

SB0134S02 compared with SB0134S01

~~{deleted text}~~ shows text that was in SB0134S01 but was deleted in SB0134S02.

inserted text shows text that was not in SB0134S01 but was inserted into SB0134S02.

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Senator Daniel Hemmert proposes the following substitute bill:

PROPERTY TAX ~~{ABATEMENT}~~EXEMPTION FOR WILDFIRE PREVENTION

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel Hemmert

House Sponsor: ~~{_____}~~Casey Snider

LONG TITLE

General Description:

This bill provides a property tax ~~{abatement}~~exemption related to wildfire prevention on certain property.

Highlighted Provisions:

This bill:

- ▶ ~~{provides for an abatement of property taxes owed on certain property if the property owner pays an expense related to wildfire prevention}~~enacts a property tax exemption for property on which the owner takes one or more wildfire preparedness actions; and
- ▶ gives rulemaking authority to the Division of Forestry, Fire, and State Lands to:

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- identify which property and which expenses qualify for the abatement; and
- establish a process for issuing property tax abatement documents.

Money Appropriated in this Bill:

This bill appropriates in fiscal year 2021:

- ▶ to the Department of Natural Resources -- Forestry, Fire, and State Lands, as an ongoing appropriation:
 - from the Sovereign Lands Management Account, \$10,000.
- ▶ to the Department of Natural Resources -- Forestry, Fire, and State Lands, as a one-time appropriation:
 - from the Sovereign Lands Management Account, One-time, \$40,000.

Other Special Clauses:

This bill provides a contingent effective date.

Utah Code Sections Affected:

ENACTS:

~~{59-2-2001}~~59-2-1118, Utah Code Annotated 1953

~~{59-2-2002, Utah Code Annotated 1953~~

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

Section 1. Section ~~{59-2-2001}~~59-2-1118 is enacted to read:

~~{Part 20. Tax Abatement for Wildfire Preparedness~~

~~59-2-2001. Definitions.~~

~~}~~ 59-2-1118. Exemption for wildfire preparedness.

(1) As used in this ~~{part}~~section:

~~{1}a~~ "Claimant" means an owner of qualifying property.

~~{2}b~~ "Division" means the Division of Forestry, Fire, and State Lands created in

Section 65A-1-4.

~~{3}c~~ "Property tax ~~{abatement}~~exemption document" means ~~{a}~~the document issued by the division under Subsection ~~{59-2-1902(4)}~~(5).

~~{4}d~~ "Qualifying property" means real property that the division determines is at high risk for wildfire.

~~{5}e~~ "Wildfire preparedness action" means one or more expenses paid by a claimant

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during a calendar year to reduce the risk of wildfire on the claimant's qualifying property.

~~{ Section 2. Section 59-2-2002 is enacted to read:~~

~~59-2-2002. Tax abatement for wildfire preparedness and mitigation.~~

~~{ (1)(2) (a) In accordance with this section, a {county shall abate} percentage of the {property taxes owed on} taxable value of a claimant's qualifying property {:~~

~~(a) for the calendar year} is exempt from taxation for a calendar year beginning on or after January 1, 2022, and immediately following the calendar year in which a wildfire preparedness action occurs {; and~~

~~(b) in an amount} on the claimant's qualifying property.~~

~~(b) The percentage described in Subsection (2)(a) is equal to the lesser of:~~

~~(i) the percentage calculated by dividing the amount of the wildfire preparedness action {; or~~

~~(ii) 80%} by the amount of the {claimant's} property tax liability on the qualifying property for the calendar year in which the {claimant receives the abatement.~~

~~(2) wildfire preparedness action occurred:~~

~~(i) the percentage established by the county in accordance with Subsection (3); or~~

~~(ii) the percentage that, accounting for all other applicable exemptions, makes the total reduction of the qualifying property's taxable value 80% of the taxable value.~~

~~(3) A county legislative body may by resolution establish a percentage that represents the maximum portion of the taxable value of qualifying property that may be exempt from taxation under this section.~~

~~(4) To receive the {abatement} exemption described in Subsection (1)(a)(2), no later than {September} April 1 of the calendar year immediately following the calendar year in which the wildfire preparedness action occurs, the claimant shall submit to the county {:~~

~~(a) } an application:~~

~~(a) on a form prescribed by the commission; and~~

~~(b) that includes a copy of the property tax {abatement document.~~

~~(3) (a) After receipt of the items described in Subsection (2), the county shall abate the claimant's property tax liability in accordance with Subsection (1):~~

~~(b) (i) Except as provided in Subsection (3)(b)(ii), the county shall apply the abatement proportionately to each taxing entity:~~

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~~(ii) The abatement does not apply to a property tax levied by any of the following that is authorized to provide fire protection services, paramedic services, emergency services, or law enforcement services, including extended police protection services:~~

~~(A) a local district as defined in Section 17B-1-102; or~~

~~(B) a special service district as defined in Section 17D-1-102.~~

~~(4) exemption document.~~

(5) (a) To obtain a property tax ~~abatement~~ exemption document, a property owner shall submit to the division proof of a wildfire preparedness action.

(b) If the division determines that the property owner qualifies for a property tax ~~abatement~~ exemption under this section, the division shall provide the property owner a written property tax ~~abatement~~ exemption document that states:

(i) that the property owner qualifies for a property tax ~~abatement~~ exemption under this section; and

(ii) the amount of the wildfire preparedness action as provided in the proof submitted to the division in accordance with Subsection (~~4~~)5(a).

(~~5~~)6) The division shall make rules in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act, to establish:

(a) a process and standards for determining whether a property ~~owner~~ qualifies for a property tax ~~abatement~~ exemption under this section; and

(b) procedures for issuing a property tax ~~abatement~~ exemption document.

Section ~~3~~2. **Appropriation.**

The following sums of money are appropriated for the fiscal year beginning July 1, 2020, and ending June 30, 2021. These are additions to amounts previously appropriated for fiscal year 2021. Under the terms and conditions of Title 63J, Chapter 1, Budgetary Procedures Act, the Legislature appropriates the following sums of money from the funds or accounts indicated for the use and support of the government of the state of Utah.

ITEM 1

To Department of Natural Resources - Forestry, Fire, and State Lands

From Sovereign Lands Management Account \$10,000

From Sovereign Lands Management Account, One-time \$40,000

Schedule of Programs:

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Fire Management

\$50,000

The Legislature intends that the appropriation under this section be used by the Division of Forestry, Fire, and State Lands to carry out the requirements of Section ~~{59-2-2002}~~59-2-1118.

Section ~~{4}~~3. **Contingent effective date.**

This bill takes effect on January 1, 2022, if the amendment to the Utah Constitution proposed by S.J.R. 10, Proposal to Amend Utah Constitution -- Property Tax Exemption for Wildfire Prevention, 2020 General Session, passes the Legislature and is approved by a majority of those voting on it at the next regular general election.