improvement to real property,
- 173 including:
- 174 (A) reputation of the designer, builder, or architect of the improvement;
- 175 (B) a name given to, or associated with, the improvement; or
- 176 (C) the historic significance of an improvement; or
- 177 (iv) the enhancement or assemblage value specifically attributable to the interrelation
- 178 of the existing tangible property in place working together as a unit.
- 179 (17) "Governing body" means:
- 180 (a) for a county, city, or town, the legislative body of the county, city, or town;

181 (b) for a local district under Title 17B, Limited Purpose Local Government Entities -  
182 Local Districts, the local district's board of trustees;

183 (c) for a school district, the local board of education; or

184 (d) for a special service district under Title 17A, Chapter 2, Part 13, Utah Special  
185 Service District Act:

186 (i) the legislative body of the county or municipality that created the special service  
187 district, to the extent that the county or municipal legislative body has not delegated authority  
188 to an administrative control board established under Section 17A-2-1326; or

189 (ii) the administrative control board, to the extent that the county or municipal  
190 legislative body has delegated authority to an administrative control board established under  
191 Section 17A-2-1326.

192 (18) (a) For purposes of Section 59-2-103:

193 (i) "household" means the association of persons who live in the same dwelling,  
194 sharing its furnishings, facilities, accommodations, and expenses; and

195 (ii) "household" includes married individuals, who are not legally separated, that have  
196 established domiciles at separate locations within the state.

197 (b) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the  
198 commission may make rules defining the term "domicile."

199 (19) (a) Except as provided in Subsection (19)(c), "improvement" means a building,  
200 structure, fixture, fence, or other item that is permanently attached to land, regardless of  
201 whether the title has been acquired to the land, if:

202 (i) (A) attachment to land is essential to the operation or use of the item; and

203 (B) the manner of attachment to land suggests that the item will remain attached to the  
204 land in the same place over the useful life of the item; or

205 (ii) removal of the item would:

206 (A) cause substantial damage to the item; or

207 (B) require substantial alteration or repair of a structure to which the item is attached.

208 (b) "Improvement" includes:

209 (i) an accessory to an item described in Subsection (19)(a) if the accessory is:

210 (A) essential to the operation of the item described in Subsection (19)(a); and

211 (B) installed solely to serve the operation of the item described in Subsection (19)(a);

212 and

213 (ii) an item described in Subsection (19)(a) that:

214 (A) is temporarily detached from the land for repairs; and

215 (B) remains located on the land.

216 (c) Notwithstanding Subsections (19)(a) and (b), "improvement" does not include:

217 (i) an item considered to be personal property pursuant to rules made in accordance

218 with Section 59-2-107;

219 (ii) a moveable item that is attached to land:

220 (A) for stability only; or

221 (B) for an obvious temporary purpose;

222 (iii) (A) manufacturing equipment and machinery; or

223 (B) essential accessories to manufacturing equipment and machinery;

224 (iv) an item attached to the land in a manner that facilitates removal without substantial

225 damage to:

226 (A) the land; or

227 (B) the item; or

228 (v) a transportable factory-built housing unit as defined in Section 59-2-1502 if that

229 transportable factory-built housing unit is considered to be personal property under Section

230 59-2-1503.

231 (20) "Intangible property" means:

232 (a) property that is capable of private ownership separate from tangible property,

233 including:

234 (i) moneys;

235 (ii) credits;

236 (iii) bonds;

237 (iv) stocks;

238 (v) representative property;

239 (vi) franchises;

240 (vii) licenses;

241 (viii) trade names;

242 (ix) copyrights; and



- 243 (x) patents;
- 244 (b) a low-income housing tax credit; or
- 245 (c) goodwill.
- 246 (21) "Low-income housing tax credit" means:
- 247 (a) a federal low-income housing tax credit under Section 42, Internal Revenue Code;
- 248 or
- 249 (b) a low-income housing tax credit under:
- 250 (i) Section 59-7-607; or
- 251 (ii) Section 59-10-1010.
- 252 (22) "Metalliferous minerals" includes gold, silver, copper, lead, zinc, and uranium.
- 253 (23) "Mine" means a natural deposit of either metalliferous or nonmetalliferous
- 254 valuable mineral.
- 255 (24) "Mining" means the process of producing, extracting, leaching, evaporating, or
- 256 otherwise removing a mineral from a mine.
- 257 (25) (a) "Mobile flight equipment" means tangible personal property that is:
- 258 (i) owned or operated by an:
- 259 (A) air charter service;
- 260 (B) air contract service; or
- 261 (C) airline; and
- 262 (ii) (A) capable of flight;
- 263 (B) attached to an aircraft that is capable of flight; or
- 264 (C) contained in an aircraft that is capable of flight if the tangible personal property is
- 265 intended to be used:
- 266 (I) during multiple flights;
- 267 (II) during a takeoff, flight, or landing; and
- 268 (III) as a service provided by an air charter service, air contract service, or airline.
- 269 (b) (i) "Mobile flight equipment" does not include a spare part other than a spare
- 270 engine that is rotated:
- 271 (A) at regular intervals; and
- 272 (B) with an engine that is attached to the aircraft.
- 273 (ii) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act,

274 the commission may make rules defining the term "regular intervals."

275 (26) "Nonmetalliferous minerals" includes, but is not limited to, oil, gas, coal, salts,  
276 sand, rock, gravel, and all carboniferous materials.

277 (27) "Personal property" includes:

278 (a) every class of property as defined in Subsection (28) which is the subject of  
279 ownership and not included within the meaning of the terms "real estate" and "improvements";

280 (b) gas and water mains and pipes laid in roads, streets, or alleys;

281 (c) bridges and ferries;

282 (d) livestock which, for the purposes of the exemption provided under Section  
283 59-2-1112, means all domestic animals, honeybees, poultry, fur-bearing animals, and fish; and

284 (e) outdoor advertising structures as defined in Section 72-7-502.

285 (28) (a) "Property" means property that is subject to assessment and taxation according  
286 to its value.

287 (b) "Property" does not include intangible property as defined in this section.

288 (29) "Public utility," for purposes of this chapter, means the operating property of a  
289 railroad, gas corporation, oil or gas transportation or pipeline company, coal slurry pipeline  
290 company, electrical corporation, telephone corporation, sewerage corporation, or heat  
291 corporation where the company performs the service for, or delivers the commodity to, the  
292 public generally or companies serving the public generally, or in the case of a gas corporation  
293 or an electrical corporation, where the gas or electricity is sold or furnished to any member or  
294 consumers within the state for domestic, commercial, or industrial use. Public utility also  
295 means the operating property of any entity or person defined under Section 54-2-1 except water  
296 corporations.

297 (30) "Real estate" or "real property" includes:

298 (a) the possession of, claim to, ownership of, or right to the possession of land;

299 (b) all mines, minerals, and quarries in and under the land, all timber belonging to  
300 individuals or corporations growing or being on the lands of this state or the United States, and  
301 all rights and privileges appertaining to these; and

302 (c) improvements.

303 (31) "Residential property," for the purposes of the reductions and adjustments under  
304 this chapter, means any property used for residential purposes as a primary residence. It does

305 not include property used for transient residential use or condominiums used in rental pools.

306 (32) For purposes of Subsection 59-2-801(1)(e), "route miles" means the number of  
307 miles calculated by the commission that is:

308 (a) measured in a straight line by the commission; and

309 (b) equal to the distance between a geographical location that begins or ends:

310 (i) at a boundary of the state; and

311 (ii) where an aircraft:

312 (A) takes off; or

313 (B) lands.

314 (33) (a) "State-assessed commercial vehicle" means:

315 (i) any commercial vehicle, trailer, or semitrailer which operates interstate or intrastate  
316 to transport passengers, freight, merchandise, or other property for hire; or

317 (ii) any commercial vehicle, trailer, or semitrailer which operates interstate and  
318 transports the vehicle owner's goods or property in furtherance of the owner's commercial  
319 enterprise.

320 (b) "State-assessed commercial vehicle" does not include vehicles used for hire which  
321 are specified in Subsection (8)(c) as county-assessed commercial vehicles.

322 (34) "Taxable value" means fair market value less any applicable reduction allowed for  
323 residential property under Section 59-2-103.

324 (35) "Tax area" means a geographic area created by the overlapping boundaries of one  
325 or more taxing entities.

326 (36) "Taxing entity" means any county, city, town, school district, special taxing  
327 district, local district under Title 17B, Limited Purpose Local Government Entities - Local  
328 Districts, or other political subdivision of the state with the authority to levy a tax on property.

329 (37) "Tax roll" means a permanent record of the taxes charged on property, as extended  
330 on the assessment roll and may be maintained on the same record or records as the assessment  
331 roll or may be maintained on a separate record properly indexed to the assessment roll. It  
332 includes tax books, tax lists, and other similar materials.

333 Section 2. Section **59-2-303.1** is amended to read:

334 **59-2-303.1. Mandatory cyclical appraisals.**

335 (1) For purposes of this section:

336 (a) "Corrective action" includes:  
337 (i) factoring pursuant to Section 59-2-704;  
338 (ii) notifying the state auditor that the county failed to comply with the requirements of  
339 this section; or  
340 (iii) filing a petition for a court order requiring a county to take action.  
341 (b) "Mass appraisal system" means a computer assisted mass appraisal system that:  
342 (i) a county assessor uses to value real property; and  
343 (ii) includes at least the following system features:  
344 (A) has the ability to update all parcels of real property located within the county each  
345 year;  
346 (B) can be programmed with specialized criteria;  
347 (C) provides uniform and equal treatment of parcels within the same class of real  
348 property throughout the county; and  
349 (D) annually updates all parcels of residential real property within the county.  
350 (c) "Property review date" means the date a county assessor completes a detailed  
351 review of the property characteristics of a parcel of real property in accordance with Subsection  
352 (3)(a).  
353 ~~[(1) Beginning January 1, 1994, each]~~ (2) (a) The county assessor shall annually  
354 update property values of property as provided in Section 59-2-301 based on a systematic  
355 review of current market data. ~~[In addition,]~~  
356 (b) The county assessor of a county of the first, second, or third class shall conduct the  
357 annual update described in Subsection (2)(a) by using a mass appraisal system on or before the  
358 following:  
359 (i) for a county of the first class, January 1, 2009;  
360 (ii) for a county of the second class, January 1, 2010; and  
361 (iii) for a county of the third class, January 1, 2011.  
362 (c) The county assessor and the commission shall jointly certify that the county's mass  
363 appraisal system meets the requirements:  
364 (i) described in Subsection (1)(b); and  
365 (ii) of the commission.  
366 (3) (a) In addition to the requirements in Subsection (2), the county assessor shall

367 complete a detailed review of property characteristics for each property at least once every five  
368 years.

369 (b) The county assessor shall maintain on the county's computer system, a record of the  
370 last property review date for each parcel of real property located within the county assessor's  
371 county.

372 ~~[(a)]~~ (4) (a) The commission shall take corrective action if the commission determines  
373 that:

374 (i) a county assessor has not satisfactorily followed the current mass appraisal  
375 standards, as provided by law;

376 (ii) the sales-assessment ratio, coefficients of dispersion, or other statistical measures  
377 of appraisal performance related to the studies required by Section 59-2-704 are not within the  
378 standards provided by law; or

379 (iii) the county assessor has failed to comply with the requirements of ~~[Subsection (1)]~~  
380 this section.

381 ~~[(b) For purposes of this section, "corrective action" includes:]~~

382 ~~[(i) factoring pursuant to Section 59-2-704;]~~

383 ~~[(ii) notifying the state auditor that the county failed to comply with the requirements~~  
384 ~~of this section; or]~~

385 ~~[(iii) filing a petition for a court order requiring a county to take action.]~~

386 (b) If a county assessor fails to comply with the requirements of this section for one  
387 year, the commission shall assist the county assessor in fulfilling the requirements of  
388 Subsections (2) and (3).

389 (c) If a county assessor fails to comply with the requirements of this section for two  
390 consecutive years, the county will lose the county's allocation of the revenue generated  
391 statewide from the imposition of the multicounty assessing and collecting levy authorized in  
392 Sections 59-2-906.1 and 59-2-906.2.

393 (d) If a county loses its allocation of the revenue generated statewide from the  
394 imposition of the multicounty assessing and collecting levy described in Subsection (4)(c), the  
395 revenue the county would have received shall:

396 (i) be retained in the Property Tax Valuation Agency Fund for that calendar year; and

397 (ii) distributed the following calendar year in accordance with Section 59-2-906.2.

398            [~~(2) (a) By July 1, 1993, each~~] (5) (a) On or before July 1, 2008, the county assessor  
399 shall prepare a five-year plan to comply with the requirements of [~~Subsection (1)~~] Subsections  
400 (2) and (3).

401            (b) The plan shall be available in the county assessor's office for review by the public  
402 upon request.

403            (c) The plan shall be annually reviewed and revised as necessary.

404            Section 3. Section **59-2-505** is amended to read:

405            **59-2-505. Indicia of value for agricultural use assessment -- Inclusion of fair**  
406 **market value on certain property tax notices.**

407            (1) (a) The county assessor shall consider only those indicia of value that the land has  
408 for agricultural use as determined by the commission when assessing land:

409            (i) that meets the requirements of Section 59-2-503 to be assessed under this part; and

410            (ii) for which the owner has:

411            (A) made a timely application in accordance with Section 59-2-508 for assessment  
412 under this part for the tax year for which the land is being assessed; and

413            (B) obtained approval of the application described in Subsection (1)(a)(ii)(A) from the  
414 county assessor.

415            (b) If land that becomes subject to a conservation easement created in accordance with  
416 Title 57, Chapter 18, Land Conservation Easement Act, meets the requirements of Subsection  
417 (1)(a) for assessment under this part, the county assessor shall consider only those indicia of  
418 value that the land has for agricultural use in accordance with Subsection (1)(a) when assessing  
419 the land.

420            (2) In addition to the value determined in accordance with Subsection (1), the fair  
421 market value assessment shall be included on the notices described in:

422            (a) [~~Subsection 59-2-919(4)~~] Section 59-2-919.1; and

423            (b) Section 59-2-1317.

424            (3) The county board of equalization shall review the agricultural use value and fair  
425 market value assessments each year as provided under Section 59-2-1001.

426            Section 4. Section **59-2-906.2** is amended to read:

427            **59-2-906.2. Disbursement of monies in the Property Tax Valuation Agency Fund**  
428 **-- Use of funds.**

429 (1) Beginning January 1, 1994, the state auditor shall authorize disbursement of money  
430 from the Property Tax Valuation Agency Fund to each county as follows:

431 (a) subject to Subsection (6), each county of the first class shall receive a disbursement  
432 of 94.5% of the funds transmitted to the Property Tax Valuation Agency Fund by such  
433 counties; and

434 (b) subject to Subsection (7) and except as provided in Subsection 59-2-303.1(4),  
435 money derived from funds transmitted by counties of the second through sixth class and any  
436 remaining monies not distributed under Subsection (1)(a) shall be disbursed pro rata to  
437 counties of the second through sixth class based upon the number of adjusted parcel units in  
438 each county as determined in Subsection (2).

439 (2) (a) The number of adjusted parcel units in a county shall be determined by  
440 multiplying the sum of the following by the county parcel factor:

- 441 (i) the number of residential parcels multiplied by 2;  
442 (ii) the number of commercial parcels multiplied by 4; and  
443 (iii) the number of all other parcels multiplied by 1.

444 (b) For purposes of this subsection, the county parcel factor is:

- 445 (i) 0.9 for counties of the second class;  
446 (ii) 1.0 for counties of the third class;  
447 (iii) 1.05 for counties of the fourth class;  
448 (iv) 1.15 for counties of the fifth class; and  
449 (v) 1.3 for counties of the sixth class.

450 (3) Money in the Property Tax Valuation Agency Fund on the 10th day of the month  
451 following the end of the quarter in which the revenue is collected shall, upon authorization by  
452 the state auditor, be transmitted by the state treasurer according to the disbursement formula  
453 determined under Subsection (2) no later than five working days after the 10th day of the  
454 month following the end of the quarter in which the revenue is collected.

455 (4) If money in the Property Tax Valuation Agency Fund on the 10th day of the month  
456 following the end of the quarter in which the revenue is collected is not transmitted to a county  
457 within five working days of the 10th day of that month, except as provided for in Subsection  
458 (3), income from the investment of that money shall be:

459 (a) deposited in and become part of the Property Tax Valuation Agency Fund; and

460 (b) disbursed to the county in the next quarter.

461 (5) A county shall use money disbursed from the Property Tax Valuation Agency Fund

462 for:

463 (a) establishing and maintaining accurate property valuations and uniform assessment

464 levels as required by Section 59-2-103; and

465 (b) improving the efficiency of the property tax system.

466 (6) (a) For purposes of this Subsection (6), "retained funds" means the difference

467 between:

468 (i) the funds transmitted by a county of the first class to the Property Tax Valuation

469 Agency Fund under Subsection (1)(a); and

470 (ii) the disbursement described in Subsection (1)(a).

471 (b) Notwithstanding Subsection (1)(a), if the retained funds are:

472 (i) less than \$250,000, the disbursement described in Subsection (1)(a) shall be reduced

473 by the difference between:

474 (A) \$250,000; and

475 (B) the retained funds; and

476 (ii) more than \$500,000, the disbursement described in Subsection (1)(a) shall be

477 increased by the difference between:

478 (A) the retained funds; and

479 (B) \$500,000.

480 (7) Notwithstanding Subsection (1)(b):

481 (a) if the amount transmitted under Subsection (1)(b) by a county of the second class is:

482 (i) less than \$100,000, the amount disbursed under Subsection (1)(b) to a county of the

483 second class shall be reduced by the difference between:

484 (A) \$100,000; and

485 (B) the amount transmitted under Subsection (1)(b) by a county of the second class;

486 and

487 (ii) more than \$250,000, the amount disbursed under Subsection (1)(b) to a county of

488 the second class shall be increased by the difference between:

489 (A) the amount transmitted under Subsection (1)(b) by a county of the second class;

490 and



- 491 (B) \$250,000;
- 492 (b) if the amount transmitted under Subsection (1)(b) by a county of the third class is
- 493 more than \$250,000, the amount disbursed under Subsection (1)(b) to a county of the third
- 494 class shall be increased by the difference between:
  - 495 (i) the amount transmitted under Subsection (1)(b) by a county of the third class; and
  - 496 (ii) \$250,000;
- 497 (c) if the amount transmitted under Subsection (1)(b) by a county of the fourth class is
- 498 more than \$100,000, the amount disbursed under Subsection (1)(b) to a county of the fourth
- 499 class shall be increased by the difference between:
  - 500 (i) the amount transmitted under Subsection (1)(b) by a county of the fourth class; and
  - 501 (ii) \$100,000; and
- 502 (d) the amount disbursed under Subsection (1)(b) to a county of the fifth or sixth class
- 503 shall not be less than the amount transmitted under Subsection (1)(b) by a county of the fifth or
- 504 sixth class.

505 Section 5. Section **59-2-918.5** is amended to read:

506 **59-2-918.5. Hearings on judgment levies -- Advertisement.**

- 507 (1) A taxing entity may not impose a judgment levy unless it first advertises its
- 508 intention to do so and holds a public hearing in accordance with the requirements of this
- 509 section.
  - 510 (2) (a) The advertisement required by this section may be combined with the
  - 511 advertisement required by either Section 59-2-918 or Section 59-2-919.
    - 512 (b) The advertisement shall be at least 1/8 of a page in size and shall meet the type,
    - 513 placement, and frequency requirements established under Section 59-2-919.
      - 514 (c) (i) For taxing entities operating under a July 1 through June 30 fiscal year the public
      - 515 hearing shall be held at the same time as the hearing at which the annual budget is adopted.
      - 516 (ii) For taxing entities operating under a January 1 through December 31 fiscal year:
        - 517 (A) for eligible judgments issued from June 1 through December 15, the public hearing
        - 518 shall be held at the same time as the hearing at which the annual budget is adopted; and
        - 519 (B) for eligible judgments issued from December 16 through May 31, the public
        - 520 hearing shall be held at the same time as the hearing at which property tax levies are set.
      - 521 (3) The advertisement shall specify the date, time, and location of the public hearing at

522 which the levy will be considered and shall set forth the total amount of the eligible judgment  
523 and the tax impact on an average residential and business property located within the taxing  
524 entity.

525 (4) If a final decision regarding the judgment levy is not made at the public hearing, the  
526 taxing entity shall announce at the public hearing the scheduled time and place for  
527 consideration and adoption of the judgment levy.

528 (5) The date, time, and place of public hearings required by Subsections  
529 59-2-918.5(c)(i) and 59-2-918.5(c)(ii)(B) shall be included on the notice mailed to property  
530 owners pursuant to [~~Subsection 59-2-919(4)~~] Section 59-2-919.1.

531 Section 6. Section **59-2-918.6** is amended to read:

532 **59-2-918.6. New and remaining school district budgets -- Advertisement -- Public**  
533 **hearing.**

534 (1) As used in this section, "existing school district," "new school district," and  
535 "remaining school district" are as defined in Section 53A-2-117.

536 (2) For the first fiscal year in which a new school district created under Section  
537 53A-2-118.1 assumes responsibility for providing student instruction, the new school district  
538 and the remaining school district or districts may not impose a property tax unless the district  
539 imposing the tax:

540 (a) advertises its intention to do so in accordance with Subsection (3); and

541 (b) holds a public hearing in accordance with Subsection (4).

542 (3) The advertisement required by this section:

543 (a) may be combined with the advertisement required by either Section 59-2-918 or  
544 59-2-919;

545 (b) shall be at least 1/4 of a page in size and shall meet the type, placement, and  
546 frequency requirements established under Section 59-2-919; and

547 (c) shall specify the date, time, and location of the public hearing at which the levy will  
548 be considered and shall set forth the total amount of the district's proposed property tax levy  
549 and the tax impact on an average residential and business property located within the taxing  
550 entity compared to the property tax levy imposed in the prior year by the existing school  
551 district.

552 (4) (a) The date, time, and place of public hearings required by this section shall be

553 included on the notice mailed to property owners pursuant to [~~Subsection 59-2-919(4)~~] Section  
554 59-2-919.1.

555 (b) If a final decision regarding the property tax levy is not made at the public hearing,  
556 the school district shall announce at the public hearing the scheduled time and place for  
557 consideration and adoption of the budget and property tax levies.

558 Section 7. Section **59-2-919** is amended to read:

559 **59-2-919. Resolution proposing tax increases -- Notice -- Contents of notice of**  
560 **proposed tax increase -- Personal mailed notice in addition to advertisement -- Contents**  
561 **of personal mailed notice -- Hearing -- Dates.**

562 A tax rate in excess of the certified tax rate may not be levied until a resolution has  
563 been approved by the taxing entity in accordance with the following procedure:

564 (1) (a) (i) The taxing entity shall advertise its intent to exceed the certified tax rate in a  
565 newspaper or combination of newspapers of general circulation in the taxing entity.

566 (ii) Notwithstanding Subsection (1)(a)(i), a taxing entity is not required to meet the  
567 advertisement or hearing requirements of this section if:

568 (A) the taxing entity:

569 (I) collected less than \$15,000 in ad valorem tax revenues for the previous fiscal year;

570 or

571 (II) is expressly exempted by law from complying with the requirements of this  
572 section; or

573 (B) (I) the taxing entity is a party to an interlocal agreement under Title 11, Chapter 13,  
574 Interlocal Cooperation Act, that creates an interlocal entity to provide fire protection,  
575 emergency, and emergency medical services;

576 (II) the tax rate increase is approved by the taxing entity's voters at an election held for  
577 that purpose on or before December 31, 2010;

578 (III) the purpose of the tax rate increase is to pay for fire protection, emergency, and  
579 emergency medical services provided by the interlocal entity; and

580 (IV) at least 30 days before its annual budget hearing, the taxing entity:

581 (Aa) adopts a resolution certifying that the taxing entity will dedicate all revenue from  
582 the tax rate increase exclusively to pay for fire protection, emergency, and emergency medical  
583 services provided by the interlocal entity and that the amount of other revenues, independent of

584 the revenue generated from the tax rate increase, that the taxing entity spends for fire  
585 protection, emergency, and emergency medical services each year after the tax rate increase  
586 will not decrease below the amount spent by the taxing entity during the year immediately  
587 before the tax rate increase without a corresponding decrease in the taxing entity's property tax  
588 revenues used in calculating the taxing entity's certified tax rate; and

589 (Bb) sends a copy of the resolution to the commission.

590 (iii) The exception under Subsection (1)(a)(ii)(B) from the advertisement and hearing  
591 requirements of this section does not apply to an increase in a taxing entity's tax rate that occurs  
592 after December 31, 2010, even if the tax rate increase is approved by the taxing entity's voters  
593 before that date.

594 (iv) Notwithstanding Subsection (1)(a)(i), a taxing entity is not required to meet the  
595 advertisement requirements of this section if Section 53A-17a-133 allows the taxing entity to  
596 levy a tax rate that exceeds that certified tax rate without having to comply with the  
597 advertisement requirements of this section.

598 (b) The advertisement described in this section shall:

599 (i) be no less than 1/4 page in size;

600 (ii) use type no smaller than 18 point; and

601 (iii) be surrounded by a 1/4-inch border.

602 (c) The advertisement described in this section may not be placed in that portion of the  
603 newspaper where legal notices and classified advertisements appear.

604 (d) It is the intent of the Legislature that:

605 (i) whenever possible, the advertisement described in this section appear in a

606 newspaper that is published at least one day per week; and

607 (ii) the newspaper or combination of newspapers selected:

608 (A) be of general interest and readership in the taxing entity; and

609 (B) not be of limited subject matter.

610 (e) The advertisement described in this section shall:

611 (i) be run once each week for the two weeks preceding the adoption of the final budget;

612 and

613 (ii) state that the taxing entity will meet on a certain day, time, and place fixed in the

614 advertisement, which shall be not less than seven days after the day the first advertisement is

615 published, for the purpose of hearing comments regarding any proposed increase and to explain  
616 the reasons for the proposed increase.

617 (f) The meeting on the proposed increase may coincide with the hearing on the  
618 proposed budget of the taxing entity.

619 (2) The form and content of the notice shall be substantially as follows:

620 "NOTICE OF PROPOSED TAX INCREASE

621 (NAME OF TAXING ENTITY)

622 The (name of the taxing entity) is proposing to increase its property tax revenue.

623 ● If the proposed budget is approved, this would be an increase of \_\_\_\_% above  
624 the (name of the taxing entity) property tax budgeted revenue for the prior year.

625 ● The (name of the taxing entity) tax on a (insert the average value of a residence  
626 in the taxing entity rounded to the nearest thousand dollars) residence would  
627 increase from \$\_\_\_\_\_ to \$\_\_\_\_\_, which is \$\_\_\_\_\_ per year.

628 ● The (name of the taxing entity) tax on a (insert the value of a business having  
629 the same value as the average value of a residence in the taxing entity) business  
630 would increase from \$\_\_\_\_\_ to \$\_\_\_\_\_, which is \$\_\_\_\_\_ per year.

631 (Name of taxing entity) property tax revenue from new growth and other sources will  
632 increase from \$\_\_\_\_\_ to \$\_\_\_\_\_.

633 All concerned citizens are invited to a public hearing on the tax increase.

634 PUBLIC HEARING

635 Date/Time: (date) (time)

636 Location: (name of meeting place and address of meeting place)

637 To obtain more information regarding the tax increase, citizens may contact the (name  
638 of the taxing entity) at (phone number of taxing entity)."

639 (3) The commission:

640 (a) shall adopt rules governing the joint use of one advertisement under this section or  
641 Section 59-2-918 by two or more taxing entities; and

642 (b) may, upon petition by any taxing entity, authorize either:

643 (i) the use of weekly newspapers in counties having both daily and weekly newspapers  
644 where the weekly newspaper would provide equal or greater notice to the taxpayer; or

645 (ii) the use of a commission-approved direct notice to each taxpayer if the:

646 (A) cost of the advertisement would cause undue hardship; and  
647 (B) direct notice is different and separate from that provided for in Subsection (4).  
648 [~~(4)(a) In addition to providing the notice required by Subsections (1) and (2), the~~  
649 ~~county auditor, on or before July 22 of each year, shall notify, by mail, each owner of real~~  
650 ~~estate as defined in Section 59-2-102 who is listed on the assessment roll.]~~  
651 [~~(b) The notice described in Subsection (4)(a) shall:~~  
652 ~~(i) be sent to all owners of real property by mail not less than ten days before the day~~  
653 ~~on which:~~  
654 ~~(A) the county board of equalization meets; and]~~  
655 ~~(B) the taxing entity holds a public hearing on the proposed increase in the certified~~  
656 ~~tax rate;]~~  
657 ~~(ii) be printed on a form that is:~~  
658 ~~(A) approved by the commission; and]~~  
659 ~~(B) uniform in content in all counties in the state; and]~~  
660 ~~(iii) contain for each property:~~  
661 ~~(A) the value of the property;]~~  
662 ~~(B) the date the county board of equalization will meet to hear complaints on the~~  
663 ~~valuation;]~~  
664 ~~(C) itemized tax information for all taxing entities, including a separate statement for~~  
665 ~~the minimum school levy under Section 53A-17a-135 stating:]~~  
666 ~~(D) the dollar amount the taxpayer would have paid based on last year's rate; and]~~  
667 ~~(H) the amount of the taxpayer's liability under the current rate;]~~  
668 ~~(D) the tax impact on the property;]~~  
669 ~~(E) the time and place of the required public hearing for each entity;]~~  
670 ~~(F) property tax information pertaining to:]~~  
671 ~~(f) taxpayer relief;]~~  
672 ~~(H) options for payment of taxes; and]~~  
673 ~~(HH) collection procedures;]~~  
674 ~~(G) information specifically authorized to be included on the notice under Title 59;~~  
675 ~~Chapter 2, Property Tax Act; and]~~  
676 ~~(H) other property tax information approved by the commission.]~~

677           ~~[(5)]~~ (4) (a) The taxing entity, after holding a hearing as provided in this section, may  
678 adopt a resolution levying a tax rate in excess of the certified tax rate.

679           (b) If a resolution adopting a tax rate is not adopted on the day of the public hearing,  
680 the scheduled time and place for consideration and adoption of the resolution shall be  
681 announced at the public hearing.

682           (c) If a resolution adopting a tax rate is to be considered at a day and time that is more  
683 than two weeks after the public hearing described in Subsection ~~[(4)(b)(iii)(E)]~~  
684 59-2-919.1(2)(c)(v), a taxing entity, other than a taxing entity described in Subsection (1)(a)(ii),  
685 shall advertise the date of the proposed adoption of the resolution in the same manner as  
686 provided under Subsections (1) and (2).

687           ~~[(6)]~~ (5) (a) All hearings described in this section shall be open to the public.

688           (b) The governing body of a taxing entity conducting a hearing shall permit all  
689 interested parties desiring to be heard an opportunity to present oral testimony within  
690 reasonable time limits.

691           ~~[(7)]~~ (6) (a) Each taxing entity shall notify the county legislative body by March 1 of  
692 each year of the date, time, and place a public hearing is held by the taxing entity pursuant to  
693 this section.

694           (b) A taxing entity may not schedule a hearing described in this section at the same  
695 time as another overlapping taxing entity in the same county, but all taxing entities in which the  
696 power to set tax levies is vested in the same governing board or authority may consolidate the  
697 required hearings into one hearing.

698           (c) The county legislative body shall resolve any conflicts in hearing dates and times  
699 after consultation with each affected taxing entity.

700           ~~[(8)]~~ (7) A taxing entity shall hold a public hearing under this section beginning at or  
701 after 6 p.m.

702           Section 8. Section **59-2-919.1** is enacted to read:

703           **59-2-919.1. Property tax notice.**

704           (1) In addition to providing the notice required by Sections 59-2-918 and 59-2-919, the  
705 county auditor, on or before July 22 of each year, shall notify, by mail, each owner of real  
706 estate as defined in Section 59-2-102 who is listed on the assessment roll.

707           (2) The notice described in Subsection (1) shall:

708 (a) be sent to all owners of real property by mail not less than ten days before the day  
709 on which:

710 (i) the county board of equalization meets; and

711 (ii) the taxing entity holds a public hearing on the proposed increase in the certified tax  
712 rate;

713 (b) be printed on a form that is:

714 (i) approved by the commission; and

715 (ii) uniform in content in all counties in the state; and

716 (c) contain for each property:

717 (i) the value of the property;

718 (ii) the date the county board of equalization will meet to hear complaints on the  
719 valuation;

720 (iii) itemized tax information for all taxing entities, including a separate statement for  
721 the minimum school levy under Section 53A-17a-135 stating:

722 (A) the dollar amount the taxpayer would have paid based on last year's rate; and

723 (B) the amount of the taxpayer's liability under the current rate;

724 (iv) the tax impact on the property;

725 (v) the time and place of the required public hearing for each entity;

726 (vi) property tax information pertaining to:

727 (A) taxpayer relief;

728 (B) options for payment of taxes; and

729 (C) collection procedures;

730 (vii) information specifically authorized to be included on the notice under Title 59,  
731 Chapter 2, Property Tax Act;

732 (viii) the last appraisal date of the property as described in Subsection  
733 59-2-303.1(1)(a); and

734 (ix) other property tax information approved by the commission.

735 Section 9. Section **59-2-1004** is amended to read:

736 **59-2-1004. Appeal to county board of equalization -- Real property -- Time**

737 **period for appeal -- Decision of board -- Extensions approved by commission -- Appeal to**  
738 **commission.**



739 (1) (a) A taxpayer dissatisfied with the valuation or the equalization of the taxpayer's  
740 real property may make an application to appeal by:

741 (i) filing the application with the county board of equalization within the time period  
742 described in Subsection (2); or

743 (ii) making an application by telephone or other electronic means within the time period  
744 described in Subsection (2) if the county legislative body passes a resolution under Subsection  
745 (5) authorizing applications to be made by telephone or other electronic means.

746 (b) The contents of the application shall be prescribed by rule of the county board of  
747 equalization.

748 (2) (a) Except as provided in Subsection (2)(b), for purposes of Subsection (1), a  
749 taxpayer shall make an application to appeal the valuation or the equalization of the taxpayer's  
750 real property on or before the later of:

751 (i) September 15 of the current calendar year; or

752 (ii) the last day of a 45-day period beginning on the day on which the county auditor  
753 mails the notice under [~~Subsection 59-2-919(4)~~] Section 59-2-919.1.

754 (b) Notwithstanding Subsection (2)(a), in accordance with Title 63, Chapter 46a, Utah  
755 Administrative Rulemaking Act, the commission shall make rules providing for circumstances  
756 under which the county board of equalization is required to accept an application to appeal that  
757 is filed after the time period prescribed in Subsection (2)(a).

758 (3) The owner shall include in the application under Subsection (1)(a)(i) the owner's  
759 estimate of the fair market value of the property and any evidence which may indicate that the  
760 assessed valuation of the owner's property is improperly equalized with the assessed valuation  
761 of comparable properties.

762 (4) (a) The county board of equalization shall meet and hold public hearings as  
763 prescribed in Section 59-2-1001.

764 (b) The county board of equalization shall make a decision on each appeal filed in  
765 accordance with this section within a 60-day period after the day on which the application is  
766 made.

767 (c) The commission may approve the extension of a time period provided for in  
768 Subsection (4)(b) for a county board of equalization to make a decision on an appeal.

769 (d) The decision of the board shall contain a determination of the valuation of the

770 property based on fair market value, and a conclusion that the fair market value is properly  
771 equalized with the assessed value of comparable properties.

772 (e) If no evidence is presented before the county board of equalization, it will be  
773 presumed that the equalization issue has been met.

774 (f) (i) If the fair market value of the property that is the subject of the appeal deviates  
775 plus or minus 5% from the assessed value of comparable properties, the valuation of the  
776 appealed property shall be adjusted to reflect a value equalized with the assessed value of  
777 comparable properties.

778 (ii) The equalized value established under Subsection (4)(f)(i) shall be the assessed  
779 value for property tax purposes until the county assessor is able to evaluate and equalize the  
780 assessed value of all comparable properties to bring them all into conformity with full fair  
781 market value.

782 (5) If any taxpayer is dissatisfied with the decision of the county board of equalization,  
783 the taxpayer may file an appeal with the commission as prescribed in Section 59-2-1006.

784 (6) A county legislative body may pass a resolution authorizing taxpayers owing taxes  
785 on property assessed by that county to file property tax appeals applications under this section  
786 by telephone or other electronic means.

787 Section 10. Section **59-2-1330** is amended to read:

788 **59-2-1330. Payment of property taxes -- Payments to taxpayer by state or taxing**  
789 **entity -- Refund of penalties paid by taxpayer -- Refund of interest paid by taxpayer --**  
790 **Payment of interest to taxpayer -- Judgment levy -- Objections to assessments by the**  
791 **commission -- Time periods for making payments to taxpayer.**

792 (1) Unless otherwise specifically provided by statute, property taxes shall be paid  
793 directly to the county assessor or the county treasurer:

- 794 (a) on the date that the property taxes are due; and
- 795 (b) as provided in this chapter.

796 (2) A taxpayer shall receive payment as provided in this section if a reduction in the  
797 amount of any tax levied against any property for which the taxpayer paid a tax or any portion  
798 of a tax under this chapter for a calendar year is required by a final and unappealable judgment  
799 or order described in Subsection (3) issued by:

- 800 (a) a county board of equalization;

801 (b) the commission; or  
802 (c) a court of competent jurisdiction.

803 (3) (a) For purposes of Subsection (2), the state or any taxing entity that has received  
804 property taxes or any portion of property taxes from a taxpayer described in Subsection (2)  
805 shall pay the taxpayer if:

806 (i) the taxes the taxpayer paid in accordance with Subsection (2) are collected by an  
807 authorized officer of the:

808 (A) county; or  
809 (B) state; and

810 (ii) the taxpayer obtains a final and unappealable judgment or order:

811 (A) from:

812 (I) a county board of equalization;  
813 (II) the commission; or  
814 (III) a court of competent jurisdiction;

815 (B) against:

816 (I) the taxing entity or an authorized officer of the taxing entity; or  
817 (II) the state or an authorized officer of the state; and  
818 (C) ordering a reduction in the amount of any tax levied against any property for which  
819 a taxpayer paid a tax or any portion of a tax under this chapter for the calendar year.

820 (b) The amount that the state or a taxing entity shall pay a taxpayer shall be determined  
821 in accordance with Subsections (4) through (7).

822 (4) For purposes of Subsections (2) and (3), the amount the state shall pay to a taxpayer  
823 is equal to the sum of:

824 (a) if the difference described in this Subsection (4)(a) is greater than \$0, the difference  
825 between:

826 (i) the tax the taxpayer paid to the state in accordance with Subsection (2); and  
827 (ii) the amount of the taxpayer's tax liability to the state after the reduction in the  
828 amount of tax levied against the property in accordance with the final and unappealable  
829 judgment or order described in Subsection (3);

830 (b) if the difference described in this Subsection (4)(b) is greater than \$0, the difference  
831 between:

832 (i) any penalties the taxpayer paid to the state in accordance with Section 59-2-1331;  
833 and

834 (ii) the amount of penalties the taxpayer is liable to pay to the state in accordance with  
835 Section 59-2-1331 after the reduction in the amount of tax levied against the property in  
836 accordance with the final and unappealable judgment or order described in Subsection (3);

837 (c) as provided in Subsection (6)(a), interest the taxpayer paid in accordance with  
838 Section 59-2-1331 on the amounts described in Subsections (4)(a) and (4)(b); and

839 (d) as provided in Subsection (6)(b), interest on the sum of the amounts described in:

840 (i) Subsection (4)(a);

841 (ii) Subsection (4)(b); and

842 (iii) Subsection (4)(c).

843 (5) For purposes of Subsections (2) and (3), the amount a taxing entity shall pay to a  
844 taxpayer is equal to the sum of:

845 (a) if the difference described in this Subsection (5)(a) is greater than \$0, the difference  
846 between:

847 (i) the tax the taxpayer paid to the taxing entity in accordance with Subsection (2); and

848 (ii) the amount of the taxpayer's tax liability to the taxing entity after the reduction in  
849 the amount of tax levied against the property in accordance with the final and unappealable  
850 judgment or order described in Subsection (3);

851 (b) if the difference described in this Subsection (5)(b) is greater than \$0, the difference  
852 between:

853 (i) any penalties the taxpayer paid to the taxing entity in accordance with Section  
854 59-2-1331; and

855 (ii) the amount of penalties the taxpayer is liable to pay to the taxing entity in  
856 accordance with Section 59-2-1331 after the reduction in the amount of tax levied against the  
857 property in accordance with the final and unappealable judgment or order described in  
858 Subsection (3); [~~and~~]

859 (c) as provided in Subsection (6)(a), interest the taxpayer paid in accordance with  
860 Section 59-2-1331 on the amounts described in Subsections (5)(a) and (5)(b); and

861 (d) as provided in Subsection (6)(b), interest on the sum of the amounts described in:

862 (i) Subsection (5)(a);

863 (ii) Subsection (5)(b); and  
864 (iii) Subsection (5)(c).  
865 (6) Except as provided in Subsection (7):  
866 (a) interest shall be refunded to a taxpayer on the amount described in Subsection  
867 (4)(c) or (5)(c) in an amount equal to the amount of interest the taxpayer paid in accordance  
868 with Section 59-2-1331; and  
869 (b) interest shall be paid to a taxpayer on the amount described in Subsection (4)(d) or  
870 (5)(d):  
871 (i) beginning on the later of:  
872 (A) the day on which the taxpayer paid the tax in accordance with Subsection (2); or  
873 (B) January 1 of the calendar year immediately following the calendar year for which  
874 the tax was due;  
875 (ii) ending on the day on which the state or a taxing entity pays to the taxpayer the  
876 amount required by Subsection (4) or (5); and  
877 (iii) at the interest rate earned by the state treasurer on public funds transferred to the  
878 state treasurer in accordance with Section 51-7-5.  
879 (7) Notwithstanding Subsection (6):  
880 (a) the state may not pay or refund interest to a taxpayer under Subsection (6) on any  
881 tax the taxpayer paid in accordance with Subsection (2) that exceeds the amount of tax levied  
882 by the state for that calendar year as stated on the notice required by Section 59-2-1317; and  
883 (b) a taxing entity may not pay or refund interest to a taxpayer under Subsection (6) on  
884 any tax the taxpayer paid in accordance with Subsection (2) that exceeds the amount of tax  
885 levied by the taxing entity for that calendar year as stated on the notice required by Section  
886 59-2-1317.  
887 (8) (a) Each taxing entity may levy a tax to pay its share of the final and unappealable  
888 judgment or order described in Subsection (3) if:  
889 (i) the final and unappealable judgment or order is issued no later than 15 days prior to  
890 the date the levy is set under Subsection 59-2-924(2)(a);  
891 (ii) the amount of the judgment levy is included on the notice under Section [~~59-2-919~~  
892 59-2-919.1]; and  
893 (iii) the final and unappealable judgment or order is an eligible judgment, as defined in

894 Section 59-2-102.

895 (b) The levy under Subsection (8)(a) is in addition to, and exempt from, the maximum  
896 levy established for the taxing entity.

897 (9) (a) A taxpayer that objects to the assessment of property assessed by the  
898 commission shall pay, on or before the date of delinquency established under Subsection  
899 59-2-1331(1) or Section 59-2-1332, the full amount of taxes stated on the notice required by  
900 Section 59-2-1317 if:

901 (i) the taxpayer has applied to the commission for a hearing in accordance with Section  
902 59-2-1007 on the objection to the assessment; and

903 (ii) the commission has not issued a written decision on the objection to the assessment  
904 in accordance with Section 59-2-1007.

905 (b) A taxpayer that pays the full amount of taxes due under Subsection (9)(a) is not  
906 required to pay penalties or interest on an assessment described in Subsection (9)(a) unless:

907 (i) a final and unappealable judgment or order establishing that the property described  
908 in Subsection (9)(a) has a value greater than the value stated on the notice required by Section  
909 59-2-1317 is issued by:

910 (A) the commission; or

911 (B) a court of competent jurisdiction; and

912 (ii) the taxpayer fails to pay the additional tax liability resulting from the final and  
913 unappealable judgment or order described in Subsection (9)(b)(i) within a 45-day period after  
914 the county bills the taxpayer for the additional tax liability.

915 (10) (a) Except as provided in Subsection (10)(b), a payment that is required by this  
916 section shall be paid to a taxpayer:

917 (i) within 60 days after the day on which the final and unappealable judgment or order  
918 is issued in accordance with Subsection (3); or

919 (ii) if a judgment levy is imposed in accordance with Subsection (8):

920 (A) if the payment to the taxpayer required by this section is \$5,000 or more, no later  
921 than December 31 of the year in which the judgment levy is imposed; and

922 (B) if the payment to the taxpayer required by this section is less than \$5,000, within  
923 60 days after the date the final and unappealable judgment or order is issued in accordance with  
924 Subsection (3).

- 925 (b) Notwithstanding Subsection (10)(a), a taxpayer may enter into an agreement:  
926 (i) that establishes a time period other than a time period described in Subsection  
927 (10)(a) for making a payment to the taxpayer that is required by this section; and  
928 (ii) with:  
929 (A) an authorized officer of a taxing entity for a tax imposed by a taxing entity; or  
930 (B) an authorized officer of the state for a tax imposed by the state.

931 **Section 11. Effective date.**

932 This bill takes effect on January 1, 2009.

933 **Section 12. Coordinating H.B. 54 with H.B. 186 -- Technical amendments.**

934 If this H.B. 54 and H.B. 186, Property Tax -- County Assessment and Collection

935 Amendments, both pass, it is the intent of the Legislature that the Office of Legislative

936 Research and General Counsel, in preparing the Utah Code database for publication:

937 (1) replace the references in Subsection 59-2-303.1(4) in this bill as follows:

938 (a) "Section 59-2-906.1" with "Section 59-2-1602"; and

939 (b) "Section 59-2-906.2" with "Section 59-2-1603"; and

940 (2) modify Subsection 59-2-1603(2) in H.B. 186 to read:

941 "[(b) subject to Subsection (7);] (2) Except as provided in Subsection 59-2-303.1(4),

942 money derived from funds transmitted by contributing counties [of the second through sixth

943 class and any remaining monies not distributed under Subsection (1)(a)] shall be disbursed pro

944 rata to receiving counties of the second through sixth class based upon the number of adjusted

945 parcel units in each county as determined in Subsection [(2)] (3)."