

POLITICAL SUBDIVISION LIEN AUTHORITY

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: R. Curt Webb

Senate Sponsor: Curtis S. Bramble

LONG TITLE

General Description:

This bill addresses provisions related to political subdivision lien authority.

Highlighted Provisions:

This bill:

- ▶ defines terms;
- ▶ clarifies certain existing grants of political subdivision lien authority to ensure that each grant provides an identifiable effective date, notice mechanism, and enforcement mechanism;
- ▶ imposes limits on political subdivision liens;
- ▶ provides that certain political subdivision liens are invalid against a subsequent bona fide purchaser if the lien is not recorded or if certain notice is not provided before the purchase;
- ▶ prohibits a county treasurer from including an item on the property tax notice unless the item's inclusion is expressly authorized in statute;
- ▶ amends the items that a county treasurer is required to include on a property tax notice;
- ▶ addresses the priority status of a political subdivision lien listed on the property tax notice;
- ▶ allows a tax sale for delinquencies of any item that is statutorily authorized to be included on the property tax notice;
- ▶ amends Title 59, Chapter 2, Part 13, Collection of Taxes, to address items listed on

29 the property tax notice; and
30 ▶ makes technical and conforming changes.

31 **Money Appropriated in this Bill:**

32 None

33 **Other Special Clauses:**

34 None

35 **Utah Code Sections Affected:**

36 AMENDS:

- 37 **10-7-30**, Utah Code Annotated 1953
- 38 **10-8-17**, as last amended by Laws of Utah 2010, Chapter 378
- 39 **10-8-19**, Utah Code Annotated 1953
- 40 **10-11-4**, as last amended by Laws of Utah 2017, Chapter 460
- 41 **11-42-202**, as last amended by Laws of Utah 2017, Chapters 127 and 470
- 42 **11-42-501**, as last amended by Laws of Utah 2015, Chapter 349
- 43 **11-42-502**, as last amended by Laws of Utah 2016, Chapter 85
- 44 **11-42-502.1**, as enacted by Laws of Utah 2016, Chapter 85
- 45 **11-42a-201**, as enacted by Laws of Utah 2017, Chapter 470
- 46 **11-42a-301**, as enacted by Laws of Utah 2017, Chapter 470
- 47 **11-42a-303**, as enacted by Laws of Utah 2017, Chapter 470
- 48 **17B-1-902**, as last amended by Laws of Utah 2017, Chapter 460
- 49 **17B-2a-506**, as last amended by Laws of Utah 2015, Chapter 349
- 50 **17B-2a-1007**, as last amended by Laws of Utah 2015, Chapter 258
- 51 **59-2-1305**, as last amended by Laws of Utah 1999, Chapter 207
- 52 **59-2-1317**, as last amended by Laws of Utah 2016, Chapter 353
- 53 **59-2-1323**, as repealed and reenacted by Laws of Utah 1988, Chapter 3
- 54 **59-2-1324**, as repealed and reenacted by Laws of Utah 1988, Chapter 3
- 55 **59-2-1331**, as last amended by Laws of Utah 2015, Chapter 201

- 56 [59-2-1332.5](#), as last amended by Laws of Utah 2016, Chapter 368
- 57 [59-2-1326](#), as last amended by Laws of Utah 2015, Chapter 258
- 58 [59-2-1327](#), as repealed and reenacted by Laws of Utah 1988, Chapter 3
- 59 [59-2-1332](#), as last amended by Laws of Utah 2015, Chapter 201
- 60 [59-2-1333](#), as last amended by Laws of Utah 1997, Chapter 143
- 61 [59-2-1335](#), as repealed and reenacted by Laws of Utah 1988, Chapter 3
- 62 [59-2-1338](#), as last amended by Laws of Utah 1995, Chapter 181
- 63 [59-2-1339](#), as last amended by Laws of Utah 2000, Chapter 75
- 64 [59-2-1342](#), as last amended by Laws of Utah 1995, Chapter 181
- 65 [59-2-1343](#), as last amended by Laws of Utah 1995, Chapter 181
- 66 [59-2-1345](#), as last amended by Laws of Utah 1995, Chapter 181
- 67 [59-2-1346](#), as last amended by Laws of Utah 2016, Chapter 368
- 68 [59-2-1349](#), as last amended by Laws of Utah 1997, Chapter 143
- 69 [59-2-1351](#), as last amended by Laws of Utah 2009, Chapter 388
- 70 [59-2-1351.1](#), as last amended by Laws of Utah 2000, Chapter 75
- 71 [59-2-1351.5](#), as last amended by Laws of Utah 2001, Chapter 9
- 72 [59-2-1352](#), as repealed and reenacted by Laws of Utah 1988, Chapter 3
- 73 [59-2-1353](#), as last amended by Laws of Utah 1995, Chapter 181
- 74 [59-2-1355](#), as last amended by Laws of Utah 1993, Chapter 227
- 75 [59-2-1358](#), as repealed and reenacted by Laws of Utah 1988, Chapter 3
- 76 [59-2-1359](#), as last amended by Laws of Utah 1992, Chapter 4
- 77 [59-2-1360](#), as repealed and reenacted by Laws of Utah 1988, Chapter 3
- 78 [59-2-1361](#), as last amended by Laws of Utah 2001, Chapter 9
- 79 [59-2-1362](#), as repealed and reenacted by Laws of Utah 1988, Chapter 3
- 80 [59-2-1363](#), as repealed and reenacted by Laws of Utah 1988, Chapter 3
- 81 [59-2-1365](#), as last amended by Laws of Utah 2011, Chapter 342
- 82 [59-2-1366](#), as last amended by Laws of Utah 2001, Chapter 241

83 **59-2-1372**, as enacted by Laws of Utah 1988, Chapter 3

84 ENACTS:

85 **11-58-101**, Utah Code Annotated 1953

86 **11-58-102**, Utah Code Annotated 1953

87 **11-58-103**, Utah Code Annotated 1953

88 **59-2-1301.5**, Utah Code Annotated 1953

89 REPEALS AND REENACTS:

90 **10-7-31**, Utah Code Annotated 1953



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

93 Section 1. Section **10-7-30** is amended to read:

94 **10-7-30. Failure to pay for repairs -- Lien on company's property.**

95 (1) In the event of the refusal of any [~~such~~] company to pave, repave₂ or repair as
96 required [~~herein~~] in this section when so directed, upon the paving or repaving of any street
97 upon which [~~its~~] the company's track is laid, the municipality [~~shall have power to~~] may:

98 (a) pave, repave₂ or repair the [~~same,~~] street; and

99 (b) collect the cost and expense of [~~such~~] the paving, repaving₂ or repairing [~~may be~~
100 ~~collected~~] by levy and sale of any property of [~~such~~] the company in the same manner as
101 special taxes are [~~now or may be~~] collected. [~~Special~~]

102 (2) The municipality may levy special taxes₂ for the purpose [~~of paying the cost of any~~
103 ~~such paving or repaving, macadamizing~~] described in Subsection (1)(b) or repairing of [~~any~~
104 ~~such~~] the railway [~~may be levied~~]₂ upon:

105 (a) all as one property:

106 (i) the track, including the ties, iron, roadbed, right of way, sidetracks₂ and
107 appurtenances₂; and

108 (ii) buildings and real estate belonging to [~~any such~~] the company and used for the
109 purpose of [~~such~~] the railway business [~~all as one property,~~]; or [~~upon such~~]

110 (b) the parts of [such] the track, appurtenances, and property as may be within the
 111 district paved, repaved, macadamized, or repaired[; and shall be a lien upon the property levied
 112 upon from the time of the levy until satisfied. No].

113 (3) (a) The municipality may record the levied special taxes described in Subsection (2)
 114 as a political subdivision lien, as that term is defined in Section 11-58-102, upon the levied
 115 property, in accordance with Title 11, Chapter 58, Political Subdivision Lien Authority.

116 (b) Any mortgage, conveyance, pledge, transfer, or encumbrance of [any such] the
 117 property or of any rolling stock or personal property of [any such] the company[; created or
 118 suffered by it after the time when any street or part thereof upon which any railway shall have
 119 been laid shall have been ordered paved, repaved, macadamized or repaired shall be made or
 120 suffered except] that the company creates or suffers is subject to the lien [of such special taxes;
 121 if such levy is in contemplation].

122 (c) If the lien amount is not paid in full in a given year:

123 (i) by September 15, the municipality shall certify any unpaid amount to the treasurer
 124 of the county in which the lien property is located; and

125 (ii) the county treasurer shall include the certified amount on the property tax notice
 126 required by Section 59-2-1317 for that year.

127 Section 2. Section 10-7-31 is repealed and reenacted to read:

128 **10-7-31. Sale of property to satisfy claims for special taxes.**

129 (1) (a) The city treasurer may:

130 (i) seize any personal property belonging to any company described in Section 10-7-30
 131 to satisfy a delinquent political subdivision lien described in Section 10-7-30; and

132 (ii) sell the seized personal property upon advertisement and in the same manner as
 133 constables may sell personal property upon execution.

134 (b) Failure to seize and sell personal property in accordance with Subsection (1)(a)
 135 does not affect or impair the lien described in Section 10-7-30 or any proceeding allowed by
 136 law to enforce the lien.

137 (2) The county may sell all or a portion of the real property the company described in
138 Section 10-7-30 owns for the payment of the lien through a tax sale in accordance with Title
139 59, Chapter 2, Part 13, Collection of Taxes.

140 Section 3. Section 10-8-17 is amended to read:

141 **10-8-17. City may act as distributing agent -- Collection of operating costs from**
142 **users.**

143 (1) When the governing body of a city is acting as distributing agent of water, not the
144 property of the corporation, outside of or within its corporate limits, the governing body may
145 annually [~~prior to~~], before the commencement of the irrigation season, determine and fix the
146 sum [~~deemed~~] considered necessary to meet the expense of the current year for the purpose of:

147 (a) controlling, regulating, and distributing [such] the water; and

148 (b) constructing and keeping in repair the necessary means for diverting, conveying,
149 and distributing the [same, and they] water.

150 (2) (a) The governing body may collect [such] the sum described in Subsection (1)
151 from the persons entitled to the use of [such] the water, pro rata according to acreage, whether
152 the acreage is situate within or without the corporate boundary of the city[; ~~provided, that the~~
153 funds so derived may not be appropriated or used].

154 (b) The governing body may not appropriate or use the derived funds for any other
155 purpose[; ~~and in~~] than the purposes described in Subsection (1).

156 (c) In the event that the governing body collects a greater sum [is collected] in any one
157 year than is necessary [for said purpose, the excess thereof shall be carried] under Subsection
158 (1), the governing body shall carry the excess to the account of the year next following and
159 [applied to the purpose for which it was collected. Such sum shall be fixed and collected as
160 provided by ordinance, and until collected the same shall be] apply the excess to the purposes
161 described in Subsection (1).

162 (d) The governing body shall enact an ordinance fixing and providing for the collection
163 of the sum described in Subsection (1).

164 (3) (a) Until the governing body collects the sum described in Subsection (1), the sum
165 is a political subdivision lien, as that term is defined in Section 11-58-102, on [such] the
166 subject water rights and the land irrigated [thereby] by the water, in accordance with Title 11,
167 Chapter 58, Political Subdivision Lien Authority.

168 (b) If the lien amount is not paid in full in a given year:

169 (i) by September 15, the governing body shall certify any unpaid amount to the
170 treasurer of the county in which the lien property is located; and

171 (ii) the county treasurer shall include the certified amount on the property tax notice
172 required by Section 59-2-1317 for that year.

173 Section 4. Section 10-8-19 is amended to read:

174 **10-8-19. Water supply -- Special tax for increasing supply when city acting as**
175 **distributing agent.**

176 (1) Whenever a city is acting as distributing agent of water, not the property of the
177 corporation, outside of or within the corporate limits of such city, upon written petition of the
178 owners of [such] the water, [it] the city may increase the supply of water [owned by such
179 persons] that the petitioners own by any means provided in Section 10-8-18[~~and for that~~
180 purpose].

181 (2) (a) To increase the supply of water under Subsection (1), the city may levy and
182 collect from the owners of [such] the water a tax not exceeding [such] the sum per acre of land
183 owned [by such persons as may have been] as agreed upon and designated in [said] the
184 petition[~~; said tax when so collected to be appropriated exclusively to said purposes, except~~
185 such part thereof].

186 (b) The city shall appropriate the tax collected under Subsection (2)(a) exclusively to
187 increase the supply of water under Subsection (1), except as is necessary to pay the expense of
188 levying and collecting the [same. Said tax shall constitute] tax.

189 (3) (a) Until the city collects the tax described in Subsection (2), the unpaid tax is a
190 political subdivision lien, as that term in defined in Section 11-58-102, upon the owner's water

191 rights [~~of the persons~~] and the land [~~irrigated thereby, and shall be levied and collected as~~
192 ~~provided in Section 10-8-17~~] that the water irrigates, in accordance with Title 11, Chapter 58,
193 Political Subdivision Lien Authority.

194 (b) If the lien amount is not paid in full in a given year:

195 (i) by September 15, the city shall certify any unpaid amount to the treasurer of the
196 county in which the lien property is located; and

197 (ii) the county treasurer shall include the certified amount on the property tax notice
198 required by Section 59-2-1317 for that year.

199 Section 5. Section 10-11-4 is amended to read:

200 **10-11-4. Costs of removal to be included in tax notice.**

201 (1) A municipality may certify to the treasurer of the county in which a property
202 described in Section 10-11-3 is located, the unpaid costs and expenses that the municipality has
203 incurred under Section 10-11-3 with regard to the property.

204 (2) If the municipality certifies with the treasurer of the county any costs or expenses
205 incurred for a property under Section 10-11-3, the treasurer shall enter the amount of the costs
206 and expenses on the assessment and tax rolls of the county in the column prepared for that
207 purpose.

208 (3) If current tax notices have been mailed, the treasurer of the county may carry the
209 costs and expenses described in Subsection (2) on the assessment and tax rolls to the following
210 year.

211 (4) (a) After entry by the treasurer of the county[;] under Subsection (2):

212 (i) the amount entered[; ~~(a) shall have the force and effect of a valid judgment of the~~
213 ~~district court; (b)~~] is a nonrecurring tax notice charge that constitutes a political subdivision
214 lien, as those terms are defined in Section 11-58-102, upon the property[; and] in accordance
215 with Title 11, Chapter 58, Political Subdivision Lien Authority; and

216 [~~(c)~~] (ii) [~~shall be collected by the~~] the treasurer of the county in which the property is
217 located shall collect the amount entered at the time of the payment of general taxes.

218 (b) (i) Notwithstanding Subsection (7), the municipality may pursue judicial
219 foreclosure to enforce the lien rather than relying on a tax sale.

220 (ii) If the municipality pursues judicial foreclosure under this Subsection (4)(b):
221 (A) the municipality shall record the lien in the office of the recorder of the county in
222 which the liened property is located; and

223 (B) the priority date of the lien, for the purpose of the judicial foreclosure, is the date
224 on which the municipality records the lien.

225 (5) Upon payment of the costs and expenses that the treasurer of the county enters
226 under Subsection (2):

227 [~~(a) the judgement is satisfied;~~]
228 [~~(b)~~] (a) the lien described in Subsection (4) is released from the property; [and]
229 (b) the municipality shall record a release of the lien in the office of the recorder of the
230 county in which the liened property is located; and

231 [~~(c)~~] (c) [receipt shall be acknowledged] the treasurer shall acknowledge receipt upon
232 the general tax receipt [issued by] that the treasurer issues.

233 (6) (a) If a municipality certifies unpaid costs and expenses under this section, the
234 treasurer of the county shall provide a notice, in accordance with this Subsection (6), to the
235 owner of the property for which the municipality has incurred the unpaid costs and expenses.

236 (b) In providing the notice required in Subsection (6)(a), the treasurer of the county
237 shall:

238 (i) include the amount of unpaid costs and expenses that a municipality has certified on
239 or before July 15 of the current year;

240 (ii) provide contact information, including a phone number, for the property owner to
241 contact the municipality to obtain more information regarding the amount described in
242 Subsection (6)(b)(i); and

243 (iii) notify the property owner that:
244 (A) unless the municipality completes a judicial foreclosure under Subsection (4)(b), if

245 the amount described in Subsection (6)(b)(i) is not paid in full by September 15 of the current
246 year, any unpaid amount will be included on the property tax notice required by Section
247 [59-2-1317](#); and

248 (B) the failure to pay the amount described in Subsection (6)(b)(i) has resulted in a lien
249 on the property in accordance with ~~[this section]~~ Subsection (4).

250 (c) The treasurer of the county shall provide the notice required by this Subsection (6)
251 to a property owner on or before August 1.

252 (d) If the municipality pursues judicial foreclosure under Subsection (4)(b) and
253 completes the judicial foreclosure, before any tax sale proceedings on a property described in
254 Subsection (1), the treasurer of the county shall remove from the assessment roll any costs or
255 expenses that the treasurer added to the assessment roll under Subsection (2).

256 (7) If the amount described in Subsection (6)(b)(i) is not paid in full in a given year, by
257 September 15, the county treasurer shall include any unpaid amount on the property tax notice
258 required by Section [59-2-1317](#) for that year.

259 ~~[(7)]~~ (8) This section does not apply to any public building, public structure, or public
260 improvement.

261 Section 6. Section **11-42-202** is amended to read:

262 **11-42-202. Requirements applicable to a notice of a proposed assessment area**
263 **designation.**

264 (1) Each notice required under Subsection [11-42-201](#)(2)(a) shall:

265 (a) state that the local entity proposes to:

266 (i) designate one or more areas within the local entity's jurisdictional boundaries as an
267 assessment area;

268 (ii) provide an improvement to property within the proposed assessment area; and

269 (iii) finance some or all of the cost of improvements by an assessment on benefitted
270 property within the assessment area;

271 (b) describe the proposed assessment area by any reasonable method that allows an

272 owner of property in the proposed assessment area to determine that the owner's property is
273 within the proposed assessment area;

274 (c) describe, in a general and reasonably accurate way, the improvements to be
275 provided to the assessment area, including:

276 (i) the nature of the improvements; and

277 (ii) the location of the improvements, by reference to streets or portions or extensions
278 of streets or by any other means that the governing body chooses that reasonably describes the
279 general location of the improvements;

280 (d) state the estimated cost of the improvements as determined by a project engineer;

281 (e) for the version of notice mailed in accordance with Subsection (4)(b), state the
282 estimated total assessment specific to the benefitted property for which the notice is mailed;

283 (f) state that the local entity proposes to levy an assessment on benefitted property
284 within the assessment area to pay some or all of the cost of the improvements according to the
285 estimated benefits to the property from the improvements;

286 (g) if applicable, state that an unassessed benefitted government property will receive
287 improvements for which the cost will be allocated proportionately to the remaining benefitted
288 properties within the proposed assessment area and that a description of each unassessed
289 benefitted government property is available for public review at the location or website
290 described in Subsection (6);

291 (h) state the assessment method by which the governing body proposes to calculate the
292 proposed assessment, including, if the local entity is a municipality or county, whether the
293 assessment will be collected:

294 (i) by directly billing a property owner; or

295 (ii) by inclusion on a property tax notice issued in accordance with Section [59-2-1317](#)
296 and in compliance with Section [11-42-401](#);

297 (i) state:

298 (i) the date described in Section [11-42-203](#) and the location at which protests against

299 designation of the proposed assessment area or of the proposed improvements are required to
300 be filed;

301 (ii) the method by which the governing body will determine the number of protests
302 required to defeat the designation of the proposed assessment area or acquisition or
303 construction of the proposed improvements; and

304 (iii) in large, boldface, and conspicuous type that a property owner must protest the
305 designation of the assessment area in writing if the owner objects to the area designation or
306 being assessed for the proposed improvements, operation and maintenance costs, or economic
307 promotion activities;

308 (j) state the date, time, and place of the public hearing required in Section 11-42-204;

309 (k) if the governing body elects to create and fund a reserve fund under Section
310 11-42-702, include a description of:

311 (i) how the reserve fund will be funded and replenished; and

312 (ii) how remaining money in the reserve fund is to be disbursed upon full payment of
313 the bonds;

314 (l) if the governing body intends to designate a voluntary assessment area, include a
315 property owner consent form that:

316 (i) estimates the total assessment to be levied against the particular parcel of property;

317 (ii) describes any additional benefits that the governing body expects the assessed
318 property to receive from the improvements;

319 (iii) designates the date and time by which the fully executed consent form is required
320 to be submitted to the governing body; and

321 (iv) if the governing body intends to enforce an assessment lien on the property in
322 accordance with Subsection 11-42-502.1(2)(~~e~~)(a)(ii)(C):

323 (A) appoints a trustee that satisfies the requirements described in Section 57-1-21;

324 (B) gives the trustee the power of sale; and

325 (C) explains that if an assessment or an installment of an assessment is not paid when

326 due, the local entity may sell the property owner's property to satisfy the amount due plus
327 interest, penalties, and costs, in the manner described in Title 57, Chapter 1, Conveyances;
328 (m) if the local entity intends to levy an assessment to pay operation and maintenance
329 costs or for economic promotion activities, include:
330 (i) a description of the operation and maintenance costs or economic promotion
331 activities to be paid by assessments and the initial estimated annual assessment to be levied;
332 (ii) a description of how the estimated assessment will be determined;
333 (iii) a description of how and when the governing body will adjust the assessment to
334 reflect the costs of:
335 (A) in accordance with Section 11-42-406, current economic promotion activities; or
336 (B) current operation and maintenance costs;
337 (iv) a description of the method of assessment if different from the method of
338 assessment to be used for financing any improvement; and
339 (v) a statement of the maximum number of years over which the assessment will be
340 levied for:
341 (A) operation and maintenance costs; or
342 (B) economic promotion activities;
343 (n) if the governing body intends to divide the proposed assessment area into
344 classifications under Subsection 11-42-201(1)(b), include a description of the proposed
345 classifications;
346 (o) if applicable, state the portion and value of the improvement that will be increased
347 in size or capacity to serve property outside of the assessment area and how the increases will
348 be financed; and
349 (p) state whether the improvements will be financed with a bond and, if so, the
350 currently estimated interest rate and term of financing, subject to Subsection (2), for which the
351 benefitted properties within the assessment area may be obligated.
352 (2) The estimated interest rate and term of financing in Subsection (1)(p) may not be

353 interpreted as a limitation to the actual interest rate incurred or the actual term of financing as
354 subject to the market rate at the time of the issuance of the bond.

355 (3) A notice required under Subsection 11-42-201(2)(a) may contain other information
356 that the governing body considers to be appropriate, including:

357 (a) the amount or proportion of the cost of the improvement to be paid by the local
358 entity or from sources other than an assessment;

359 (b) the estimated total amount of each type of assessment for the various improvements
360 to be financed according to the method of assessment that the governing body chooses; and

361 (c) provisions for any improvements described in Subsection 11-42-102(24)(a)(ii).

362 (4) Each notice required under Subsection 11-42-201(2)(a) shall:

363 (a) (i) (A) be published in a newspaper of general circulation within the local entity's
364 jurisdictional boundaries, once a week for four consecutive weeks, with the last publication at
365 least five but not more than 20 days before the day of the hearing required in Section
366 11-42-204; or

367 (B) if there is no newspaper of general circulation within the local entity's jurisdictional
368 boundaries, be posted in at least three public places within the local entity's jurisdictional
369 boundaries at least 20 but not more than 35 days before the day of the hearing required in
370 Section 11-42-204; and

371 (ii) be published on the Utah Public Notice Website described in Section 63F-1-701 for
372 four weeks before the deadline for filing protests specified in the notice under Subsection
373 (1)(i); and

374 (b) be mailed, postage prepaid, within 10 days after the first publication or posting of
375 the notice under Subsection (4)(a) to each owner of property to be assessed within the proposed
376 assessment area at the property owner's mailing address.

377 (5) (a) The local entity may record the version of the notice that is published or posted
378 in accordance with Subsection (4)(a) with the office of the county recorder, by legal description
379 and tax identification number as identified in county records, against the property proposed to

380 be assessed.

381 (b) The notice recorded under Subsection (5)(a) expires and is no longer valid one year
382 after the day on which the local entity records the notice if the local entity has failed to adopt
383 the designation ordinance or resolution under Section 11-42-201 designating the assessment
384 area for which the notice was recorded.

385 (6) A local entity shall make available on the local entity's website, or, if no website is
386 available, at the local entity's place of business, the address and type of use of each unassessed
387 benefitted government property described in Subsection (1)(g).

388 (7) If a governing body fails to provide actual or constructive notice under this section,
389 the local entity may not assess a levy against a benefitted property omitted from the notice
390 unless:

391 (a) the property owner gives written consent;

392 (b) the property owner received notice under Subsection 11-42-401(2)(a)(iii) and did
393 not object to the levy of the assessment before the final hearing of the board of equalization; or

394 (c) the benefitted property is conveyed to a subsequent purchaser and, before the date
395 of conveyance, the requirements of Subsections 11-42-206(3)(a)(i) and (ii), or, if applicable,
396 Subsection 11-42-207(1)(d)(i) are met.

397 Section 7. Section 11-42-501 is amended to read:

398 **11-42-501. Assessment constitutes a lien -- Characteristics of an assessment lien.**

399 (1) [Each] If the governing body of the local entity that adopts an assessment resolution
400 or ordinance records the assessment resolution or ordinance and the notice of proposed
401 assessment, in accordance with Section 11-42-206, in the office of the recorder of the county in
402 which the assessed property is located, each assessment levied under this chapter, including any
403 installment of an assessment, interest, and any penalties and costs of collection, constitutes a
404 political subdivision lien, as that term is defined in Section 11-58-102, against the property
405 assessed, in accordance with Title 11, Chapter 58, Political Subdivision Lien Authority, and
406 subject to the provisions of this chapter, as of the effective date of the assessment resolution or

407 ordinance.

408 (2) A lien under this section:

409 (a) is superior to the lien of a trust deed, mortgage, mechanic's or materialman's lien, or
410 other encumbrances;

411 (b) has the same priority as, but is separate and distinct from, a lien for general property
412 taxes;

413 (c) applies without interruption, change in priority, or alteration in any manner to any
414 reduced payment obligations; and

415 (d) continues until the assessments, reduced payment obligations, and any interest,
416 penalties, and costs are paid, despite:

417 (i) a sale of the property for or on account of a delinquent general property tax, special
418 tax, or other assessment; or

419 (ii) the issuance of a tax deed, an assignment of interest by the county, or a sheriff's
420 certificate of sale or deed.

421 Section 8. Section **11-42-502** is amended to read:

422 **11-42-502. Enforcement of an assessment lien -- Pre-May 10, 2016, procedure.**

423 (1) The provisions of this section apply to any property that is:

424 (a) (i) located within the boundaries of an assessment area; and

425 (ii) the subject of a foreclosure procedure initiated before May 10, 2016, for an
426 assessment or an installment of an assessment that is not paid when due; or

427 (b) located within the boundaries of an assessment area for which the local entity
428 issued an assessment bond or a refunding assessment bond:

429 (i) before May 10, 2016;

430 (ii) that has not reached final maturity; and

431 (iii) that is not refinanced on or after May 10, 2016.

432 (2) (a) If an assessment or an installment of an assessment is not paid when due[;] in a
433 given year:

434 (i) subject to Subsection (2)(b):
435 (A) by September 15, the governing body of the local entity that levies the assessment
436 shall certify any unpaid amount calculated as of the date of certification to the treasurer of the
437 county in which the assessed property is located; and
438 (B) the county treasurer shall include the certified amount on the property tax notice
439 required by Section 59-2-1317 for that year; and
440 (ii) the local entity may sell the property on which the assessment has been levied for
441 the amount due plus interest, penalties, and costs, in the manner provided:
442 ~~[(a)]~~ (A) by resolution or ordinance of the local entity;
443 ~~[(b)]~~ (B) in Title 59, Chapter 2, Part 13, Collection of Taxes, for the sale of property
444 for delinquent general property taxes; or
445 ~~[(c)]~~ (C) in Title 57, Chapter 1, Conveyances, as though the property were the subject
446 of a trust deed in favor of the local entity.
447 (b) (i) The certification of the unpaid amount described in Subsection (2)(a)(i):
448 (A) has no effect on the amount due plus interest, penalties, and costs or other
449 requirements of the assessment as described in the assessment resolution or ordinance; and
450 (B) is required to provide for the ability of the local entity to collect the delinquent
451 assessment by the sale of property in a sale for delinquent general property taxes and tax notice
452 charges, as that term is defined in Section 59-2-1301.5, in accordance with Title 59, Chapter 2,
453 Part 13, Collection of Taxes.
454 (ii) A local entity's failure to certify an amount in accordance with Subsection (2)(a)(i)
455 or a county treasurer's failure to include the certified amount on the property tax notice is not a
456 defense to and does not delay, prohibit, or diminish a local entity's lien rights or authority to
457 pursue any enforcement remedy, other than a delay in the local entity's ability to collect the
458 delinquent assessment as described in Subsection (2)(b)(i)(B).
459 (c) Nothing in Subsection (2)(a)(i) or in Title 11, Chapter 58, Political Subdivision
460 Lien Authority, prohibits or diminishes a local entity's authority to pursue any remedy in

461 Subsection (2)(a)(ii).

462 (3) Except as otherwise provided in this chapter, each tax sale under Subsection
463 (2)[(b)](a)(ii)(B) shall be governed by Title 59, Chapter 2, Part 13, Collection of Taxes, to the
464 same extent as if the sale were for the sale of property for delinquent general property taxes.

465 (4) (a) In a foreclosure under Subsection (2)[(c)](a)(ii)(C):

466 (i) the local entity may bid at the sale;

467 (ii) the local entity's governing body shall designate a trustee satisfying the
468 requirements of Section 57-1-21;

469 (iii) each trustee designated under Subsection (4)(a)(ii) has a power of sale with respect
470 to the property that is the subject of the delinquent assessment lien;

471 (iv) the property that is the subject of the delinquent assessment lien is considered to
472 have been conveyed to the trustee, in trust, for the sole purpose of permitting the trustee to
473 exercise the trustee's power of sale under Subsection (4)(a)(iii);

474 (v) if no one bids at the sale and pays the local entity the amount due on the
475 assessment, plus interest and costs, the property is considered sold to the local entity for those
476 amounts; and

477 (vi) the local entity's chief financial officer may substitute and appoint one or more
478 successor trustees, as provided in Section 57-1-22.

479 (b) The designation of a trustee under Subsection (4)(a)(ii) shall be disclosed in the
480 notice of default that the trustee gives to commence the foreclosure, and need not be stated in a
481 separate instrument.

482 (5) (a) The redemption of property that is the subject of a tax sale under Subsection
483 (2)[(b)](a)(ii)(B) is governed by Title 59, Chapter 2, Part 13, Collection of Taxes.

484 (b) The redemption of property that is the subject of a foreclosure proceeding under
485 Subsection (2)[(c)](a)(ii)(C) is governed by Title 57, Chapter 1, Conveyances.

486 (6) (a) The remedies described in this part for the collection of an assessment and the
487 enforcement of an assessment lien are cumulative.

488 (b) The use of one or more of the remedies described in this part does not deprive the
 489 local entity of any other available remedy or means of collecting the assessment or enforcing
 490 the assessment lien.

491 Section 9. Section 11-42-502.1 is amended to read:

492 **11-42-502.1. Enforcement of an assessment lien -- Post-May 10, 2016, procedure.**

493 (1) (a) Except as provided in Subsection (1)(b), the provisions of this section apply to
 494 any property that is:

495 (i) located within the boundaries of an assessment area; and

496 (ii) the subject of a foreclosure procedure initiated on or after May 10, 2016, for an
 497 assessment or an installment of an assessment that is not paid when due.

498 (b) The provisions of this chapter do not apply to property described in Subsection
 499 11-42-502(1)(b).

500 (2) (a) If an assessment or an installment of an assessment is not paid when due[;] in a
 501 given year:

502 (i) subject to Subsection (2)(b):

503 (A) by September 15, the governing body of the local entity that levies the assessment
 504 shall certify any unpaid amount calculated as of the date of the certification to the treasurer of
 505 the county in which the assessed property is located; and

506 (B) the county treasurer shall include the certified amount on the property tax notice
 507 required by Section 59-2-1317 for that year; and

508 (ii) the local entity may sell the property on which the assessment has been levied for
 509 the amount due plus interest, penalties, and costs:

510 [~~(a)~~] (A) in the manner provided in Title 59, Chapter 2, Part 13, Collection of Taxes,
 511 for the sale of property for delinquent general property taxes;

512 [~~(b)~~] (B) by judicial foreclosure; or

513 [~~(c)~~] (C) in the manner described in Title 57, Chapter 1, Conveyances, if[;-(i)] the

514 property is in a voluntary assessment area[;] and [(ii)] the owner of record of the property at the

515 time the local entity initiates the process to sell the property in accordance with Title 57,
516 Chapter 1, Conveyances, executed a property owner's consent form described in Subsection
517 [11-42-202\(1\)\(l\)](#) that includes a provision described in Subsection [11-42-202\(1\)\(l\)\(iv\)](#).

518 (b) (i) The certification of the unpaid amount described in Subsection (2)(a)(i):

519 (A) has no effect on the amount due plus interest, penalties, and costs or other
520 requirements of the assessment as described in the assessment resolution or ordinance; and

521 (B) is required to provide for the ability of the local entity to collect the delinquent
522 assessment by the sale of property in a sale for delinquent general property taxes and tax notice
523 charges, as that term is defined in Section [59-2-1301.5](#), in accordance with Title 59, Chapter 2,
524 Part 13, Collection of Taxes.

525 (ii) A local entity's failure to certify an amount in accordance with Subsection (2)(a)(i)
526 or a county treasurer's failure to include the certified amount on the property tax notice is not a
527 defense to and does not delay, prohibit, or diminish a local entity's lien rights or authority to
528 pursue any enforcement remedy, other than a delay in the local entity's ability to collect the
529 delinquent assessment as described in Subsection (2)(b)(i)(B).

530 (c) Nothing in Subsection (2)(a)(i) or in Title 11, Chapter 58, Political Subdivision
531 Lien Authority, prohibits or diminishes a local entity's authority to pursue any remedy in
532 Subsection (2)(a)(ii).

533 (3) Except as otherwise provided in this chapter, each tax sale under Subsection
534 (2)(a)(ii)(A) shall be governed by Title 59, Chapter 2, Part 13, Collection of Taxes, to the same
535 extent as if the sale were for the sale of property for delinquent general property taxes.

536 (4) (a) The redemption of property that is the subject of a tax sale under Subsection
537 (2)(~~(a)~~)(a)(ii)(A) is governed by Title 59, Chapter 2, Part 13, Collection of Taxes.

538 (b) The redemption of property that is the subject of a judicial foreclosure proceeding
539 under Subsection (2)(~~(b)~~)(a)(ii)(B) is governed by Title 78B, Chapter 6, Part 9, Mortgage
540 Foreclosure.

541 (c) The redemption of property that is the subject of a foreclosure proceeding under

542 Subsection (2)~~(c)~~(a)(ii)(C) is governed by Title 57, Chapter 1, Conveyances.

543 (5) (a) The remedies described in this part for the collection of an assessment and the
544 enforcement of an assessment lien are cumulative.

545 (b) The use of one or more of the remedies described in this part does not deprive the
546 local entity of any other available remedy or means of collecting the assessment or enforcing
547 the assessment lien.

548 Section 10. Section **11-42a-201** is amended to read:

549 **11-42a-201. Resolution or ordinance designating an energy assessment area,**
550 **levying an assessment, and issuing an energy assessment bond.**

551 (1) (a) Except as otherwise provided in this chapter, and subject to the requirements of
552 this part, at the request of a property owner on whose property or for whose benefit an
553 improvement is being installed or being reimbursed, a governing body of a local entity may
554 adopt an energy assessment resolution or an energy assessment ordinance that:

- 555 (i) designates an energy assessment area;
- 556 (ii) levies an assessment within the energy assessment area; and
- 557 (iii) if applicable, authorizes the issuance of an energy assessment bond.

558 (b) The boundaries of a proposed energy assessment area may:

- 559 (i) include property that is not intended to be assessed; and
- 560 (ii) overlap, be coextensive with, or be substantially coterminous with the boundaries
561 of any other energy assessment area or an assessment area created under Title 11, Chapter 42,
562 Assessment Area Act.

563 (c) The energy assessment resolution or ordinance described in Subsection (1)(a) is
564 adequate for purposes of identifying the property to be assessed within the energy assessment
565 area if the resolution or ordinance describes the property to be assessed by legal description and
566 tax identification number.

567 (2) (a) A local entity that adopts an energy assessment resolution or ordinance under
568 Subsection (1)(a) shall give notice of the adoption by:

569 (i) publishing a copy or a summary of the resolution or ordinance once in a newspaper
570 of general circulation where the energy assessment area is located; or

571 (ii) if there is no newspaper of general circulation where the energy assessment area is
572 located, posting a copy of the resolution or ordinance in at least three public places within the
573 local entity's jurisdictional boundaries for at least 21 days.

574 (b) Except as provided in Subsection (2)(a), a local entity is not required to make any
575 other publication or posting of the resolution or ordinance.

576 (3) Notwithstanding any other statutory provision regarding the effective date of a
577 resolution or ordinance, each energy assessment resolution or ordinance takes effect:

578 (a) on the date of publication or posting of the notice under Subsection (2); or

579 (b) at a later date as provided in the resolution or ordinance.

580 (4) (a) The governing body of each local entity that has adopted an energy assessment
581 resolution or ordinance under Subsection (1) shall, within five days after the effective date of
582 the resolution or ordinance, file a notice of assessment interest with the recorder of the county
583 in which the property to be assessed is located.

584 (b) Each notice of assessment interest under Subsection (4)(a) shall:

585 (i) state that the local entity has an assessment interest in the property to be assessed;
586 and

587 (ii) describe the property to be assessed by legal description and tax identification
588 number.

589 (c) ~~[A local entity's failure]~~ If a local entity fails to file a notice of assessment interest
590 under this Subsection (4) ~~[has no effect on the validity of an assessment levied under an energy~~
591 ~~assessment resolution or ordinance adopted under Subsection (1).];~~

592 (i) the failure does not invalidate the designation of an energy assessment area; and

593 (ii) the local entity may not assess a levy against a subsequent purchaser of a benefitted
594 property that lacked recorded notice unless:

595 (A) the subsequent purchaser gives written consent;

596 (B) the subsequent purchaser has actual notice of the assessment levy; or
597 (C) the subsequent purchaser purchased the property after a corrected notice was filed
598 under Subsection (4)(d).

599 (d) The local entity may file a corrected notice if the entity fails to comply with the date
600 or other requirements for filing a notice of assessment interest.

601 (e) If a governing body has filed a corrected notice under Subsection (4)(d), the local
602 entity may not retroactively collect or adjust the amount of the levy to recapture lost funds for a
603 levy that the local entity was prohibited from collecting, if applicable, under Subsection (4)(c).

604 Section 11. Section **11-42a-301** is amended to read:

605 **11-42a-301. Assessment constitutes a lien -- Characteristics of an energy**
606 **assessment lien.**

607 (1) ~~[Each]~~ If a local entity that adopts an assessment resolution or ordinance records
608 the assessment resolution or ordinance and the notice of proposed assessment, in accordance
609 with Section [11-42a-201](#), in the office of the recorder of the county in which the assessed
610 property is located, each assessment levied under this chapter, including any installment of an
611 assessment, interest, and any penalties and costs of collection, constitutes a political
612 subdivision lien, as that term is defined in Section [11-58-102](#), against the assessed property, in
613 accordance with Title 11, Chapter 58, Political Subdivision Lien Authority, and subject to the
614 provisions of this chapter, beginning on the effective date of the energy assessment resolution
615 or ordinance that the local entity adopts under Subsection [11-42a-201](#)(1)(a).

616 (2) An energy assessment lien under this section:

617 (a) is superior to the lien of a trust deed, mortgage, mechanic's or materialman's lien, or
618 other encumbrances;

619 (b) has the same priority as, but is separate and distinct from:

620 (i) a lien for general property taxes; or

621 (ii) any other energy assessment lien levied under this chapter;

622 (c) applies to any reduced payment obligations without interruption, change in priority,

623 or alteration in any manner; and

624 (d) continues until the assessment and any related reduced payment obligations,
625 interest, penalties, and costs are paid, regardless of:

626 (i) a sale of the property for or on account of a delinquent general property tax, special
627 tax, or other assessment; or

628 (ii) the issuance of a tax deed, an assignment of interest by the county, or a sheriff's
629 certificate of sale or deed.

630 Section 12. Section **11-42a-303** is amended to read:

631 **11-42a-303. Enforcement of an energy assessment lien.**

632 (1) (a) If an assessment or an installment of an assessment is not paid when due[;] in a
633 given year:

634 (i) subject to Subsection (1)(c):

635 (A) by September 15, the governing body of the local entity that levies the assessment
636 shall certify any unpaid amount calculated as of the date of certification to the treasurer of the
637 county in which the assessed property is located; and

638 (B) the county treasurer shall include the certified amount on the property tax notice
639 required by Section 59-2-1317 for that year; and

640 (ii) the local entity may sell the property on which the assessment has been levied for
641 the amount due plus interest, penalties, and costs:

642 [~~(a)~~] (A) in the manner provided in Title 59, Chapter 2, Part 13, Collection of Taxes,
643 for the sale of property for delinquent general property taxes;

644 [~~(b)~~] (B) by judicial foreclosure; or

645 [~~(c)~~] (C) in the manner provided in Title 57, Chapter 1, Conveyances, as though the
646 property were the subject of a trust deed in favor of the local entity if the owner of record of the
647 property at the time the local entity initiates the process to sell the property in accordance with
648 Title 57, Chapter 1, Conveyances, has executed a property owner's consent form [~~that:~~] in
649 accordance with Subsection (1)(b).

650 (b) The local entity shall ensure that the consent form described in Subsection
651 (1)(a)(ii)(C):
652 (i) estimates the total assessment to be levied against the particular parcel of property;
653 (ii) describes any additional benefits that the local entity expects the assessed property
654 to receive from the improvements;
655 (iii) designates the date and time by which the fully executed consent form is required
656 to be submitted to the local entity; and
657 (iv) (A) appoints a trustee that satisfies the requirements described in Section [57-1-21](#);
658 (B) gives the trustee the power of sale; and
659 (C) explains that if an assessment or an installment of an assessment is not paid when
660 due, the local entity may sell the property owner's property to satisfy the amount due plus
661 interest, penalties, and costs, in the manner described in Title 57, Chapter 1, Conveyances.
662 (c) (i) The certification of the unpaid amount described in Subsection (1)(a)(i):
663 (A) has no effect on the amount due plus interest, penalties, and costs or other
664 requirements of the energy assessment as described in the energy assessment resolution or
665 ordinance; and
666 (B) is required to provide for the ability of the local entity to collect the delinquent
667 energy assessment by the sale of property in a sale for delinquent general property taxes and tax
668 notice charges, as that term is defined in Section [59-2-1301.5](#), in accordance with Title 59,
669 Chapter 2, Part 13, Collection of Taxes.
670 (ii) A local entity's failure to certify an amount in accordance with Subsection (1)(a)(i)
671 or a county treasurer's failure to include the certified amount on the property tax notice is not a
672 defense to and does not delay, prohibit, or diminish a local entity's lien rights or authority to
673 pursue any enforcement remedy, other than a delay in the local entity's ability to collect the
674 delinquent energy assessment as described in Subsection (1)(c)(i)(B).
675 (d) Nothing in Subsection (1)(a)(i) or in Title 11, Chapter 58, Political Subdivision
676 Lien Authority, prohibits or diminishes a local entity's authority to pursue any remedy in

677 Subsection (1)(a)(ii).

678 (2) If the local entity has assigned the local entity's rights to a third-party lender under
679 Section [11-42a-302](#), the local entity shall provide written instructions to the third-party lender
680 as to which method of enforcement the third-party lender shall pursue.

681 (3) Except as otherwise provided in this chapter, each tax sale under Subsection
682 (1)~~(b)~~(a)(ii)(B) is governed by Title 59, Chapter 2, Part 13, Collection of Taxes, to the same
683 extent as if the sale were for the sale of property for delinquent general property taxes.

684 (4) (a) In a foreclosure under Subsection (1)~~(c)~~(a)(ii)(C):

685 (i) the local entity may bid at the sale;

686 (ii) if no one bids at the sale and pays the local entity the amount due on the
687 assessment, plus interest and costs, the property is considered sold to the local entity for those
688 amounts; and

689 (iii) the local entity's chief financial officer may substitute and appoint one or more
690 successor trustees, as provided in Section [57-1-22](#).

691 (b) (i) The local entity shall disclose the designation of a trustee under Subsection
692 (4)(a)(ii) in the notice of default that the trustee gives to commence the foreclosure.

693 (ii) The local entity is not required to disclose the designation of a trustee under
694 Subsection (4)(a)(ii) in an instrument separate from the notice described in Subsection
695 (4)(b)(i).

696 (5) (a) The redemption of property that is the subject of a tax sale under Subsection
697 (1)(b) is governed by Title 59, Chapter 2, Part 13, Collection of Taxes.

698 (b) The redemption of property that is the subject of a foreclosure proceeding under
699 Subsection (1)~~(c)~~(a)(ii)(C) is governed by Title 57, Chapter 1, Conveyances.

700 (6) The remedies described in this part for the collection of an assessment and the
701 enforcement of an energy assessment lien are cumulative, and the use of one or more of those
702 remedies does not deprive the local entity of any other available remedy, means of collecting
703 the assessment, or means of enforcing the energy assessment lien.

704 Section 13. Section **11-58-101** is enacted to read:

705 **CHAPTER 58. POLITICAL SUBDIVISION LIEN AUTHORITY**

706 **11-58-101. Title.**

707 This chapter is known as "Political Subdivision Lien Authority."

708 Section 14. Section **11-58-102** is enacted to read:

709 **11-58-102. Definitions.**

710 As used in this chapter:

711 (1) "Direct charge" means a charge, fee, assessment, or amount, other than a property
712 tax, that a political subdivision charges to a property owner.

713 (2) "Nonrecurring tax notice charge" means a tax notice charge that a political
714 subdivision certifies to the county treasurer on a one-time or case-by-case basis rather than
715 regularly over multiple calendar years.

716 (3) "Notice of lien" means a notice that:

717 (a) a political subdivision records in the office of the recorder of the county in which a
718 property that is the subject of a nonrecurring tax notice charge is located; and

719 (b) describes the nature and amount of the nonrecurring tax notice charge and whether
720 the political subdivision intends to certify the charge to the county treasurer under statutory
721 authority that allows the treasurer to place the charge on the property tax notice described in
722 Section [59-2-1317](#).

723 (4) "Political subdivision" means:

724 (a) a county, as that term is defined in Section [17-50-101](#);

725 (b) a municipality, as that term is defined in Section [10-1-104](#);

726 (c) a local district, as that term is defined in Section [17B-1-102](#);

727 (d) a special service district, as that term is defined in Section [17D-1-102](#);

728 (e) an interlocal entity, as that term is defined in Section [11-13-103](#);

729 (f) a community reinvestment agency created under Title 17C, Limited Purpose Local
730 Government Entities - Community Reinvestment Agency Act;

731 (g) a local building authority, as that term is defined in Section 17D-2-102;
732 (h) a conservation district, as that term is defined in Section 17D-3-102; or
733 (i) a local entity, as that term is defined in Sections 11-42-102 and 11-42a-102.
734 (5) "Political subdivision lien" means a lien that a statute expressly authorizes a
735 political subdivision to hold and record, including a direct charge that constitutes, according to
736 an express statutory provision, a lien.

737 (6) "Property tax" means a tax imposed on real property under Title 59, Chapter 2,
738 Property Tax Act, Title 59, Chapter 3, Tax Equivalent Property Act, or Title 59, Chapter 4,
739 Privilege Tax.

740 (7) "Tax notice charge" means the same as that term is defined in Section 59-2-1301.5.

741 (8) "Tax sale" means the tax sale described in Title 59, Chapter 2, Part 13, Collection
742 of Taxes.

743 Section 15. Section **11-58-103** is enacted to read:

744 **11-58-103. Political subdivision liens -- Status -- Limitations.**

745 (1) Unless expressly granted in statute, a political subdivision has no lien authority or
746 lien rights when a property owner fails to pay a direct charge for:

747 (a) a service that the political subdivision renders; or

748 (b) a product, an item, or goods that the political subdivision delivers.

749 (2) A political subdivision lien other than a lien described in Subsection (3):

750 (a) (i) is not equivalent to and does not have the same priority as property tax; and

751 (ii) is not subject to the same collection and tax sale procedures as a property tax;

752 (b) is effective as of the date on which the lienholder records the lien in the office of
753 the recorder of the county in which the property is located;

754 (c) is subordinate in priority to all encumbrances on the property existing on the date
755 on which the municipality records the lien; and

756 (d) is invalid and does not attach to the property if:

757 (i) the lienholder does not record the lien; or

758 (ii) a subsequent bona fide purchaser purchases the lien
759 holder records the lien.

760 (3) (a) A political subdivision lien that is included on the property tax notice in
761 accordance with Section 59-2-1317 or another express statutory provision:

762 (i) under Subsection 59-2-1317(3), has the same priority as a property tax and is
763 subject to collection in a tax sale in accordance with Title 59, Chapter 2, Part 13, Collection of
764 Taxes, if:

765 (A) in order to hold the lien, statute requires the lienholder to record the lien or a
766 resolution, notice, ordinance, or order, and the lienholder makes the required recording; or

767 (B) statute does not require the lienholder to record the lien or a resolution, notice,
768 ordinance, or order; and

769 (ii) except as provided in Subsection (3)(b):

770 (A) attaches to the property; and

771 (B) is valid against a subsequent bona fide purchaser of the property.

772 (b) Notwithstanding Subsection (3)(a)(ii), a nonrecurring tax notice charge does not
773 attach to the property and is invalid against a subsequent bona fide purchaser if the recording of
774 a document conveying title to the subsequent bona fide purchaser occurs before the earlier of:

775 (i) the recording of the lien or a notice of lien in the office of the recorder of the county
776 in which the lien property is located; or

777 (ii) the mailing of the property tax notice that includes the nonrecurring tax notice
778 charge.

779 (4) If the holder of a political subdivision lien records the lien or a notice of lien, upon
780 payment of the amount that constitutes the lien:

781 (a) the lien is released from the property; and

782 (b) the lienholder shall record a release of the lien or the notice of lien in the same
783 recorder's office in which the lienholder recorded the lien or the notice of the lien.

784 (5) Unless otherwise expressly stated in statute, a partial payment of an amount

785 constituting a political subdivision lien, including all costs, charges, interest, and amounts
786 accrued since the unpaid amount was certified to the county treasurer, is not a release of any
787 assessment to be paid in accordance with Title 11, Chapter 42, Assessment Area Act, or Title
788 11, Chapter 42a, Commercial Property Assessed Clean Energy Act.

789 (6) Nothing in this section limits a political subdivision's lien authority, lien rights, or
790 remedies otherwise provided in statute, a contract, a judgment, or another property interest.

791 Section 16. Section **17B-1-902** is amended to read:

792 **17B-1-902. Lien for past due service fees -- Notice -- Partial payment allocation.**

793 (1) (a) A local district may ~~[file]~~ hold a lien on a customer's property for past due fees
794 for commodities, services, or facilities that the district has provided to the customer's property
795 by certifying, subject to Subsection (3), to the treasurer of the county in which the customer's
796 property is located the amount of past due fees, including, subject to Section [17B-1-902.1](#),
797 applicable interest and administrative costs.

798 (b) (i) Upon certification under Subsection (1)(a), the past due fees, and if applicable,
799 interest and administrative costs, become a political subdivision lien that is a nonrecurring tax
800 notice charge, as those terms are defined in Section [11-58-102](#), on the customer's property to
801 which the commodities, services, or facilities were provided in accordance with Title 11,
802 Chapter 58, Political Subdivision Lien Authority.

803 ~~[(c)]~~ (ii) A lien ~~[filed in accordance with this section]~~ described in this Subsection (1)
804 has the same priority as, but is separate and distinct from, a property tax lien.

805 (2) (a) If a local district certifies past due fees under Subsection (1)(a), the treasurer of
806 the county shall provide a notice, in accordance with this Subsection (2), to the owner of the
807 property for which the local district has incurred the past due fees.

808 (b) In providing the notice required in Subsection (2)(a), the treasurer of the county
809 shall:

810 (i) include the amount of past due fees that a local district has certified on or before
811 July 15 of the current year;

812 (ii) provide contact information, including a phone number, for the property owner to
813 contact the local district to obtain more information regarding the amount described in
814 Subsection (2)(b)(i); and

815 (iii) notify the property owner that:

816 (A) if the amount described in Subsection (2)(b)(i) is not paid in full by September 15
817 of the current year, any unpaid amount will be included on the property tax notice required by
818 Section 59-2-1317; and

819 (B) the failure to pay the amount described in Subsection (2)(b)(i) has resulted in a lien
820 on the property in accordance with ~~[this section]~~ Subsection (1)(b).

821 (c) The treasurer of the county shall provide the notice required by this Subsection (2)
822 to a property owner on or before August 1.

823 (3) (a) If a local district certifies ~~[past due fees under]~~ an unpaid amount in accordance
824 with Subsection (1)(a), the county treasurer shall include the unpaid amount on a property tax
825 notice issued in accordance with Section 59-2-1317 ~~[an unpaid fee, administrative cost, or~~
826 ~~interest described in Subsection (1)(a)]~~.

827 (b) If an unpaid fee, administrative cost, or interest is included on a property tax notice
828 in accordance with Subsection (3)(a), the county treasurer shall on the property tax notice:

829 (i) clearly state that the unpaid fee, administrative cost, or interest is for a service
830 provided by the local district; and

831 (ii) itemize the unpaid fee, administrative cost, or interest separate from any other tax,
832 fee, interest, or penalty that is included on the property tax notice in accordance with Section
833 59-2-1317.

834 (4) A lien under Subsection (1) is not valid if the local district makes certification
835 under Subsection ~~[(1) is made]~~ (1)(a) after the filing for record of a document conveying title of
836 the customer's property to a new owner.

837 (5) Nothing in this section may be construed to:

838 (a) waive or release the customer's obligation to pay fees that the district has imposed;

839 (b) preclude the certification of a lien under Subsection (1) with respect to past due
840 fees for commodities, services, or facilities provided after the date that title to the property is
841 transferred to a new owner; or

842 (c) nullify or terminate a valid lien.

843 (6) After all amounts owing under a lien established as provided in this section have
844 been paid, the local district shall file for record in the county recorder's office a release of the
845 lien.

846 Section 17. Section **17B-2a-506** is amended to read:

847 **17B-2a-506. Different use charges for different units -- Use charges based on the**
848 **size of the land served -- Use charge may not be based on property value.**

849 (1) An irrigation district may:

850 (a) divide the district into units and apply different use charges to the different units;
851 and

852 (b) base use charges upon the amount of water or electricity the district provides, the
853 area of the land served, or any other reasonable basis, as determined by the board of trustees.

854 (2) If an irrigation district imposes a use charge based on the size of the land served or
855 the amount of water allotted to the land:

856 (a) the assessor of the county in which the land is located shall assist the irrigation
857 district in ascertaining the identity of a parcel served by the district;

858 (b) the district shall notify the treasurer of the county in which the land is located of the
859 charge to be imposed for each parcel of land served by the district; and

860 (c) the treasurer of the county in which the land is located:

861 (i) shall:

862 (A) provide each landowner a notice of use charges as part of the annual tax notice
863 required in Section 59-2-1317 as an additional charge separate from ad valorem taxes;

864 (B) collect, receive, and provide an accounting for all money belonging to the district
865 from use charges; [~~and~~]

866 (C) remit to the irrigation district, by the tenth day of each month, the funds previously
867 collected by the county as use charges on the district's behalf; and

868 (D) collect any unpaid use charges in accordance with Title 59, Chapter 2, Part 13,
869 Collection of Taxes; and

870 (ii) may receive and account for use charges separately from taxes upon real estate for
871 county purposes.

872 (3) (a) A use charge described in Subsection (2)(b) [~~shall become a lien~~] is a political
873 subdivision lien, as that term is defined in Section 11-58-102, on the land served, as provided
874 in [~~Section 17B-1-902~~] Subsection 17B-1-902(1), except that the certification described in
875 Subsection 17B-1-902(1)(a) is not required if the district makes the notification to the county
876 treasurer required in Subsection (2)(b).

877 (b) A lien described in Subsection (3)(a) shall remain in force until the use charge is
878 paid.

879 (c) The county treasurer shall release a lien described in Subsection (3)(a) upon receipt
880 of full payment of the use charge.

881 (4) A use charge may not be calculated on the basis of property value and does not
882 constitute an ad valorem property tax or other tax.

883 Section 18. Section **17B-2a-1007** is amended to read:

884 **17B-2a-1007. Contract assessments.**

885 (1) As used in this section:

886 (a) "Assessed land" means:

887 (i) for a contract assessment under a water contract with a private water user, the land
888 owned by the private water user that receives the beneficial use of water under the water
889 contract; or

890 (ii) for a contract assessment under a water contract with a public water user, the land
891 within the boundaries of the public water user that is within the boundaries of the water
892 conservancy district and that receives the beneficial use of water under the water contract.

893 (b) "Contract assessment" means an assessment levied as provided in this section by a
894 water conservancy district on assessed land.

895 (c) "Governing body" means:

896 (i) for a county, city, or town, the legislative body of the county, city, or town;

897 (ii) for a local district, the board of trustees of the local district;

898 (iii) for a special service district:

899 (A) the legislative body of the county, city, or town that established the special service
900 district, if no administrative control board has been appointed under Section 17D-1-301; or

901 (B) the administrative control board of the special service district, if an administrative
902 control board has been appointed under Section 17D-1-301; and

903 (iv) for any other political subdivision of the state, the person or body with authority to
904 govern the affairs of the political subdivision.

905 (d) "Petitioner" means a private petitioner or a public petitioner.

906 (e) "Private petitioner" means an owner of land within a water conservancy district
907 who submits a petition to a water conservancy district under Subsection (3) to enter into a
908 water contract with the district.

909 (f) "Private water user" means an owner of land within a water conservancy district
910 who enters into a water contract with the district.

911 (g) "Public petitioner" means a political subdivision of the state:

912 (i) whose territory is partly or entirely within the boundaries of a water conservancy
913 district; and

914 (ii) that submits a petition to a water conservancy district under Subsection (3) to enter
915 into a water contract with the district.

916 (h) "Public water user" means a political subdivision of the state:

917 (i) whose territory is partly or entirely within the boundaries of a water conservancy
918 district; and

919 (ii) that enters into a water contract with the district.

920 (i) "Water contract" means a contract between a water conservancy district and a
921 private water user or a public water user under which the water user purchases, leases, or
922 otherwise acquires the beneficial use of water from the water conservancy district for the
923 benefit of:

924 (i) land owned by the private water user; or

925 (ii) land within the public water user's boundaries that is also within the boundaries of
926 the water conservancy district.

927 (j) "Water user" means a private water user or a public water user.

928 (2) A water conservancy district may levy a contract assessment as provided in this
929 section.

930 (3) (a) The governing body of a public petitioner may authorize its chief executive
931 officer to submit a written petition on behalf of the public petitioner to a water conservancy
932 district requesting to enter into a water contract.

933 (b) A private petitioner may submit a written petition to a water conservancy district
934 requesting to enter into a water contract.

935 (c) Each petition under this Subsection (3) shall include:

936 (i) the petitioner's name;

937 (ii) the quantity of water the petitioner desires to purchase or otherwise acquire;

938 (iii) a description of the land upon which the water will be used;

939 (iv) the price to be paid for the water;

940 (v) the amount of any service, turnout, connection, distribution system, or other charge
941 to be paid;

942 (vi) whether payment will be made in cash or annual installments;

943 (vii) a provision requiring the contract assessment to become a lien on the land for
944 which the water is petitioned and is to be allotted; and

945 (viii) an agreement that the petitioner is bound by the provisions of this part and the
946 rules and regulations of the water conservancy district board of trustees.

947 (4) (a) If the board of a water conservancy district desires to consider a petition
948 submitted by a petitioner under Subsection (3), the board shall:

949 (i) publish notice of the petition and of the hearing required under Subsection (4)(a)(ii)
950 at least once a week in two successive weeks in a newspaper of general circulation within the
951 county in which the political subdivision or private petitioner's land, as the case may be, is
952 located; and

953 (ii) hold a public hearing on the petition.

954 (b) Each notice under Subsection (4)(a)(i) shall:

955 (i) state that a petition has been filed and that the district is considering levying a
956 contract assessment; and

957 (ii) give the date, time, and place of the hearing required under Subsection (4)(a)(ii).

958 (c) (i) At each hearing required under Subsection (4)(a)(ii), the board of trustees of the
959 water conservancy district shall:

960 (A) allow any interested person to appear and explain why the petition should not be
961 granted; and

962 (B) consider each written objection to the granting of the petition that the board
963 receives before or at the hearing.

964 (ii) The board of trustees may adjourn and reconvene the hearing as the board
965 considers appropriate.

966 (d) (i) Any interested person may file with the board of the water conservancy district,
967 at or before the hearing under Subsection (4)(a)(ii), a written objection to the district's granting
968 a petition.

969 (ii) Each person who fails to submit a written objection within the time provided under
970 Subsection (4)(d)(i) is considered to have consented to the district's granting the petition and
971 levying a contract assessment.

972 (5) After holding a public hearing as required under Subsection (4)(a)(ii), the board of
973 trustees of a water conservancy district may:

974 (a) deny the petition; or
975 (b) grant the petition, if the board considers granting the petition to be in the best
976 interests of the district.

977 (6) The board of a water conservancy district that grants a petition under this section
978 may:

979 (a) make an allotment of water for the benefit of assessed land;
980 (b) authorize any necessary construction to provide for the use of water upon the terms
981 and conditions stated in the water contract;

982 (c) divide the district into units and fix a different rate for water purchased or otherwise
983 acquired and for other charges within each unit, if the rates and charges are equitable, although
984 not equal and uniform, for similar classes of services throughout the district; and

985 (d) levy a contract assessment on assessed land.

986 (7) (a) The board of trustees of each water conservancy district that levies a contract
987 assessment under this section shall:

988 (i) cause a certified copy of the resolution, ordinance, or order levying the assessment
989 to be recorded in the office of the recorder of each county in which assessed land is located;
990 and

991 (ii) on or before July 1 of each year after levying the contract assessment, certify to the
992 auditor of each county in which assessed land is located the amount of the contract assessment.

993 (b) Upon the recording of the resolution [~~or ordinance under~~], ordinance, or order, in
994 accordance with Subsection (7)(a)(i)[;];

995 (i) the contract assessment associated with allotting water to the assessed land under
996 the water contract becomes a [~~perpetual lien~~] political subdivision lien, as that term is defined
997 in Section [11-58-102](#), on the assessed land[-], in accordance with Title 11, Chapter 58, Political
998 Subdivision Lien Authority, as of the effective date of the resolution, ordinance, or order; and

999 (ii) (A) the board of trustees of the water conservancy district shall certify the amount
1000 of the assessment to the county treasurer; and

1001 (B) the county treasurer shall include the certified amount on the property tax notice
1002 required by Section 59-2-1317 for that year.

1003 (c) (i) Each county in which assessed land is located shall collect the contract
1004 assessment in the same manner as taxes levied by the county.

1005 (ii) If the amount of a contract assessment levied under this section is not paid in full in
1006 a given year:

1007 (A) by September 15, the governing body of the water conservancy district that levies
1008 the contract assessment shall certify any unpaid amount to the treasurer of the county in which
1009 the property is located; and

1010 (B) the county treasurer shall include the certified amount on the property tax notice
1011 required by Section 59-2-1317 for that year.

1012 (8) (a) The board of trustees of each water conservancy district that levies a contract
1013 assessment under this section shall:

1014 (i) hold a public hearing, before August 8 of each year in which a contract assessment
1015 is levied, to hear and consider objections filed under Subsection (8)(b); and

1016 (ii) twice publish a notice, at least a week apart:

1017 (A) ~~[(H)]~~ in a newspaper of general circulation in each county with assessed land
1018 included within the district boundaries~~;~~ or ~~[(H)]~~, if there is no newspaper of general
1019 circulation within the county, in a newspaper of general circulation in an adjoining county; and

1020 (B) that contains~~[-(H)]~~ a general description of the assessed land~~[-(H)]~~, the amount of
1021 the contract assessment~~;~~, and ~~[(H)]~~ the time and place of the public hearing under Subsection
1022 (8)(a)(i).

1023 (b) An owner of assessed land within the water conservancy district who believes that
1024 the contract assessment on the owner's land is excessive, erroneous, or illegal may, before the
1025 hearing under Subsection (8)(a)(i), file with the board of trustees a verified, written objection to
1026 the assessment, stating the grounds for the objection.

1027 (c) (i) At each hearing under Subsection (8)(a)(i), the board of trustees shall hear and

1028 consider the evidence and arguments supporting each objection.

1029 (ii) After hearing and considering the evidence and arguments supporting an objection,
1030 the board of trustees:

1031 (A) shall enter a written order, stating its decision; and

1032 (B) may modify the assessment.

1033 (d) (i) An owner of assessed land may file a petition in district court seeking review of
1034 a board of trustees' order under Subsection (8)(c)(ii)(A).

1035 (ii) Each petition under Subsection (8)(d)(i) shall:

1036 (A) be filed within 30 days after the board enters its written order;

1037 (B) state specifically the part of the board's order for which review is sought; and

1038 (C) be accompanied by a bond with good and sufficient security in an amount not
1039 exceeding \$200, as determined by the court clerk.

1040 (iii) If more than one owner of assessed land seeks review, the court may, upon a
1041 showing that the reviews may be consolidated without injury to anyone's interests, consolidate
1042 the reviews and hear them together.

1043 (iv) The court shall act as quickly as possible after a petition is filed.

1044 (v) A court may not disturb a board of trustees' order unless the court finds that the
1045 contract assessment on the petitioner's assessed land is manifestly disproportionate to
1046 assessments imposed upon other land in the district.

1047 (e) If no petition under Subsection (8)(d) is timely filed, the contract assessment is
1048 conclusively considered to have been made in proportion to the benefits conferred on the land
1049 in the district.

1050 (9) Each resolution, ordinance, or order under which a water conservancy district
1051 levied a Class B, Class C, or Class D assessment before April 30, 2007, under the law in effect
1052 at the time of the levy is validated, ratified, and confirmed, and a water conservancy district
1053 may continue to levy the assessment according to the terms of the resolution, ordinance, or
1054 order.

1055 (10) A contract assessment is not a levy of an ad valorem property tax and is not
1056 subject to the limits stated in Section [17B-2a-1006](#).

1057 Section 19. Section **59-2-1301.5** is enacted to read:

1058 **59-2-1301.5. Definitions.**

1059 As used in this part:

1060 (1) "Tax notice charge" means an amount that:

1061 (a) a property owner owes to a tax notice charge entity in relation to real property; and

1062 (b) the county treasurer lists on the property tax notice in accordance with Section
1063 [59-2-1317](#) or another statutory authorization allowing the item's inclusion on the property tax
1064 notice.

1065 (2) "Tax notice charge entity" means the entity that certifies to the county treasurer an
1066 outstanding amount that:

1067 (a) a property owner owes to the entity in relation to the property; and

1068 (b) the county treasurer lists on the property tax notice as a tax notice charge.

1069 Section 20. Section **59-2-1305** is amended to read:

1070 **59-2-1305. Entries of payments made -- Payments to county treasurer.**

1071 (1) The assessor or, if this duty has been reassigned in an ordinance under Section
1072 [17-16-5.5](#), the treasurer shall note on the assessment roll, opposite the names of each person
1073 against whom taxes have been assessed or tax notice charges have been listed, the amount of
1074 the taxes and tax notice charges paid.

1075 (2) (a) The assessor or treasurer, as the case may be, shall require all checks to be made
1076 payable to the office of the county assessor or treasurer, respectively.

1077 (b) If the assessor or treasurer receives checks made payable to a payee other than the
1078 office of the county assessor or treasurer, respectively, the assessor or treasurer, as the case may
1079 be, shall immediately endorse the check with a restrictive endorsement that makes the check
1080 payable to the office of the county treasurer.

1081 (3) The assessor shall deposit all money the assessor collects into an account controlled

1082 by the county treasurer.

1083 Section 21. Section **59-2-1317** is amended to read:

1084 **59-2-1317. Tax notice -- Contents of notice -- Procedures and requirements for**
1085 **providing notice.**

1086 (1) As used in this section, "political subdivision lien" means the same as that term is
1087 defined in Section [11-58-102](#).

1088 [(+)] (2) Subject to the other provisions of this section, the county treasurer shall:

1089 (a) collect the taxes and tax notice charges; and

1090 (b) provide a notice to each taxpayer that contains the following:

1091 (i) the kind and value of property assessed to the taxpayer;

1092 (ii) the street address of the property, if available to the county;

1093 (iii) that the property may be subject to a detailed review in the next year under Section
1094 [59-2-303.1](#);

1095 (iv) the amount of taxes levied;

1096 (v) a separate statement of the taxes levied only on a certain kind or class of property
1097 for a special purpose;

1098 (vi) property tax information pertaining to taxpayer relief, options for payment of
1099 taxes, and collection procedures;

1100 (vii) any tax notice charges applicable to the property, including:

1101 (A) if applicable, a political subdivision lien for road damage that a railroad company
1102 causes, as described in Section [10-7-30](#);

1103 (B) if applicable, a political subdivision lien for municipal water distribution, as
1104 described in Section [10-8-17](#), or a political subdivision lien for an increase in supply from a
1105 municipal water distribution, as described in Section [10-8-19](#);

1106 (C) if applicable, a political subdivision lien for unpaid abatement fees as described in
1107 Section [10-11-4](#);

1108 [~~(vii)~~] (D) if applicable, [~~the amount~~] a political subdivision lien for the unpaid portion

1109 of an assessment assessed in accordance with [~~Section 11-42-401;~~] Title 11, Chapter 42,
1110 Assessment Area Act, or Title 11, Chapter 42a, Commercial Property Assessed Clean Energy
1111 Act, including unpaid costs, charges, and interest as of the date the local entity certifies the
1112 unpaid amount to the county treasurer;

1113 [~~(viii)~~] (E) if applicable, for a local district in accordance with Section 17B-1-902, a
1114 political subdivision lien for an unpaid fee, administrative cost, or interest [~~for a local district in~~
1115 ~~accordance with Section 17B-1-902;~~];

1116 (F) if applicable, a political subdivision lien for an unpaid irrigation district use charge
1117 as described in Section 17B-2a-506; and

1118 (G) if applicable, a political subdivision lien for a contract assessment under a water
1119 contract, as described in Section 17B-2a-1007;

1120 (viii) a statement that, due to potentially ongoing charges, costs, penalties, and interest,
1121 payment of a tax notice charge may not:

1122 (A) pay off the full amount the property owner owes to the tax notice entity; or

1123 (B) cause a release of the lien underlying the tax notice charge;

1124 (ix) the date the taxes and tax notice charges are due;

1125 (x) the street address at which the taxes and tax notice charges may be paid;

1126 (xi) the date on which the taxes and tax notice charges are delinquent;

1127 (xii) the penalty imposed on delinquent taxes and tax notice charges;

1128 (xiii) a statement that explains the taxpayer's right to direct allocation of a partial
1129 payment in accordance with Subsection [~~(7)~~] (9);

1130 (xiv) other information specifically authorized to be included on the notice under this
1131 chapter; and

1132 (xv) other property tax information approved by the commission.

1133 (3) (a) Unless expressly allowed under this section or another statutory provision, the
1134 treasurer may not add an amount to be collected to the property tax notice.

1135 (b) If the county treasurer adds an amount to be collected to the property tax notice

1136 under this section or another statutory provision that expressly authorizes the item's inclusion
1137 on the property tax notice:

1138 (i) the amount constitutes a tax notice charge; and

1139 (ii) (A) the tax notice charge has the same priority as property tax; and

1140 (B) a delinquency of the tax notice charge triggers a tax sale, in accordance with
1141 Section [59-2-1343](#).

1142 ~~[(2)]~~ (4) For any property for which property taxes or tax notice charges are delinquent,
1143 the notice described in Subsection ~~[(1)]~~ (2) shall state, "Prior taxes or tax notice charges are
1144 delinquent on this parcel."

1145 ~~[(3)]~~ (5) Except as provided in Subsection ~~[(4)]~~ (6), the county treasurer shall:

1146 (a) mail the notice required by this section, postage prepaid; or

1147 (b) leave the notice required by this section at the taxpayer's residence or usual place of
1148 business, if known.

1149 ~~[(4)]~~ (6) (a) Subject to the other provisions of this Subsection ~~[(4)]~~ (6), a county
1150 treasurer may, at the county treasurer's discretion, provide the notice required by this section by
1151 electronic mail if a taxpayer makes an election, according to procedures determined by the
1152 county treasurer, to receive the notice by electronic mail.

1153 (b) A taxpayer may revoke an election to receive the notice required by this section by
1154 electronic mail if the taxpayer provides written notice to the treasurer on or before October 1.

1155 (c) A revocation of an election under this section does not relieve a taxpayer of the
1156 duty to pay a tax or tax notice charge due under this chapter on or before the due date for
1157 paying the tax or tax notice charge.

1158 (d) A county treasurer shall provide the notice required by this section using a method
1159 described in Subsection ~~[(3)]~~ (5), until a taxpayer makes a new election in accordance with this
1160 Subsection ~~[(4)]~~ (6), if:

1161 (i) the taxpayer revokes an election in accordance with Subsection ~~[(4)]~~ (6)(b) to
1162 receive the notice required by this section by electronic mail; or

1163 (ii) the county treasurer finds that the taxpayer's electronic mail address is invalid.

1164 (e) A person is considered to be a taxpayer for purposes of this Subsection ~~[(4)]~~ (6)
1165 regardless of whether the property that is the subject of the notice required by this section is
1166 exempt from taxation.

1167 ~~[(5)]~~ (7) (a) The county treasurer shall provide the notice required by this section to a
1168 taxpayer on or before November 1.

1169 (b) The county treasurer shall keep on file in the county treasurer's office the
1170 information set forth in the notice.

1171 (c) The county treasurer is not required to mail a tax receipt acknowledging payment.

1172 ~~[(6)]~~ (8) This section does not apply to property taxed under Section 59-2-1302 or
1173 59-2-1307.

1174 ~~[(7)]~~ (9) (a) A taxpayer who pays less than the full amount due on the taxpayer's
1175 property tax notice may, on a form provided by the county treasurer, direct how the county
1176 treasurer allocates the partial payment between:

1177 (i) the total amount due for property tax;

1178 (ii) the amount due for assessments~~;~~ ~~[(iii) the amount due for]~~₂ past due local district
1179 fees~~;~~₂ and other tax notice charges; and

1180 ~~[(iv)]~~ (iii) any other amounts due on the property tax notice.

1181 (b) The county treasurer shall comply with a direction submitted to the county treasurer
1182 in accordance with Subsection ~~[(7)]~~ (9)(a).

1183 (c) The provisions of this Subsection ~~[(7)]~~ (9) do not:

1184 (i) affect the right or ability of a local entity to pursue any available remedy for
1185 non-payment of any item listed on a taxpayer's property tax notice; or

1186 (ii) toll or otherwise change any time period related to a remedy described in
1187 Subsection ~~[(7)]~~ (9)(c)(i).

1188 Section 22. Section 59-2-1323 is amended to read:

1189 **59-2-1323. Undivided interests in real estate -- Interest of delinquent co-owner**

1190 **only to be sold.**

1191 (1) The county treasurer shall issue a receipt showing the interest on which taxes or tax
1192 notice charges are paid to any person paying taxes on an undivided interest in real estate.

1193 (2) If any portion of the taxes or tax notice charges on the real estate [~~remains~~] remain
1194 unpaid, it is the duty of the treasurer to sell only the undivided interest in the real estate which
1195 belongs to the co-owners who have not paid their portion of the tax.

1196 Section 23. Section **59-2-1324** is amended to read:

1197 **59-2-1324. Taxes and tax notice charges to be paid before distribution of estate of**
1198 **a deceased person.**

1199 (1) The district court shall require every administrator or executor to pay out of the
1200 funds of the estate all taxes and tax notice charges due from the estate.

1201 (2) No order or decree for the distribution of any property of any decedent among the
1202 heirs or devisees may be made until all taxes and tax notice charges against the estate are paid.

1203 Section 24. Section **59-2-1326** is amended to read:

1204 **59-2-1326. Illegal tax and tax notice charges -- Injunction to restrain collection.**

1205 (1) No injunction may be granted by any court to restrain the collection of any tax [~~or~~],
1206 any part of the tax, or any tax notice charge, nor to restrain the sale of any property for the
1207 nonpayment of the tax or tax notice charge, unless the tax or tax notice charge, or some part of
1208 the tax or tax notice charge sought to be enjoined:

1209 (a) is not authorized by law; or

1210 (b) is on property which is exempt from taxation.

1211 (2) If the payment of a part of a tax or tax notice charge is sought to be enjoined, the
1212 other part shall be paid or tendered before any action may be commenced.

1213 Section 25. Section **59-2-1327** is amended to read:

1214 **59-2-1327. Payment of tax or tax notice charge under protest -- Circumstances**
1215 **where authorized -- Action to recover tax or tax notice charge paid.**

1216 (1) Where [~~a tax is demanded or enforced by~~] a taxing entity demands or enforces a tax

1217 or where an entity responsible for a tax notice charge demands or enforces the tax notice
1218 charge, and the person whose property is taxed or charged claims the tax or tax notice charge is
1219 unlawful, that person may pay the tax or tax notice charge under protest to the county treasurer.

1220 (2) The person may then bring an action in the district court against the officer or
1221 taxing entity to recover the tax or tax notice charge or any portion of the tax or tax notice
1222 charge paid under protest.

1223 Section 26. Section **59-2-1331** is amended to read:

1224 **59-2-1331. Property tax due date -- Date tax is delinquent -- Penalty -- Interest --**
1225 **Payments -- Refund of prepayment.**

1226 (1) (a) Except as provided in Subsection (1)(b) and subject to Subsections (1)(c) and
1227 (d), all property taxes, unless otherwise specifically provided for under Section **59-2-1332**, or
1228 other law, and any tax notice charges, are due on November 30 of each year following the date
1229 of levy.

1230 (b) If November 30 falls on a Saturday, Sunday, or holiday:

1231 (i) the date of the next following day that is not a Saturday, Sunday, or holiday shall be
1232 substituted in Subsection (1)(a) and Subsection **59-2-1332**(1) for November 30; and

1233 (ii) the date of the day occurring 30 days after the date under Subsection (1)(b)(i) shall
1234 be substituted in Subsection **59-2-1332**(1) for December 30.

1235 (c) If a property tax is paid or postmarked after the due date described in this
1236 Subsection (1) the property tax is delinquent.

1237 (d) A county treasurer or other public official, public entity, or public employee may
1238 not require the payment of a property tax before the due date described in this Subsection (1).

1239 (2) (a) Except as provided in [~~Subsection~~] Subsections (2)(e) and (f), for each parcel,
1240 all delinquent taxes and tax notice charges on each separately assessed parcel are subject to a
1241 penalty of 2.5% of the amount of the delinquent taxes and tax notice charges or \$10, whichever
1242 is greater.

1243 (b) Unless the delinquent taxes and tax notice charges, together with the penalty, are

1244 paid on or before January 31, the amount of taxes and tax notice charges and penalty shall bear
1245 interest on a per annum basis from the January 1 immediately following the delinquency date.

1246 (c) Except as provided in Subsection (2)(d), for purposes of Subsection (2)(b), the
1247 interest rate is equal to the sum of:

1248 (i) 6%; and

1249 (ii) the federal funds rate target:

1250 (A) established by the Federal Open Markets Committee; and

1251 (B) that exists on the January 1 immediately following the date of delinquency.

1252 (d) The interest rate described in Subsection (2)(c) may not be:

1253 (i) less than 7%; or

1254 (ii) more than 10%.

1255 (e) The penalty described in Subsection (2)(a) is 1% of the amount of the delinquent
1256 taxes and tax notice charges or \$10, whichever is greater, if all delinquent taxes, all tax notice
1257 charges, and the penalty are paid on or before the January 31 immediately following the
1258 delinquency date.

1259 (f) This section does not apply to the costs, charges, and interest rate accruing on any
1260 tax notice charge related to an assessment assessed in accordance with:

1261 (i) Title 11, Chapter 42, Assessment Area Act; or

1262 (ii) Title 11, Chapter 42a, Commercial Property Assessed Clean Energy Act.

1263 (3) (a) If the delinquency exceeds one year, the amount of taxes, tax notice charges,
1264 and penalties for that year and all succeeding years shall bear interest until settled in full
1265 through redemption or tax sale.

1266 (b) The interest rate to be applied shall be calculated for each year as established under
1267 Subsection (2) and shall apply on each individual year's delinquency until paid.

1268 (4) The county treasurer may accept and credit on account against taxes and tax notice
1269 charges becoming due during the current year, at any time before or after the tax rates are
1270 adopted, but not subsequent to the date of delinquency, either:

1271 (a) payments in amounts of not less than \$10; or
1272 (b) the full amount of the unpaid tax and tax notice charges.
1273 (5) (a) At any time before the county treasurer provides the tax notice described in
1274 Section 59-2-1317, the county treasurer may refund amounts accepted and credited on account
1275 against taxes and tax notice charges becoming due during the current year.

1276 (b) Upon recommendation by the county treasurer, the county legislative body shall
1277 adopt rules or ordinances to implement the provisions of this Subsection (5).

1278 Section 27. Section 59-2-1332 is amended to read:

1279 **59-2-1332. Extension of date of delinquency.**

1280 (1) (a) The county legislative body may, upon a petition of not less than 100 taxpayers
1281 or upon its own motion for good cause, by proclamation, extend the property tax due date from
1282 November 30 to noon on December 30.

1283 (b) If the county legislative body extends the property tax due date under Subsection
1284 (1)(a), the county legislative body shall publish a notice of the proclamation covering this
1285 extension:

1286 (i) in a newspaper of general circulation in the county in at least two issues before
1287 November 1 of the year in which the taxes are to be paid; and

1288 (ii) in accordance with Section 45-1-101 for two weeks before November 1.

1289 (2) In all cases where the county legislative body extends the property tax due date
1290 under Subsection (1), the date for the selling of property to the county for delinquent taxes or
1291 tax notice charges shall be extended 30 days from the dates provided by law.

1292 Section 28. Section 59-2-1332.5 is amended to read:

1293 **59-2-1332.5. Mailing notice of delinquency or publication of delinquent list --**
1294 **Contents -- Notice -- Definitions.**

1295 (1) As used in this section, "business entity" means:

1296 (a) an association;

1297 (b) a corporation;

1298 (c) a limited liability company;
1299 (d) a partnership;
1300 (e) a trust; or
1301 (f) a business entity similar to Subsections (1)(a) through (e).
1302 ~~[(1)]~~ (2) The county treasurer shall provide notice of delinquency in the payment of
1303 property taxes and tax notice charges:
1304 (a) except as provided in Subsection ~~[(4)]~~ (5), on or before December 31 of each
1305 calendar year; and
1306 (b) in a manner described in Subsection ~~[(2)]~~ (3).
1307 ~~[(2) A]~~ (3) The notice [of delinquency in the payment of property taxes] described in
1308 Subsection (2) shall be provided by:
1309 (a) (i) mailing a written notice that includes the information described in Subsection
1310 ~~[(3)]~~ (4)(a), postage prepaid, to:
1311 (A) each delinquent taxpayer; and
1312 (B) if the delinquent property taxes or tax notice charges are assessed on a base parcel,
1313 the record owner of each subdivided lot; and
1314 (ii) making available to the public a list of delinquencies in the payment of property
1315 taxes:
1316 (A) by electronic means; and
1317 (B) that includes the information required by Subsection ~~[(3)]~~ (4)(b); or
1318 (b) publishing a list of delinquencies in the payment of property taxes and tax notice
1319 charges:
1320 (i) in one issue of a newspaper having general circulation in the county;
1321 (ii) that lists each delinquency in alphabetical order by:
1322 (A) the last name of the delinquent taxpayer; or
1323 (B) if the delinquent taxpayer is a business entity, the name of the business entity; and
1324 (iii) that includes the information described in Subsection ~~[(3)]~~ (4)(b).

1325 ~~[(3)]~~ (4) (a) A written notice of delinquency ~~[in the payment of property taxes]~~
1326 described in Subsection ~~[(2)]~~ (3)(a)(i) shall include:
1327 (i) a statement that delinquent taxes and tax notice charges are due;
1328 (ii) the amount of delinquent taxes and tax notice charges due, not including any
1329 penalties imposed in accordance with this chapter;
1330 (iii) (A) the name of the delinquent taxpayer; or
1331 (B) if the delinquent taxpayer is a business entity, the name of the business entity;
1332 (iv) (A) a description of the delinquent property; or
1333 (B) the property identification number of the delinquent property;
1334 (v) a statement that a penalty shall be imposed in accordance with this chapter; and
1335 (vi) a statement that interest accrues as of January 1 following the date of the
1336 delinquency unless on or before January 31 the following are paid:
1337 (A) the delinquent taxes and tax notice charges; and
1338 (B) the penalty.
1339 (b) The list of delinquencies described in Subsection ~~[(2)]~~ (3)(a)(ii) or ~~[(2)]~~ (3)(b) shall
1340 include:
1341 (i) the amount of delinquent taxes and tax notice charges due, not including any
1342 penalties imposed in accordance with this chapter;
1343 (ii) (A) the name of the delinquent taxpayer; or
1344 (B) if the delinquent taxpayer is a business entity, the name of the business entity;
1345 (iii) (A) a description of the delinquent property; or
1346 (B) the property identification number of the delinquent property;
1347 (iv) a statement that a penalty shall be imposed in accordance with this chapter; and
1348 (v) a statement that interest accrues as of January 1 following the date of the
1349 delinquency unless on or before January 31 the following are paid:
1350 (A) the delinquent taxes and tax notice charges; and
1351 (B) the penalty.

1352 ~~[(4)]~~ (5) Notwithstanding Subsection ~~[(1)]~~ (2)(a), if the county legislative body extends
1353 the property tax due date under Subsection 59-2-1332(1), the notice of delinquency ~~[in the~~
1354 ~~payment of property taxes]~~ described in Subsection (2) shall be provided on or before January
1355 10.

1356 ~~[(5)]~~ (6) (a) In addition to the notice of delinquency ~~[in the payment of property taxes]~~
1357 required by Subsection ~~[(1)]~~ (2), a county treasurer may in accordance with this Subsection
1358 ~~[(5)]~~ (6) mail a notice that property taxes are delinquent:

1359 (i) to:

1360 (A) a delinquent taxpayer;

1361 (B) an owner of record of the delinquent property;

1362 (C) any other interested party that requests notice; or

1363 (D) a combination of Subsections ~~[(5)]~~ (6)(a)(i)(A) through (C); and

1364 (ii) at any time that the county treasurer considers appropriate.

1365 (b) A notice mailed in accordance with this Subsection ~~[(5)]~~ (6):

1366 (i) shall include the information required by Subsection ~~[(3)]~~ (4)(a); and

1367 (ii) may include any information that the county treasurer finds is useful to the owner
1368 of record of the delinquent property in determining:

1369 (A) the status of taxes and tax notice charges owed on the delinquent property;

1370 (B) any penalty that is owed on the delinquent property;

1371 (C) any interest charged under Section 59-2-1331 on the delinquent property; or

1372 (D) any related matters concerning the delinquent property.

1373 ~~[(6) As used in this section, "business entity" means:]~~

1374 ~~[(a) an association;]~~

1375 ~~[(b) a corporation;]~~

1376 ~~[(c) a limited liability company;]~~

1377 ~~[(d) a partnership;]~~

1378 ~~[(e) a trust; or]~~

1379 [~~(f) a business entity similar to Subsections (6)(a) through (c).~~]

1380 Section 29. Section **59-2-1333** is amended to read:

1381 **59-2-1333. Errors or omissions -- In assessment book -- Authority to correct.**

1382 An omission, error, defect in form in the assessment roll, or clerical error, when it can
1383 be ascertained what was intended, may, with the consent of the county legislative body, be
1384 supplied or corrected by the assessor at any time [~~prior to~~] before the sale for delinquent taxes
1385 or tax notice charges and after the original assessment or tax notice charge listing was made.

1386 Section 30. Section **59-2-1335** is amended to read:

1387 **59-2-1335. Abbreviations permitted in proceedings.**

1388 (1) (a) In all proceedings relating to assessment, levy, or collection of taxes or relating
1389 to the listing or collection of tax notice charges, the subjection of any property to a charge for
1390 taxes of any nature or for tax notice charges, or the advertisement and sale of any property for
1391 taxes or tax notice charges, the following initial letters, abbreviations, symbols, and figures
1392 may be used.

1393 (b) The meaning of the initial letters, abbreviations, symbols, and figures is shown by
1394 the word or words placed opposite the initial letters, abbreviations, symbols, and figures:

- 1395 a., ac. acre, acres
- 1396 add. addition
- 1397 ave. avenue
- 1398 beg. beginning
- 1399 blk. block
- 1400 bet. between
- 1401 bdy., bdrs. boundary, boundaries
- 1402 ch., chs. chain, chains
- 1403 com. commencing
- 1404 cont. containing
- 1405 deg. or degree symbol degree, degrees

1406	dist.	.....	distance
1407	E.	.....	east
1408	E'ly	.....	easterly
1409	ft.	.....	foot, feet
1410	frac.	.....	fractional
1411	in., ins.	.....	inch, inches
1412	lk., lks.	.....	link, links
1413	lt., lts.	.....	lot, lots
1414	m., min., or '	.....	minute, minutes
1415	m. or l.	.....	more or less
1416	N.	.....	north
1417	NE.	.....	northeast
1418	NE'ly.	.....	northeasterly
1419	N'ly.	.....	northerly
1420	NW.	.....	northwest
1421	NW'ly.	.....	northwesterly
1422	pt.	.....	point
1423	1/4 sec.	.....	quarter section
1424	r., rs.	.....	range, ranges
1425	rd., rds.	.....	rod, rods
1426	R. of W.	.....	right-of-way
1427	s. or "	.....	second, seconds
1428	S.	.....	south
1429	SE.	.....	southeast
1430	SE'ly.	.....	southeasterly
1431	S'ly.	.....	southerly
1432	st.	.....	street

1433	sub.	.....	subdivision
1434	S.L.M.	.....	Salt Lake Meridian
1435	SW.	.....	southwest
1436	t., tp., tps.	.....	township, townships
1437	th.	.....	thence
1438	U.S. sur.	.....	United State Survey
1439	U.S.M.	.....	Uintah Special Meridian
1440	W.	.....	west
1441	W'ly.	.....	westerly

1442 (2) Where the name of any railroad or railroad company is commonly referred to by the
1443 initial letters of the word constituting the name of the railroad, the initial letters may be used as
1444 an abbreviation for the full name of the railroad or railroad company in all cases where the
1445 name is used in the description of property.

1446 (3) (a) Commonly accepted initial letters, abbreviations, symbols, and figures having
1447 local significance may be used.

1448 (b) Any initial letters, abbreviations, symbols, and figures shall first be approved by the
1449 commission.

1450 (c) A written or printed explanation of initial letters, abbreviations, symbols, and
1451 figures shall appear in each assessment roll in which they are used and shall be published with
1452 each separate advertisement and sale for taxes or tax notice charges in which they are used.

1453 Section 31. Section **59-2-1338** is amended to read:

1454 **59-2-1338. Record of delinquent taxes -- Contents of record.**

1455 (1) The treasurer shall prepare the official record of delinquent taxes and tax notice
1456 charges in the same order as property appears on the assessment rolls.

1457 (2) The record shall show:

1458 (a) the name of the person to whom the property is assessed;

1459 (b) the description of the delinquent parcel, and a reference to the parcel, serial, or

1460 account number under which the property was listed in the assessment roll;

1461 (c) the amount of delinquent taxes and tax notice charges, penalties, and administrative
1462 costs; and

1463 (d) the date of redemption and by whom the property is redeemed.

1464 [~~2~~] (3) The record shall also provide space for entering delinquent taxes assessed and
1465 tax notice charges listed in subsequent years against each parcel which remains unredeemed.

1466 [~~3~~] (4) Taxes levied only on a certain kind or class of property for a special purpose
1467 and tax notice charges shall be separately set out.

1468 Section 32. Section **59-2-1339** is amended to read:

1469 **59-2-1339. Form of treasurer's certificate -- Contents of form.**

1470 (1) On or before March 15 the treasurer shall complete the official record of delinquent
1471 taxes and tax notice charges and attach the treasurer's certificate to the record.

1472 (2) The certificate shall be substantially in the following form:

1473 State of Utah)

1474 ss.

1475 County of)

1476 I, _____, county treasurer of the county of _____, state of Utah, do certify that to the best
1477 of my knowledge the attached record is a full, true, and correct record and constitutes the
1478 official record of all properties which became delinquent for the year _____, and shows in the
1479 same order as the property appears on the assessment roll, the name of the person to whom the
1480 property is assessed, the description of the delinquent parcel and a reference to the parcel,
1481 serial, or account number under which the property was listed in the assessment roll, the
1482 amount of taxes, tax notice charges, penalties, administrative costs, the date of redemption, and
1483 by whom the property was redeemed if any redemption has been made.

1484 Signature _____

1485 County Treasurer of _____ County

1486 [~~2~~] (3) The official record shall be maintained in the treasurer's office and shall

1487 include any subsequent delinquent taxes, tax notice charges, penalties, administrative costs,
1488 and redemptions pertaining to the properties listed thereon.

1489 Section 33. Section **59-2-1342** is amended to read:

1490 **59-2-1342. Assessment and sale of property after attachment of county tax lien**
1491 **and tax notice charges.**

1492 (1) Property against which a property tax delinquency exists shall be assessed in
1493 subsequent years for taxes in the same manner as if no delinquency existed.

1494 (2) Property against which a delinquency exists for tax notice charges may still accrue
1495 tax notice charges as if no delinquency existed.

1496 ~~[(2)]~~ (3) The rights of any person purchasing the property from the county at tax sale
1497 provided under Section **59-2-1351.1** are subject to the right of the county under any subsequent
1498 assessment and of any tax notice charge entity.

1499 Section 34. Section **59-2-1343** is amended to read:

1500 **59-2-1343. Tax sale listing.**

1501 (1) (a) If any property is not redeemed by March 15 following the lapse of four years
1502 from the date when ~~[the property tax]~~ any item in Subsection (1)(b) became delinquent, the
1503 county treasurer shall immediately file a listing with the county auditor of all properties whose
1504 redemption period is expiring in the nearest forthcoming tax sale to pay all outstanding
1505 property taxes and tax notice charges.

1506 (b) A delinquency of any of the following triggers the tax sale process described in
1507 Subsection (1)(a):

1508 (i) property tax; or

1509 (ii) a tax notice charge.

1510 (2) The listing is known as the "[Tax Sale Listing] tax sale listing."

1511 Section 35. Section **59-2-1345** is amended to read:

1512 **59-2-1345. Daily statement of accounts -- Audits.**

1513 (1) Between March 15 and the date of the tax sale, the county treasurer shall transmit

1514 daily to the county auditor a statement of the amount of money received by the treasurer during
1515 the preceding business day on account of redemptions made on property listed for tax sale.

1516 (2) The statement described in Subsection (1) shall set out in separate columns:

1517 (a) the number of the redemption certificate or the receipt issued on account for
1518 redemption;

1519 (b) the amount received for taxes, tax notice charges, penalties, and administrative
1520 costs accrued to the date of the making of the tax sale record;

1521 (c) the amount received for administrative costs subsequently accruing; and

1522 (d) the amount received as interest accrued.

1523 ~~[(2)]~~ (3) The county auditor shall audit the treasurer's tax sale records at least once a
1524 year and the treasurer shall account to the auditor for all money due the county by reason of any
1525 redemptions or payments on account for redemption made, including interest as required by
1526 law.

1527 ~~[(3)]~~ (4) Before the tax sale listing under Section 59-2-1343 is compiled, the auditor
1528 shall credit the treasurer upon the books of the county with the sums charged for delinquent
1529 taxes, tax notice charges, penalties, and administrative costs charged against all real estate upon
1530 which the period of redemption is expiring in the nearest forthcoming tax sale.

1531 Section 36. Section 59-2-1346 is amended to read:

1532 **59-2-1346. Redemption -- Time allowed.**

1533 (1) Property may be redeemed on behalf of the record owner by any person at any time
1534 before the tax sale which shall be held in May or June as provided in Section 59-2-1351
1535 following the lapse of four years from the date the property tax or tax notice charges became
1536 delinquent.

1537 (2) A person may redeem property by paying to the county treasurer all delinquent
1538 taxes, tax notice charges, interest, penalties, and administrative costs that have accrued on the
1539 property.

1540 (3) (a) Subject to Subsection (3)(d), a person may redeem a subdivided lot by paying

1541 the county treasurer the subdivided lot's proportional share of the delinquent taxes, tax notice
1542 charges, interest, penalties, and administrative costs accrued on the base parcel, calculated in
1543 accordance with Subsection (3)(b).

1544 (b) The county treasurer shall calculate the amount described in Subsection (3)(a) by
1545 comparing:

1546 (i) the amount of the value of the base parcel as described in Subsection (3)(b)(ii) that
1547 is attributable to the property that comprises the subdivided lot as the property existed on
1548 January 1 of the year in which the delinquent property taxes on the base parcel were assessed or
1549 tax notice charges on the base parcel were listed; and

1550 (ii) the value of the base parcel as it existed on January 1 of the year in which the
1551 delinquent property taxes on the base parcel were assessed or tax notice charges on the base
1552 parcel were listed.

1553 (c) If the county treasurer does not have sufficient information to calculate the amount
1554 described in Subsection (3)(a)(i), upon request from the county treasurer, the county assessor
1555 shall provide the county treasurer any information necessary to calculate the amount described
1556 in Subsection (3)(a)(i).

1557 (d) A person may redeem a subdivided lot under this Subsection (3) only if the record
1558 owner of the subdivided lot is a bona fide purchaser.

1559 (4) (a) At any time before the expiration of the period of redemption the county
1560 treasurer shall accept and credit on account for the redemption of property, payments in
1561 amounts of not less than \$10, except for the final payment, which may be in any amount.

1562 (b) For the purpose of computing the amount required for redemption and for the
1563 purpose of distributing the payments received on account, all payments shall be applied in the
1564 following order:

1565 [~~(a)~~] (i) against the interest and administrative costs accrued on the delinquent tax for
1566 the last year included in the delinquent account at the time of payment;

1567 [~~(b)~~] (ii) against the penalty charged on the delinquent tax for the last year included in

1568 the delinquent account at the time of payment;
1569 ~~[(e)]~~ (iii) against the delinquent tax for the last year included in the delinquent account
1570 at the time of payment;
1571 ~~[(d)]~~ (iv) against the interest and administrative costs accrued on the delinquent tax for
1572 the next to last year included in the delinquent account at the time of payment; and
1573 ~~[(e) and]~~ (v) so on until the full amount of the delinquent taxes, tax notice charges,
1574 penalties, administrative costs, and interest on the unpaid balances are paid within the period of
1575 redemption.

1576 Section 37. Section **59-2-1349** is amended to read:

1577 **59-2-1349. Co-owners -- Procedures for redemption.**

1578 If two or more persons own an undivided interest in property on which a tax or tax
1579 notice charge delinquency exists, any owner may redeem the owner's interest in the property
1580 upon payment of that portion of the taxes, tax notice charges, interest, penalties, and
1581 administrative costs which the owner's interest bears to the whole, as determined by the county
1582 legislative body.

1583 Section 38. Section **59-2-1351** is amended to read:

1584 **59-2-1351. Sales by county -- Notice of tax sale -- Entries on record.**

1585 (1) (a) Upon receiving the tax sale listing from the county treasurer, the county auditor
1586 shall select a date for the tax sale for all real property on which a tax or tax notice charge
1587 delinquency exists that was not previously redeemed and upon which the period of redemption
1588 is expiring in the nearest tax sale.

1589 (b) The tax sale shall be conducted in May or June of the current year.

1590 (2) Notice of the tax sale shall be provided as follows:

1591 (a) sent by certified and first class mail to the last-known recorded owner, the occupant
1592 of any improved property, and all other interests of record, as of the preceding March 15, at
1593 their last-known address; and

1594 (b) published:

1595 (i) four times in a newspaper published and having general circulation in the county,
1596 once in each of four successive weeks immediately preceding the date of sale; and

1597 (ii) in accordance with Section 45-1-101 for four weeks immediately preceding the
1598 date of sale; and

1599 (c) if no newspaper is published in the county, posted in five public places in the
1600 county, as determined by the auditor, at least 25 but no more than 30 days prior to the date of
1601 sale.

1602 (3) The notice shall be in substantially the following form:

1603 NOTICE OF TAX SALE

1604 Notice is hereby given that on _____(month\day\year), at __ o'clock __. m., at
1605 the front door of the county courthouse in ____ County, Utah, I will offer for sale at public
1606 auction and sell to the highest bidder for cash, under the provisions of Section 59-2-1351.1, the
1607 following described real property located in the county and now delinquent and subject to tax
1608 sale. A bid for less than the total amount of taxes, tax notice charges, interest, penalty, and
1609 administrative costs which are a charge upon the real estate will not be accepted.

1610 (Here describe the real estate)

1611 IN WITNESS WHEREOF I have hereunto set my hand and official seal on
1612 _____(month\day\year).

1614 County Auditor

1616 County

1617 (4) (a) The notice sent by certified mail in accordance with Subsection (2)(a) shall
1618 include:

1619 (i) the name and last-known address of the last-known recorded owner of the property
1620 to be sold;

1621 (ii) the parcel, serial, or account number of the delinquent property; and

1622 (iii) the legal description of the delinquent property.

1623 (b) The notice published in a newspaper in accordance with Subsection (2)(b) shall
1624 include:

1625 (i) the name and last-known address of the last-known recorded owner of each parcel
1626 of property to be sold; and

1627 (ii) the street address or the parcel, serial, or account number of the delinquent parcels.

1628 Section 39. Section **59-2-1351.1** is amended to read:

1629 **59-2-1351.1. Tax sale -- Combining certain parcels -- Acceptable bids -- Deeds.**

1630 (1) (a) At the time specified in the notice the auditor shall:

1631 (i) attend at the place appointed, offer for sale, and sell all real property for which an
1632 acceptable bid is made; and

1633 (ii) refuse to offer a parcel of real property for sale if the description of the real
1634 property is so defective as to convey no title.

1635 (b) The auditor may post at the place of sale a copy of the published list of real
1636 property to be offered and cry the sale by reference to the list rather than crying each parcel
1637 separately.

1638 (2) (a) The tax commission shall establish, by rule, minimum procedural standards
1639 applicable to tax sales.

1640 (b) For matters not addressed by commission rules, the county legislative body, upon
1641 recommendation by the county auditor, shall establish procedures, by ordinance, for the sale of
1642 the delinquent property that best protect the financial interest of the delinquent property owner
1643 and meet the needs of local governments to collect delinquent property taxes and tax notice
1644 charges due.

1645 (3) The county governing body may authorize the auditor to combine for sale two or
1646 more contiguous parcels owned by the same party when:

1647 (a) the parcels are a single economic or functional unit;

1648 (b) the combined sale will best protect the financial interests of the delinquent property

1649 owner; and

1650 (c) separate sales will reduce the economic value of the unit.

1651 (4) The governing body may accept any of the following bids:

1652 (a) the highest bid amount for the entire parcel of property, however, a bid may not be
1653 accepted for an amount which is insufficient to pay the taxes, tax notice charges, penalties,
1654 interest, and administrative costs; or

1655 (b) a bid in an amount sufficient to pay the taxes, tax notice charges, penalties, interest,
1656 and administrative costs, for less than the entire parcel.

1657 (i) The bid which shall be accepted shall be the bid of the bidder who will pay in cash
1658 the full amount of the taxes, tax notice charges, penalties, interest, and administrative costs for
1659 the smallest portion of the entire parcel.

1660 (ii) The county auditor at the tax sale or the county legislative body following the tax
1661 sale shall reject a bid to purchase a strip of property around the entire perimeter of the parcel,
1662 or a bid to purchase a strip of the parcel which would prevent access to the remainder of the
1663 parcel by the redemptive owner or otherwise unreasonably diminish the value of that
1664 remainder.

1665 (iii) If the bid accepted is for less than the entire parcel, the auditor shall note the fact,
1666 with a description of the property covered by the bid, upon the tax sale record and the balance
1667 of the parcel not affected by the bid shall be considered to have been redeemed by the owner.

1668 (5) The county legislative body may decide that none of the bids are acceptable.

1669 (6) (a) Once the county auditor has closed the sale of a particular parcel of property as a
1670 result of accepting a bid on the parcel, the successful bidder or purchaser of the property may
1671 not unilaterally rescind the bid.

1672 (b) The county legislative body, after acceptance of a bid, may enforce the terms of the
1673 bid by obtaining a legal judgment against the purchaser in the amount of the bid, plus interest
1674 and attorney's fees.

1675 (7) Any sale funds which are in excess of the amount required to satisfy the delinquent

1676 taxes, tax notice charges, penalties, interest, and administrative costs of the delinquent property
1677 shall be treated as unclaimed property under Title 67, Chapter 4a, Unclaimed Property Act.

1678 (8) All money received upon the sale of property made under this section shall be paid
1679 into the county treasury, and the treasurer shall settle with the taxing entities and tax notice
1680 charge entities as provided in Section 59-2-1366.

1681 (9) (a) The county auditor shall, after acceptance by the county governing body, and in
1682 the name of the county, execute deeds conveying in fee simple all property sold at the public
1683 sale to the purchaser and attest this with the auditor's seal.

1684 (b) Deeds issued by the county auditor under this section shall recite the following:

1685 (i) the total amount of all the delinquent taxes, tax notice charges, penalties, interest,
1686 and administrative costs which were paid in for the execution and delivery of the deed;

1687 (ii) the year for which the property was assessed or a tax notice charge was listed, the
1688 year the property became delinquent, and the year the property was subject to tax sale;

1689 (iii) a full description of the property; and

1690 (iv) the name of the grantee.

1691 [~~(b)~~] (c) When the deed is executed and delivered by the auditor, it shall be prima facie
1692 evidence of the regularity of all proceedings subsequent to the date the taxes or tax notice
1693 charges initially became delinquent and of the conveyance of the property to the grantee in fee
1694 simple.

1695 [~~(e)~~] (d) The deed issued by the county auditor under this section shall be recorded by
1696 the county recorder.

1697 [~~(d)~~] (e) The fee for the recording shall be included in the administrative costs of the
1698 sale.

1699 [~~(e)~~] (f) The deed shall be substantially in the following form:

1700 TAX DEED
1701 ____ County, a body corporate and politic of the state of Utah, grantor, hereby conveys to
1702 ____, grantee, of ____ the following described real estate in ____ County, Utah:

1703 (Here describe the property conveyed)

1704 This conveyance is made in consideration of payment by the grantee of \$____,
1705 representing the total amount owing for delinquent taxes, delinquent tax notice charges,
1706 penalties, interest, and administrative costs constituting a charge against the real property for
1707 nonpayment of general taxes assessed against it for the years ____ through ____ in the sum of
1708 \$_____.

1709 Dated _____(month\day\year).

1710 (Auditor's Seal)

1711 County _____

1712 By _____

1713 County Auditor

1714 Section 40. Section **59-2-1351.5** is amended to read:

1715 **59-2-1351.5. Disposition of property struck off to county.**

1716 (1) (a) All property acquired by the county under this part may be disposed of for a
1717 price and upon terms determined by the county legislative body.

1718 (b) If property is sold under a contract of sale and title remains in the county, the equity
1719 of the purchaser shall be subject to taxation as other taxable property.

1720 (c) The county clerk may execute deeds for all property sold under this subsection in
1721 the name of the county and attest the same by seal, vesting in the purchaser all of the title of all
1722 taxing entities in the real estate so sold.

1723 (d) (i) Money received from the sale of property under this section shall first be applied
1724 to the cost of administering and supervising the property.

1725 (ii) Any remaining money shall be apportioned to:

1726 (A) state and other taxing entities with an interest in the taxes last levied upon the
1727 property in proportion to their respective interests in the taxes[-]; and

1728 (B) tax notice charge entities in proportion to the entities' respective tax notice charges.

1729 (iii) The treasurer shall settle with the taxing entities and tax notice charge entities on

1730 funds remaining as provided in Section 59-2-1366.

1731 (iv) Money in excess of claims under this subsection shall be paid to the state treasurer
1732 and treated as unclaimed property under Title 67, Chapter 4a, Unclaimed Property Act.

1733 (2) (a) The county legislative body may rent or lease any property held in the name of
1734 the county any time after the tax sale for a price and upon terms determined by the governing
1735 body.

1736 (b) Lands leased may be sold at the discretion of the county executive, with the
1737 approval of the county legislative body, during the term of the lease, but any sale shall be made
1738 subject to the lease.

1739 (c) The county executive, with the approval of the county legislative body, may enter
1740 into leasehold terms for asphalt, oil, or gas that the county considers to be in the best interest of
1741 the county as long as:

1742 (i) the mineral, asphalt, oil, or gas is produced from, or attributable to, the property
1743 leased; and

1744 (ii) each lease for oil and gas reserves a royalty of not less than 12-1/2%.

1745 (d) If considered to be in the best interests of the county, the county executive may:

1746 (i) enter into agreements for the pooling or unitizing of acreage with others for unit
1747 operations for the production of oil or gas, or both, and for the apportionment of oil or gas
1748 royalties, or both, on an acreage or other equitable basis; and

1749 (ii) with the consent of its lessee, change any and all terms of leases issued by it to
1750 facilitate the efficient and economic production of oil and gas from the property under its
1751 jurisdiction.

1752 (e) All leases for mineral, asphalt, or oil and gas already entered into by county
1753 governing bodies are ratified.

1754 (3) (a) Money received as rents from the rental or leasing of property held in the name
1755 of the county shall first be applied to the cost of administering and supervising the property.

1756 (b) Any remaining money shall be apportioned to:

- 1757 (i) state and other taxing entities with an interest in the taxes last levied upon the
1758 property in proportion to their respective interests in the taxes[-]; and
1759 (ii) tax notice charge entities in proportion to the entities' respective tax notice charges.
1760 (c) The treasurer shall settle with the taxing entities and tax notice charge entities on
1761 funds remaining as provided in Section 59-2-1366.
1762 (d) Money in excess of these claims shall be paid to the state treasurer and treated as
1763 unclaimed property under Title 67, Chapter 4a, Unclaimed Property Act.
1764 Section 41. Section 59-2-1352 is amended to read:
1765 **59-2-1352. Purchaser of invalid tax title -- Purchaser's lien -- Extent of lien --**
1766 **Priority of lien -- Foreclosure of lien.**
1767 (1) Every person who has purchased or purchases any invalid tax title to any real
1768 property in this state shall, from the effective date of this part, have a lien against the property
1769 for the recovery of the amount of the purchase price paid to the county to the extent that the
1770 county would have a lien prior to the sale by the county, but in no event may the lien be greater
1771 than the amount of taxes, tax notice charges, interest, and penalties, or the amount actually
1772 paid, whichever is smaller.
1773 (2) Taxes and tax notice charges paid by the purchaser for subsequent years after the
1774 purchase from the county shall be included in the amount secured by the lien which has not
1775 already been recovered.
1776 (3) The lien shall have the same priority against the property as the lien for the
1777 delinquent taxes and tax notice charges which were liquidated by the purchase except that it
1778 may not have preference over any right, title, interest in, or lien against, the property acquired
1779 since the purchase of the tax title for value and without notice, and the lien shall bear interest at
1780 the legal rate for a period of not to exceed four years.
1781 (4) The lien shall be foreclosed in any action in which the invalidity of the tax title is
1782 determined.
1783 (5) If the lien is not foreclosed at the time of the determination of the invalidity of the

1784 tax title, any later action to foreclose the lien shall be barred.

1785 Section 42. Section **59-2-1353** is amended to read:

1786 **59-2-1353. Foreclosure of lien claimed by county -- Time -- Venue -- Parties --**
1787 **Pleading.**

1788 (1) In all cases where any county claims a lien on real estate for delinquent general
1789 taxes or tax notice charges which have not been paid for a period of four years, the county may
1790 foreclose the lien by an action in the district court of the county in which the real estate is
1791 located.

1792 (2) In this action all persons owning, having, or claiming an interest in or lien upon the
1793 real estate or any part of the real estate may be joined as defendants, and the complaint shall
1794 contain a description of the property, together with the amount claimed to be due on the
1795 property, including interest, penalties, and administrative costs.

1796 (3) If the name of the owner of any real estate cannot be ascertained from the records of
1797 the county, the complaint shall state that the owner is unknown to the plaintiff.

1798 (4) It is sufficient to allege in the complaint that a general tax has been duly levied
1799 upon or a tax notice charge has been listed for the described real estate, without stating any of
1800 the proceedings or steps leading up to the levy of the tax or the listing of the tax notice charge.

1801 Section 43. Section **59-2-1355** is amended to read:

1802 **59-2-1355. Trial -- Findings -- Decree.**

1803 (1) The action described in Section 59-2-1353 shall be tried and determined as actions
1804 to foreclose mortgage liens, and the court shall determine and adjudge the amount of taxes, tax
1805 notice charges, interest, penalties, and costs on each parcel of property which has been
1806 separately assessed, and shall enter its decree determining the rights, and priorities of liens, of
1807 all parties to the action.

1808 (2) The court shall also in its decree direct the sheriff to advertise and sell, as in the
1809 case of sales on execution, each parcel of property, or so much as may be necessary for the
1810 payment of the total amount of the general taxes and tax notice charges due, with interest,

1811 penalties, and costs, unless the amount is paid within a time named in the decree, but not to
1812 exceed 30 days from the entry of the decree.

1813 (3) The decree shall provide that any of the parties to the action may become
1814 purchasers at any sale, that if less than an entire parcel of property is sold, it shall be sold at
1815 foreclosure sale in such a manner as not to convey to the purchaser a strip of property around
1816 the entire perimeter of the parcel, or a strip of the parcel which, if conveyed, would prevent
1817 access to the remainder of the parcel by the redemptive owner or otherwise unreasonably
1818 diminish the value of that remainder, as determined by the county executive.

1819 (4) The decree shall also provide that if all delinquent taxes and tax notice charges,
1820 together with interest, respectively levied on or listed for the parcel of property, and all
1821 penalties and costs, are paid within the time fixed in the decree for payment, then no sale may
1822 be made.

1823 (5) After the time for redemption has expired, if no redemption has been made, the
1824 sheriff shall execute and deliver to the purchaser a deed conveying to the purchaser all the
1825 right, title, and interest of each and all the parties, but subject to the lien of any general or
1826 special taxes or tax notice charges which may have been respectively levied on or listed for the
1827 property conveyed, other than those for the payment of which the sale has been made.

1828 Section 44. Section **59-2-1358** is amended to read:

1829 **59-2-1358. Foreclosure deemed a cumulative remedy.**

1830 The foreclosure may not deprive any county of any other method or means provided for
1831 the collection or enforcement of any taxes or tax notice charges, but is construed as providing
1832 an additional or cumulative remedy for the collection of general taxes levied and assessed and
1833 tax notice charges listed against the real estate in the county.

1834 Section 45. Section **59-2-1359** is amended to read:

1835 **59-2-1359. Collection of taxes and tax notice charges -- Removal or destruction of**
1836 **property.**

1837 The tax commission may, under the conditions existing in this section, declare the taxes

1838 and tax notice charges to be immediately due and payable if it finds:

1839 (1) that the owner or lessee of any real property, including improvements, subject to
1840 taxation within the state is removing, destroying, or is about to remove or destroy the property
1841 to such an extent as to render doubtful the payment of delinquent taxes, tax notice charges,
1842 penalty, and interest, if any, and the payment of current taxes and tax notice charges; or

1843 (2) that the continued operation and extraction of ores and minerals from mine or
1844 mining claims, or the method employed by the owner or lessee, contractor, or other person
1845 working upon or operating any mine or mining claim will render doubtful the payment of
1846 delinquent taxes, tax notice charges, penalty, and interest, if any, for past years or the current
1847 year.

1848 Section 46. Section **59-2-1360** is amended to read:

1849 **59-2-1360. Proceedings before commission.**

1850 Proceedings to make findings under Section **59-2-1359** may be commenced before the
1851 commission upon its own initiative, the request of any taxing entity, the request of any tax
1852 notice charge entities, or the request of any taxpayer.

1853 Section 47. Section **59-2-1361** is amended to read:

1854 **59-2-1361. Notice of findings -- Proceedings in district court -- Injunction --**
1855 **Determining taxes and tax notice charges due -- Security during proceedings.**

1856 (1) (a) Notice that the commission has made a finding and declaration under Section
1857 **59-2-1359** shall be given to the owner of the property in the same manner as is provided by law
1858 for the giving of the notice of assessment by the commission.

1859 (b) The notice required by this section shall include a notice of the location and time of
1860 the hearing in which the findings of the commission may be protested.

1861 (c) (i) The hearing must be scheduled at least 10 days after the mailing of the notice.

1862 (ii) The owner, lessee, contractor, or operator of the property shall be afforded the
1863 opportunity to protest the commission's findings at the hearing.

1864 (2) After the scheduled hearing, the taxes shall become immediately due and payable if

1865 any of the following occur:

1866 (a) the owner, contractor, lessee, or operator of the property fails to appear at the
1867 hearing; or

1868 (b) the commission sustains the findings.

1869 (3) If the taxes and tax notice charges are not paid within 10 days from the date due,
1870 the commission may commence a proceeding in court in its name, but for the benefit of the
1871 state ~~[and]~~, the taxing entities interested in the taxes, and the tax notice charge entities for the
1872 property, in the district court of the county in which the property is located to determine the
1873 ~~[lien]~~ liens of the taxes and tax notice charges and to foreclose the ~~[lien]~~ liens.

1874 (4) In any proceeding the court may order any of the following:

1875 (a) enjoin and restrain the destruction or removal of the property or any part of the
1876 property;

1877 (b) appoint a receiver to operate the property; and

1878 (c) order and direct that the proceeds from the property, or so much of it as may be
1879 necessary to pay the amount of the taxes and tax notice charges, be withheld and impounded or
1880 paid on account of the taxes and tax notice charges from time to time as the court may direct.

1881 (5) In determining the amount of taxes due for any year for which the levy has not been
1882 fixed and for the purposes of the proceeding in court, the commission shall use the levy
1883 prevailing within the taxing entity where the property is located for the last preceding year.

1884 (6) In any court proceeding brought to enforce the payment of taxes and tax notice
1885 charges made due and payable under this section, the findings of the commission shall be for
1886 all purposes presumptive evidence of the necessity for the action for the protection of the
1887 public revenues and of the amount of taxes and tax notice charges to be paid.

1888 (7) (a) Payment of taxes and tax notice charges due under this section will not be
1889 enforced through the proceedings authorized by this section prior to the expiration of the time
1890 otherwise allowed for payment of taxes if the owner, lessee, contractor, or other person
1891 operating the property furnishes security approved by the commission that the person will

1892 timely submit all required returns and ~~[tax payments]~~ payment of taxes and tax notice charges.

1893 (b) The commission may, from time to time, require additional security for the
1894 payment of taxes and tax notice charges.

1895 (8) The commission may promulgate rules to implement this section.

1896 Section 48. Section **59-2-1362** is amended to read:

1897 **59-2-1362. Certified copy of tax sale record prima facie evidence of regularity.**

1898 (1) A copy of the record of any tax sale duly certified by the official custodian of the
1899 record at the time of the certificate under the seal of office as a true copy of the entry in the
1900 official record showing the sale is prima facie evidence of the facts shown in the record.

1901 (2) The regularity of all proceedings connected with the assessment, valuation, notice,
1902 equalization, levies, tax notices, advertisement, and sale of property described in the record is
1903 presumed, and the burden of showing any irregularity in any of the proceedings resulting in the
1904 sale of property for the nonpayment of delinquent taxes and tax notice charges shall be on the
1905 person who asserts it.

1906 Section 49. Section **59-2-1363** is amended to read:

1907 **59-2-1363. Misnomer or mistake as to ownership does not affect sale.**

1908 If property is sold for correctly imposed taxes and tax notice charges as the property of
1909 a particular person, no misnomer of the owner or supposed owner, or other mistake relating to
1910 ownership, affects the sale or renders it void or voidable.

1911 Section 50. Section **59-2-1365** is amended to read:

1912 **59-2-1365. Payment to taxing entities by county treasurer -- Investment of**
1913 **proceeds -- Transfer and receipt of money between taxing entities.**

1914 (1) Except as provided in Subsections (3) and (4), the county treasurer shall pay to the
1915 treasurer of each taxing entity and each tax notice charge entity in the county on or before the
1916 tenth day of each month:

1917 (a) all money that the county treasurer received during the preceding month that is due
1918 to the ~~[taxing]~~ entity; and

1919 (b) each ~~taxing~~ entity's proportionate share of money the county treasurer received
1920 during the preceding month for:

1921 (i) delinquent taxes and tax notice charges;

1922 (ii) interest;

1923 (iii) penalties; and

1924 (iv) costs on all tax sales and redemptions.

1925 (2) Except as provided in Subsections (3) and (4), the county treasurer shall:

1926 (a) adopt an appropriate procedure to account for the transfer and receipt of money
1927 between taxing entities and tax notice charge entities;

1928 (b) make a final annual settlement on March 31 with each taxing entity and tax notice
1929 charge entity, including providing the ~~taxing~~ entity a written statement for the most recent
1930 calendar year of the amount of:

1931 (i) total taxes and tax notice charges charged;

1932 (ii) current taxes and tax notice charges collected;

1933 (iii) treasurer's relief;

1934 (iv) redemptions;

1935 (v) penalties;

1936 (vi) interest;

1937 (vii) in lieu fee collections on motor vehicles; and

1938 (viii) miscellaneous collections;

1939 (c) invest the money it receives under Subsection (1); and

1940 (d) pay annually to each taxing entity and tax notice charge entity in the county the
1941 interest earned on the invested money under Subsection (2)(c):

1942 (i) on or before March 31; and

1943 (ii) apportioned according to the proportion that the:

1944 (A) taxing entity's tax receipts bear to the total tax receipts received by the county
1945 treasurer[-]; and

1946 (B) tax notice charge entity's tax notice charge receipts bear to the total tax notice
1947 charge receipts that the county treasurer receives.

1948 (3) Notwithstanding Subsections (1) and (2), a county may:

1949 (a) negotiate with a taxing entity or tax notice charge entity a procedure other than the
1950 procedure provided in Subsection (2)(a) to account for the transfer and receipt of money
1951 between the county and the taxing entity or tax notice charge entity; and

1952 (b) establish a date other than the tenth day of each month for the county treasurer to
1953 make payments required under Subsection (1).

1954 (4) This section does not invalidate an existing contract between a county and a taxing
1955 entity or tax notice charge entity relating to the apportionment and payment of money or
1956 interest.

1957 Section 51. Section **59-2-1366** is amended to read:

1958 **59-2-1366. Apportionment of redemption or assignment money.**

1959 (1) If property sold to the county under this title is redeemed, or the certificate of sale is
1960 assigned, the money received on account of the redemption or assignment shall be distributed
1961 as follows:

1962 (a) the original and subsequent taxes, and 40% of interest, penalty, and costs of sale
1963 received shall be apportioned to the taxing entities interested, in proportion to their respective
1964 taxes~~[, and]~~;

1965 (b) the original and subsequent tax notice charges, and 40% of interest, penalty, and
1966 costs of sale received shall be apportioned to the tax notice charge entities interested, in
1967 proportion to their respective tax notice charges; and

1968 (c) the balance shall be paid to the county.

1969 (2) If a sum less than the taxes, tax notice charges, interest, penalty, and costs is
1970 accepted in settlement, the proceeds of the settlement shall be applied, first to the payment of
1971 the original and subsequent taxes and tax notice charges, and the remainder, if any, to the
1972 payment of interest, penalty, and costs.

1973 Section 52. Section **59-2-1372** is amended to read:

1974 **59-2-1372. Auditor duties -- Final settlement with treasurer -- Delinquent Tax**
1975 **Control Account.**

1976 (1) The auditor shall audit the books and records of the treasurer and make a final
1977 settlement with the treasurer.

1978 (2) In making the settlement the auditor shall credit the treasurer with the amount of
1979 taxes and tax notice charges for the previous year which are found to be still unpaid and shall
1980 then charge the treasurer upon the books of the county in an account which shall be called the
1981 Delinquent Tax Control Account with the full amount of delinquent taxes, tax notice charges,
1982 penalty, and costs found due the county for the previous year.