

## HB0257S01 compared with HB0257

{deleted text} shows text that was in HB0257 but was deleted in HB0257S01.

inserted text shows text that was not in HB0257 but was inserted into HB0257S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will NOT be completely accurate. Therefore, you need to read the actual bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Wayne A. Harper proposes the following substitute bill:

### GREENBELT PROPERTY AMENDMENTS

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jason B. Kyle**

Senate Sponsor: { } Ronald M. Winterton

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#### LONG TITLE

##### General Description:

This bill modifies provisions of the Utah Farmland Assessment Act.

##### Highlighted Provisions:

This bill:

- ▶ requires a county or commission to waive the acreage requirement for agricultural assessment if the assessed property fails to meet the acreage requirement because of a qualified utility or governmental entity exercising eminent domain or threatening eminent domain; and
- ▶ makes technical and conforming changes.

##### Money Appropriated in this Bill:

None

##### Other Special Clauses:

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None

### Utah Code Sections Affected:

AMENDS:

**59-2-503**, as last amended by Laws of Utah 2013, Chapter 322

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

Section 1. Section **59-2-503** is amended to read:

**59-2-503. Qualifications for agricultural use assessment.**

(1) For general property tax purposes, land may be assessed on the basis of the value that the land has for agricultural use if the land:

(a) is not less than five contiguous acres in area, except that land may be assessed on the basis of the value that the land has for agricultural use:

(i) if:

(A) the land is devoted to agricultural use in conjunction with other eligible acreage;

and

(B) the land and the other eligible acreage described in Subsection (1)(a)(i)(A) have identical legal ownership; or

(ii) as provided under [~~Subsection (4)~~] Subsections (4) and (5); and

(b) except as provided in Subsection [~~(5)~~] 6 or [~~(6)~~] 7:

(i) is actively devoted to agricultural use; and

(ii) has been actively devoted to agricultural use for at least two successive years immediately preceding the tax year for which the land is being assessed under this part.

(2) In determining whether land is actively devoted to agricultural use, production per acre for a given county or area and a given type of land shall be determined by using the first applicable of the following:

(a) production levels reported in the current publication of the Utah Agricultural Statistics;

(b) current crop budgets developed and published by Utah State University; and

(c) other acceptable standards of agricultural production designated by the commission by rule adopted in accordance with Title 63G, Chapter 3, Utah Administrative Rulemaking Act.

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(3) Land may be assessed on the basis of the land's agricultural value if the land:

- (a) is subject to the privilege tax imposed by Section 59-4-101;
- (b) is owned by the state or any of the state's political subdivisions; and
- (c) meets the requirements of Subsection (1).

(4) Notwithstanding Subsection (1)(a), the commission or a county board of equalization may grant a waiver of the acreage limitation for land upon:

(a) appeal by the owner; and

(b) submission of proof that ~~[(i)]~~ 80% or more of the owner's, purchaser's, or lessee's income is derived from agricultural products produced on the property in question ~~[-or]~~.

~~[(ii) (A) the failure to meet the acreage requirement arose solely as a result of an acquisition by a governmental entity by:]~~

~~[(F) eminent domain; or]~~

~~[(H) the threat or imminence of an eminent domain proceeding;]~~

~~[(B) the land is actively devoted to agricultural use; and]~~

~~[(C) no change occurs in the ownership of the land.]~~

(5) Notwithstanding Subsection (1)(a), the commission or a county board of equalization shall grant a waiver of the acreage limitation for land upon:

(a) appeal by the owner; and

(b) submission of proof that:

(i) the failure to meet the acreage requirement arose solely as a result of an acquisition by a public utility or a governmental entity by:

(A) eminent domain; or

(B) the threat or imminence of an eminent domain proceeding; and

(ii) the land is actively devoted to agricultural use.

~~[(5)]~~ (6) (a) The commission or a county board of equalization may grant a waiver of the requirement that the land is actively devoted to agricultural use for the tax year for which the land is being assessed under this part upon:

(i) appeal by the owner; and

(ii) submission of proof that:

(A) the land was assessed on the basis of agricultural use for at least two years immediately preceding that tax year; and

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(B) the failure to meet the agricultural production requirements for that tax year was due to no fault or act of the owner, purchaser, or lessee.

(b) As used in Subsection [~~(5)(a)~~] (6)(a), "fault" does not include:

(i) intentional planting of crops or trees which, because of the maturation period, do not give the owner, purchaser, or lessee a reasonable opportunity to satisfy the production levels required for land actively devoted to agricultural use; or

(ii) implementation of a bona fide range improvement program, crop rotation program, or other similar accepted cultural practices which do not give the owner, purchaser, or lessee a reasonable opportunity to satisfy the production levels required for land actively devoted to agricultural use.

[~~(6)~~] (7) Land that otherwise qualifies for assessment under this part qualifies for assessment under this part in the first year the land resumes being actively devoted to agricultural use if:

(a) the land becomes ineligible for assessment under this part only as a result of a split estate mineral rights owner exercising the right to extract a mineral; and

(b) the land qualified for assessment under this part in the year immediately preceding the year the land became ineligible for assessment under this part only as a result of a split estate mineral rights owner exercising the right to extract a mineral.

[~~(7)~~] (8) Land that otherwise qualifies under Subsection (1) to be assessed on the basis of the value that the land has for agricultural use does not lose that qualification by becoming subject to a forest stewardship plan developed under Section 65A-8a-106 under which the land is subject to a temporary period of limited use or nonuse.