

AMENDMENTS TO PROPERTY TAX

2009 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: John Dougall

LONG TITLE

General Description:

This bill amends provisions in the Property Tax Act related to the fair market value assessment of aircraft.

Highlighted Provisions:

This bill:

- ▶ provides a method for determining the fair market value of centrally assessed aircraft; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

This bill has retrospective operation for a taxable year beginning on or after January 1, 2009.

Utah Code Sections Affected:

AMENDS:

59-2-201, as last amended by Laws of Utah 2007, Chapters 119 and 306

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

Section 1. Section **59-2-201** is amended to read:

59-2-201. Assessment by commission -- Determination of value of mining



28 **property -- Notification of assessment -- Local assessment of property assessed by the**
29 **unitary method.**

30 (1) By May 1 of each year the following property, unless otherwise exempt under the
31 Utah Constitution or under Part 11, Exemptions, Deferrals, and Abatements, shall be assessed
32 by the commission at 100% of fair market value, as valued on January 1, in accordance with
33 this chapter:

34 (a) except as provided in Subsection (2), all property which operates as a unit across
35 county lines, if the values must be apportioned among more than one county or state;

36 (b) all property of public utilities;

37 (c) all operating property of an airline, air charter service, and air contract service;

38 (d) all geothermal fluids and geothermal resources;

39 (e) all mines and mining claims except in cases, as determined by the commission,
40 where the mining claims are used for other than mining purposes, in which case the value of
41 mining claims used for other than mining purposes shall be assessed by the assessor of the
42 county in which the mining claims are located; and

43 (f) all machinery used in mining, all property or surface improvements upon or
44 appurtenant to mines or mining claims. For the purposes of assessment and taxation, all
45 processing plants, mills, reduction works, and smelters which are primarily used by the owner
46 of a mine or mining claim for processing, reducing, or smelting minerals taken from a mine or
47 mining claim shall be considered appurtenant to that mine or mining claim, regardless of actual
48 location.

49 (2) The commission shall assess and collect property tax on state-assessed commercial
50 vehicles at the time of original registration or annual renewal.

51 (a) The commission shall assess and collect property tax annually on state-assessed
52 commercial vehicles which are registered pursuant to Section 41-1a-222 or 41-1a-228.

53 (b) State-assessed commercial vehicles brought into the state which are required to be
54 registered in Utah shall, as a condition of registration, be subject to ad valorem tax unless all
55 property taxes or fees imposed by the state of origin have been paid for the current calendar
56 year.

57 (c) Real property, improvements, equipment, fixtures, or other personal property in this
58 state owned by the company shall be assessed separately by the local county assessor.

59 (d) The commission shall adjust the value of state-assessed commercial vehicles as
60 necessary to comply with 49 U.S.C. Sec. 14502, and the commission shall direct the county
61 assessor to apply the same adjustment to any personal property, real property, or improvements
62 owned by the company and used directly and exclusively in their commercial vehicle activities.

63 (3) The method for determining the fair market value of productive mining property is
64 the capitalized net revenue method or any other valuation method the commission believes, or
65 the taxpayer demonstrates to the commission's satisfaction, to be reasonably determinative of
66 the fair market value of the mining property. The rate of capitalization applicable to mines
67 shall be determined by the commission, consistent with a fair rate of return expected by an
68 investor in light of that industry's current market, financial, and economic conditions. In no
69 event may the fair market value of the mining property be less than the fair market value of the
70 land, improvements, and tangible personal property upon or appurtenant to the mining
71 property.

72 (4) Immediately following the assessment, the owner or operator of the assessed
73 property shall be notified of the assessment by certified mail. The assessor of the county in
74 which the property is located shall also be immediately notified of the assessment by certified
75 mail.

76 (5) Property assessed by the unitary method, which is not necessary to the conduct and
77 does not contribute to the income of the business as determined by the commission, shall be
78 assessed separately by the local county assessor.

79 (6) For calendar years beginning on or after January 1, 2009 and ending on or before
80 December 31, 2010, the fair market value of an aircraft assessed under this part is equal to:

81 (a) the value referenced in the Used Price for Avg Acft Wholesale column of the
82 Airliner Price Guide by make, model, series, and year of manufacture; minus

83 (b) 20% of the value described in Subsection (6)(a).

84 **Section 2. Retrospective operation.**

85 This bill has retrospective operation for a taxable year beginning on or after January 1,
86 2009.

Legislative Review Note
as of 2-20-09 2:31 PM

Office of Legislative Research and General Counsel

S.B. 210 - Amendments to Property Tax

Fiscal Note

2009 General Session

State of Utah

State Impact

Enactment of this bill will not require additional appropriations.

Individual, Business and/or Local Impact

Businesses operating aircraft will likely experience a decrease in property tax liability of \$3,600,000. Individuals and businesses not operating aircraft will likely experience an increase in property tax of \$3,600,000. On a \$250,000 home, the expected tax increase would be \$0.01. On a \$1,000,000 business, the tax increase would be \$0.70. Local taxing entities are unaffected.
