Representative **Michael L. Kohler** proposes the following substitute bill:

1 **COUNTY ASSESSOR AMENDMENTS**

2 2023 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Michael L. Kohler**

5 Senate Sponsor: David P. Hinkins

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7 **LONG TITLE**

8 **General Description:**

9   This bill modifies provisions regarding the training and recertification of county

10 assessors.

11 **Highlighted Provisions:**

12   This bill:

13   ▸ provides that the State Tax Commission will conduct an education and training

14 program for county assessors;

15   ▸ provides that the education and training program focus on statutory obligations and

16 mass appraisal techniques; and

17   ▸ provides for a penalty for a county assessor who fails to comply with the education

18 and training requirement.

19 **Money Appropriated in this Bill:**

20   None

21 **Other Special Clauses:**

22   None

23 **Utah Code Sections Affected:**

24 AMENDS:

25   **59-2-303.1**, as last amended by Laws of Utah 2016, Chapter 135

26   ENACTS:

27   **59-2-702.5**, Utah Code Annotated 1953

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

30   Section 1. Section **59-2-303.1** is amended to read:

31   **59-2-303.1.   Mandatory cyclical appraisals.**

32   (1) For purposes of this section:

33   (a) "Corrective action" includes:

34   (i) factoring pursuant to Section 59-2-704;

35   (ii) notifying the state auditor that the county failed to comply with the requirements of

36   this section; or

37   (iii) filing a petition for a court order requiring a county to take action.

38   (b) "Mass appraisal system" means a computer assisted mass appraisal system that:

39   (i) a county assessor uses to value real property; and

40   (ii) includes at least the following system features:

41   (A) has the ability to update all parcels of real property located within the county each

42   year;

43   (B) can be programmed with specialized criteria;

44   (C) provides uniform and equal treatment of parcels within the same class of real

45   property throughout the county; and

46   (D) annually updates all parcels of residential real property within the county using

47   accepted valuation methodologies as determined by rule.

48   (c) "Property review date" means the date a county assessor completes a detailed

49   review of the property characteristics of a parcel of real property in accordance with Subsection

50   (3)(a).

51   (2) (a) The county assessor shall annually update property values of property as

52   provided in Section 59-2-301 based on a systematic review of current market data.

53   (b) The county assessor shall conduct the annual update described in Subsection (2)(a)

54   by using a mass appraisal system on or before the following:

55   (i) for a county of the first class, January 1, 2009;

56   (ii) for a county of the second class, January 1, 2011;

57   (iii) for a county of the third class, January 1, 2014; and

58   (iv) for a county of the fourth, fifth, or sixth class, January 1, 2015.

59   (c) The county assessor and the commission shall jointly certify that the county's mass

60 appraisal system meets the requirements:

61   (i) described in Subsection (1)(b); and

62   (ii) of the commission.

63   (3) (a) In addition to the requirements in Subsection (2), the county assessor shall

64 complete a detailed review of property characteristics for each property at least once every five

65 years.

66   (b) The county assessor shall maintain on the county's computer system[,] a record of

67 the last property review date for each parcel of real property located within the county

68 assessor's county.

69   (c) (i) The county assessor shall maintain on the county's computer system a parcel's

70 property tax class or category that is used for the purpose of assessment of real property value

71 on the annual assessment date.

72   (ii) On or before the assessment date, the county assessor shall make public the criteria

73 for categorizing a parcel into a property tax class or category.

74   (iii) The classifications or categories of real property under Subsection (3)(c)(i) shall

75 include, at minimum:

76   (A) primary residential;

77   (B) commercial;

78   (C) vacant land;

79   (D) secondary residential; and

80   (E) non-taxable.

81   (4) (a) The commission shall take corrective action if the commission determines that:

82   (i) a county assessor has not satisfactorily followed the current mass appraisal

83 standards, as provided by law;

84   (ii) the sales-assessment ratio, coefficients of dispersion, or other statistical measures

85 of appraisal performance related to the studies required by Section 59-2-704 are not within the

86 standards provided by law; or

87   (iii) the county assessor has failed to comply with the requirements of this section.

88   (b) If a county assessor fails to comply with the requirements of this section for one

89   year, the commission shall assist the county assessor in fulfilling the requirements of

90   Subsections (2) and (3).

91   (c) If a county assessor fails to comply with the requirements of this section for two

92   consecutive years, the county will lose the county's allocation of the revenue generated

93   statewide from the imposition of the multicounty assessing and collecting levy authorized in

94   Sections 59-2-1602 and 59-2-1603.

95   (d) If a county loses its allocation of the revenue generated statewide from the

96   imposition of the multicounty assessing and collecting levy described in Subsection (4)(c), the

97   revenue the county would have received shall be distributed to the Multicounty Appraisal Trust

98   created by interlocal agreement by all counties in the state.

99   (5) (a) On or before July 1, 2008, the county assessor shall prepare a five-year plan to

100 comply with the requirements of Subsections (2) and (3).

101   (b) The plan shall be available in the county assessor's office for review by the public

102 upon request.

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

104   (6) A county assessor shall create, maintain, and regularly update a database containing

105 the following information that the county assessor may use to enhance the county's ability to

106 accurately appraise and assess property on an annual basis:

107   (a) fee and other appraisals;

108   (b) property characteristics and features;

109   (c) property surveys;

110   (d) sales data; and

111   (e) any other data or information on sales, studies, transfers, changes to property, or

112 property characteristics.

113   Section 2. Section **59-2-702.5** is enacted to read:

114   **59-2-702.5. Education and training -- Continuing education for county assessors.**

115   (1) (a) The commission shall conduct a program of education and training for county

116 assessors that offers instruction on:

117   (i) a county assessor's statutory obligations; and

118   (ii) the practical application of mass appraisal techniques to satisfy a county assessor's

119 statutory obligations.

120   (b) The commission shall confer a designation of completion upon a county assessor

121 each time that the county assessor completes the program under Subsection (1)(a).

122   (2) (a) A county assessor shall obtain a designation of completion under Subsection

123 (1)(b) within 12 months after the start of each term of office.

124   (b) If a county assessor fails to obtain a designation of completion in accordance with

125 Subsection (2)(a), the commission shall take corrective action, as defined in Section

126 59-2-303.1.