

Senator Derrin R. Owens proposes the following substitute bill:

PROPERTY TAX APPEALS AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Derrin R. Owens

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions related to property tax appeals.

Highlighted Provisions:

This bill:

- ▶ authorizes counties to use certain local tax funds to pay for property tax refunds owed as a result of an objection to the assessment of property assessed by the State Tax Commission without voter approval;
- ▶ modifies the time period for which new growth is calculated for centrally-assessed property;
- ▶ changes the requirement for the State Tax Commission to stay a pending appeal under judicial review as an optional decision and modifies the criteria for which a stay of a pending appeal is authorized;
- ▶ allows a taxing entity to impose a judgment levy for multiple tax years;
- ▶ extends the period of time in which the state or a taxing entity has to pay a taxpayer that receives a reduction in the amount of taxes owed following an appeal; and
- ▶ makes technical changes.

Money Appropriated in this Bill:

None



26 **Other Special Clauses:**

27 None

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **17-36-54**, as last amended by Laws of Utah 2014, Chapter 176

31 **59-1-613**, as enacted by Laws of Utah 2021, Chapter 238

32 **59-2-924**, as last amended by Laws of Utah 2023, Chapter 502

33 **59-2-1330**, as last amended by Laws of Utah 2015, Chapter 201



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

36 Section 1. Section **17-36-54** is amended to read:

37 **17-36-54. Tax stability and trust fund -- Use of principal -- Determination of**
38 **necessity -- Election -- Exception.**

39 (1) [Hf] Except as provided in Subsection (2), if the legislative body of a county that has
40 established a tax stability and trust fund under Section 17-36-51 determines that it is necessary
41 for purposes of that county to use any portion of the principal of the fund, the county legislative
42 body shall submit this proposition to the electorate of that county in a special election called
43 and held in the manner provided for in Title 11, Chapter 14, Local Government Bonding Act,
44 for the holding of bond elections.

45 [~~2~~] (a) If the proposition is approved at the special election by a majority of the
46 qualified electors of the county voting at the election, then that portion of the principal of the
47 fund covered by the proposition may be transferred to the county general fund for use for
48 purposes of that county.

49 (2) (a) The requirements of Subsection (1) do not apply to the use of any portion of the
50 principal of a tax stability and trust fund established under Section 17-36-51 for payment of
51 any refund of property taxes owed by the county as a result of an objection to the assessment of
52 property assessed by the State Tax Commission under Section 59-2-1007.

53 (b) The legislative body of a county may, by ordinance or resolution, authorize the use
54 of any portion of the tax stability and trust fund for the purpose described in Subsection (2)(a).

55 Section 2. Section **59-1-613** is amended to read:

56 **59-1-613. Judicial review -- Optional stay of certain commission cases.**

57 (1) Unless all parties otherwise agree, upon request, the commission [~~shall~~] may stay
58 an appeal of the valuation or equalization of real or personal property, if:

59 (a) a commission decision on the valuation or equalization of real or personal property
60 is under judicial review; [~~and~~]

61 (b) the commission decision described in Subsection (1)(a) and the pending
62 commission appeal involve the same:

63 (i) taxpayer;

64 (ii) legal issue or valuation principle; and

65 (iii) to a material degree, facts[-]; and

66 (c) the commission determines that a decision to not stay the appeal is likely to have a
67 material influence on the outcome of the pending commission appeal.

68 (2) An appeal stayed in accordance with Subsection (1) is stayed until the court issues a
69 final decision after judicial review of the commission decision.

70 Section 3. Section **59-2-924** is amended to read:

71 **59-2-924. Definitions -- Report of valuation of property to county auditor and**
72 **commission -- Transmittal by auditor to governing bodies -- Calculation of certified tax**
73 **rate -- Rulemaking authority -- Adoption of tentative budget -- Notice provided by the**
74 **commission.**

75 (1) As used in this section:

76 (a) (i) "Ad valorem property tax revenue" means revenue collected in accordance with
77 this chapter.

78 (ii) "Ad valorem property tax revenue" does not include:

79 (A) interest;

80 (B) penalties;

81 (C) collections from redemptions; or

82 (D) revenue received by a taxing entity from personal property that is semiconductor
83 manufacturing equipment assessed by a county assessor in accordance with Part 3, County
84 Assessment.

85 (b) "Adjusted tax increment" means the same as that term is defined in Section
86 [17C-1-102](#).

87 (c) (i) "Aggregate taxable value of all property taxed" means:

88 (A) the aggregate taxable value of all real property a county assessor assesses in
89 accordance with Part 3, County Assessment, for the current year;

90 (B) the aggregate taxable value of all real and personal property the commission
91 assesses in accordance with Part 2, Assessment of Property, for the current year; and

92 (C) the aggregate year end taxable value of all personal property a county assessor
93 assesses in accordance with Part 3, County Assessment, contained on the prior year's tax rolls
94 of the taxing entity.

95 (ii) "Aggregate taxable value of all property taxed" does not include the aggregate year
96 end taxable value of personal property that is:

97 (A) semiconductor manufacturing equipment assessed by a county assessor in
98 accordance with Part 3, County Assessment; and

99 (B) contained on the prior year's tax rolls of the taxing entity.

100 (d) "Base taxable value" means:

101 (i) for an authority created under Section 11-58-201, the same as that term is defined in
102 Section 11-58-102;

103 (ii) for the Point of the Mountain State Land Authority created in Section 11-59-201,
104 the same as that term is defined in Section 11-59-207;

105 (iii) for an agency created under Section 17C-1-201.5, the same as that term is defined
106 in Section 17C-1-102;

107 (iv) for an authority created under Section 63H-1-201, the same as that term is defined
108 in Section 63H-1-102;

109 (v) for a host local government, the same as that term is defined in Section 63N-2-502;

110 or

111 (vi) for a housing and transit reinvestment zone created under Title 63N, Chapter 3,
112 Part 6, Housing and Transit Reinvestment Zone Act, a property's taxable value as shown upon
113 the assessment roll last equalized during the base year, as that term is defined in Section
114 63N-3-602.

115 (e) "Centrally assessed benchmark value" means an amount equal to the [highest]
116 average year end taxable value of real and personal property the commission assesses in
117 accordance with Part 2, Assessment of Property, for [~~a previous calendar year that begins on or~~
118 ~~after January 1, 2015]~~ the previous three calendar years, adjusted for taxable value attributable

119 to:

120 (i) an annexation to a taxing entity;

121 (ii) an incorrect allocation of taxable value of real or personal property the commission
122 assesses in accordance with Part 2, Assessment of Property; or

123 (iii) a change in value as a result of a change in the method of apportioning the value
124 prescribed by the Legislature, a court, or the commission in an administrative rule or
125 administrative order.

126 (f) (i) "Centrally assessed new growth" means the greater of:

127 (A) zero; or

128 (B) the amount calculated by subtracting the centrally assessed benchmark value
129 [~~adjusted for prior year end incremental value~~] from the taxable value of real and personal
130 property the commission assesses in accordance with Part 2, Assessment of Property, for the
131 current year, adjusted for current year incremental value.

132 (ii) "Centrally assessed new growth" does not include a change in value as a result of a
133 change in the method of apportioning the value prescribed by the Legislature, a court, or the
134 commission in an administrative rule or administrative order.

135 (g) "Certified tax rate" means a tax rate that will provide the same ad valorem property
136 tax revenue for a taxing entity as was budgeted by that taxing entity for the prior year.

137 (h) "Community reinvestment agency" means the same as that term is defined in
138 Section [17C-1-102](#).

139 (i) "Eligible new growth" means the greater of:

140 (i) zero; or

141 (ii) the sum of:

142 (A) locally assessed new growth;

143 (B) centrally assessed new growth; and

144 (C) project area new growth or hotel property new growth.

145 (j) "Host local government" means the same as that term is defined in Section
146 [63N-2-502](#).

147 (k) "Hotel property" means the same as that term is defined in Section [63N-2-502](#).

148 (l) "Hotel property new growth" means an amount equal to the incremental value that
149 is no longer provided to a host local government as incremental property tax revenue.

150 (m) "Incremental property tax revenue" means the same as that term is defined in
151 Section 63N-2-502.

152 (n) "Incremental value" means:

153 (i) for an authority created under Section 11-58-201, the amount calculated by
154 multiplying:

155 (A) the difference between the taxable value and the base taxable value of the property
156 that is located within a project area and on which property tax differential is collected; and

157 (B) the number that represents the percentage of the property tax differential that is
158 paid to the authority;

159 (ii) for the Point of the Mountain State Land Authority created in Section 11-59-201,
160 an amount calculated by multiplying:

161 (A) the difference between the current assessed value of the property and the base
162 taxable value; and

163 (B) the number that represents the percentage of the property tax augmentation, as
164 defined in Section 11-59-207, that is paid to the Point of the Mountain State Land Authority;

165 (iii) for an agency created under Section 17C-1-201.5, the amount calculated by
166 multiplying:

167 (A) the difference between the taxable value and the base taxable value of the property
168 located within a project area and on which tax increment is collected; and

169 (B) the number that represents the adjusted tax increment from that project area that is
170 paid to the agency;

171 (iv) for an authority created under Section 63H-1-201, the amount calculated by
172 multiplying:

173 (A) the difference between the taxable value and the base taxable value of the property
174 located within a project area and on which property tax allocation is collected; and

175 (B) the number that represents the percentage of the property tax allocation from that
176 project area that is paid to the authority;

177 (v) for a housing and transit reinvestment zone created pursuant to Title 63N, Chapter
178 3, Part 6, Housing and Transit Reinvestment Zone Act, an amount calculated by multiplying:

179 (A) the difference between the taxable value and the base taxable value of the property
180 that is located within a housing and transit reinvestment zone and on which tax increment is

181 collected; and

182 (B) the number that represents the percentage of the tax increment that is paid to the
183 housing and transit reinvestment zone;

184 (vi) for a host local government, an amount calculated by multiplying:

185 (A) the difference between the taxable value and the base taxable value of the hotel
186 property on which incremental property tax revenue is collected; and

187 (B) the number that represents the percentage of the incremental property tax revenue
188 from that hotel property that is paid to the host local government; or

189 (vii) for the State Fair Park Authority created in Section 11-68-201, the taxable value
190 of:

191 (A) fair park land, as defined in Section 11-68-101, that is subject to a privilege tax
192 under Section 11-68-402; or

193 (B) personal property located on property that is subject to the privilege tax described
194 in Subsection (1)(n)(vii)(A).

195 (o) (i) "Locally assessed new growth" means the greater of:

196 (A) zero; or

197 (B) the amount calculated by subtracting the year end taxable value of real property the
198 county assessor assesses in accordance with Part 3, County Assessment, for the previous year,
199 adjusted for prior year end incremental value from the taxable value of real property the county
200 assessor assesses in accordance with Part 3, County Assessment, for the current year, adjusted
201 for current year incremental value.

202 (ii) "Locally assessed new growth" does not include a change in:

203 (A) value as a result of factoring in accordance with Section 59-2-704, reappraisal, or
204 another adjustment;

205 (B) assessed value based on whether a property is allowed a residential exemption for a
206 primary residence under Section 59-2-103;

207 (C) assessed value based on whether a property is assessed under Part 5, Farmland
208 Assessment Act; or

209 (D) assessed value based on whether a property is assessed under Part 17, Urban
210 Farming Assessment Act.

211 (p) "Project area" means:

212 (i) for an authority created under Section 11-58-201, the same as that term is defined in
213 Section 11-58-102;

214 (ii) for an agency created under Section 17C-1-201.5, the same as that term is defined
215 in Section 17C-1-102; or

216 (iii) for an authority created under Section 63H-1-201, the same as that term is defined
217 in Section 63H-1-102.

218 (q) "Project area new growth" means:

219 (i) for an authority created under Section 11-58-201, an amount equal to the
220 incremental value that is no longer provided to an authority as property tax differential;

221 (ii) for the Point of the Mountain State Land Authority created in Section 11-59-201,
222 an amount equal to the incremental value that is no longer provided to the Point of the
223 Mountain State Land Authority as property tax augmentation, as defined in Section 11-59-207;

224 (iii) for an agency created under Section 17C-1-201.5, an amount equal to the
225 incremental value that is no longer provided to an agency as tax increment;

226 (iv) for an authority created under Section 63H-1-201, an amount equal to the
227 incremental value that is no longer provided to an authority as property tax allocation; or

228 (v) for a housing and transit reinvestment zone created under Title 63N, Chapter 3, Part
229 6, Housing and Transit Reinvestment Zone Act, an amount equal to the incremental value that
230 is no longer provided to a housing and transit reinvestment zone as tax increment.

231 (r) "Project area incremental revenue" means the same as that term is defined in
232 Section 17C-1-1001.

233 (s) "Property tax allocation" means the same as that term is defined in Section
234 63H-1-102.

235 (t) "Property tax differential" means the same as that term is defined in Section
236 11-58-102.

237 (u) "Qualifying exempt revenue" means revenue received:

238 (i) for the previous calendar year;

239 (ii) by a taxing entity;

240 (iii) from tangible personal property contained on the prior year's tax rolls that is
241 exempt from property tax under Subsection 59-2-1115(2)(b) for a calendar year beginning on
242 January 1, 2022; and

243 (iv) on the aggregate 2021 year end taxable value of the tangible personal property that
244 exceeds \$15,300.

245 (v) "Tax increment" means:

246 (i) for a project created under Section 17C-1-201.5, the same as that term is defined in
247 Section 17C-1-102; or

248 (ii) for a housing and transit reinvestment zone created under Title 63N, Chapter 3,
249 Part 6, Housing and Transit Reinvestment Zone Act, the same as that term is defined in Section
250 63N-3-602.

251 (2) Before June 1 of each year, the county assessor of each county shall deliver to the
252 county auditor and the commission the following statements:

253 (a) a statement containing the aggregate valuation of all taxable real property a county
254 assessor assesses in accordance with Part 3, County Assessment, for each taxing entity; and

255 (b) a statement containing the taxable value of all personal property a county assessor
256 assesses in accordance with Part 3, County Assessment, from the prior year end values.

257 (3) The county auditor shall, on or before June 8, transmit to the governing body of
258 each taxing entity:

259 (a) the statements described in Subsections (2)(a) and (b);

260 (b) an estimate of the revenue from personal property;

261 (c) the certified tax rate; and

262 (d) all forms necessary to submit a tax levy request.

263 (4) (a) Except as otherwise provided in this section, the certified tax rate shall be
264 calculated by dividing the ad valorem property tax revenue that a taxing entity budgeted for the
265 prior year minus the qualifying exempt revenue by the amount calculated under Subsection
266 (4)(b).

267 (b) For purposes of Subsection (4)(a), the legislative body of a taxing entity shall
268 calculate an amount as follows:

269 (i) calculate for the taxing entity the difference between:

270 (A) the aggregate taxable value of all property taxed; and

271 (B) any adjustments for current year incremental value;

272 (ii) after making the calculation required by Subsection (4)(b)(i), calculate an amount
273 determined by increasing or decreasing the amount calculated under Subsection (4)(b)(i) by the

274 average of the percentage net change in the value of taxable property for the equalization
275 period for the three calendar years immediately preceding the current calendar year;
276 (iii) after making the calculation required by Subsection (4)(b)(ii), calculate the product
277 of:
278 (A) the amount calculated under Subsection (4)(b)(ii); and
279 (B) the percentage of property taxes collected for the five calendar years immediately
280 preceding the current calendar year; and
281 (iv) after making the calculation required by Subsection (4)(b)(iii), calculate an amount
282 determined by:
283 (A) multiplying the percentage of property taxes collected for the five calendar years
284 immediately preceding the current calendar year by eligible new growth; and
285 (B) subtracting the amount calculated under Subsection (4)(b)(iv)(A) from the amount
286 calculated under Subsection (4)(b)(iii).
287 (5) A certified tax rate for a taxing entity described in this Subsection (5) shall be
288 calculated as follows:
289 (a) except as provided in Subsection (5)(b) or (c), for a new taxing entity, the certified
290 tax rate is zero;
291 (b) for a municipality incorporated on or after July 1, 1996, the certified tax rate is:
292 (i) in a county of the first, second, or third class, the levy imposed for municipal-type
293 services under Sections 17-34-1 and 17-36-9; and
294 (ii) in a county of the fourth, fifth, or sixth class, the levy imposed for general county
295 purposes and such other levies imposed solely for the municipal-type services identified in
296 Section 17-34-1 and Subsection 17-36-3(23);
297 (c) for a community reinvestment agency that received all or a portion of a taxing
298 entity's project area incremental revenue in the prior year under Title 17C, Chapter 1, Part 10,
299 Agency Taxing Authority, the certified tax rate is calculated as described in Subsection (4)
300 except that the commission shall treat the total revenue transferred to the community
301 reinvestment agency as ad valorem property tax revenue that the taxing entity budgeted for the
302 prior year; and
303 (d) for debt service voted on by the public, the certified tax rate is the actual levy
304 imposed by that section, except that a certified tax rate for the following levies shall be

305 calculated in accordance with Section 59-2-913 and this section:

306 (i) a school levy provided for under Section 53F-8-301, 53F-8-302, or 53F-8-303; and

307 (ii) a levy to pay for the costs of state legislative mandates or judicial or administrative
308 orders under Section 59-2-1602.

309 (6) (a) A judgment levy imposed under Section 59-2-1328 or 59-2-1330 may be
310 imposed at a rate that is sufficient to generate only the revenue required to satisfy one or more
311 eligible judgments.

312 (b) The ad valorem property tax revenue generated by a judgment levy described in
313 Subsection (6)(a) may not be considered in establishing a taxing entity's aggregate certified tax
314 rate.

315 (7) (a) For the purpose of calculating the certified tax rate, the county auditor shall use:

316 (i) the taxable value of real property:

317 (A) the county assessor assesses in accordance with Part 3, County Assessment; and

318 (B) contained on the assessment roll;

319 (ii) the year end taxable value of personal property:

320 (A) a county assessor assesses in accordance with Part 3, County Assessment; and

321 (B) contained on the prior year's assessment roll; and

322 (iii) the taxable value of real and personal property the commission assesses in
323 accordance with Part 2, Assessment of Property.

324 (b) For purposes of Subsection (7)(a), taxable value does not include eligible new
325 growth.

326 (8) (a) On or before June 30, a taxing entity shall annually adopt a tentative budget.

327 (b) If a taxing entity intends to exceed the certified tax rate, the taxing entity shall
328 notify the county auditor of:

329 (i) the taxing entity's intent to exceed the certified tax rate; and

330 (ii) the amount by which the taxing entity proposes to exceed the certified tax rate.

331 (c) The county auditor shall notify property owners of any intent to levy a tax rate that
332 exceeds the certified tax rate in accordance with Sections 59-2-919 and 59-2-919.1.

333 (9) (a) Subject to Subsection (9)(d), the commission shall provide notice, through
334 electronic means on or before July 31, to a taxing entity and the Revenue and Taxation Interim
335 Committee if:

336 (i) the amount calculated under Subsection (9)(b) is 10% or more of the year end
337 taxable value of the real and personal property the commission assesses in accordance with
338 Part 2, Assessment of Property, for the previous year, adjusted for prior year end incremental
339 value; and

340 (ii) the amount calculated under Subsection (9)(c) is 50% or more of the total year end
341 taxable value of the real and personal property of a taxpayer the commission assesses in
342 accordance with Part 2, Assessment of Property, for the previous year.

343 (b) For purposes of Subsection (9)(a)(i), the commission shall calculate an amount by
344 subtracting the taxable value of real and personal property the commission assesses in
345 accordance with Part 2, Assessment of Property, for the current year, adjusted for current year
346 incremental value, from the year end taxable value of the real and personal property the
347 commission assesses in accordance with Part 2, Assessment of Property, for the previous year,
348 adjusted for prior year end incremental value.

349 (c) For purposes of Subsection (9)(a)(ii), the commission shall calculate an amount by
350 subtracting the total taxable value of real and personal property of a taxpayer the commission
351 assesses in accordance with Part 2, Assessment of Property, for the current year, from the total
352 year end taxable value of the real and personal property of a taxpayer the commission assesses
353 in accordance with Part 2, Assessment of Property, for the previous year.

354 (d) The notification under Subsection (9)(a) shall include a list of taxpayers that meet
355 the requirement under Subsection (9)(a)(ii).

356 Section 4. Section **59-2-1330** is amended to read:

357 **59-2-1330. Payment of property taxes -- Payments to taxpayer by state or taxing**
358 **entity -- Refund of penalties paid by taxpayer -- Refund of interest paid by taxpayer --**
359 **Payment of interest to taxpayer -- Judgment levy -- Objections to assessments by the**
360 **commission -- Time periods for making payments to taxpayer.**

361 (1) Unless otherwise specifically provided by statute, property taxes shall be paid
362 directly to the county assessor or the county treasurer:

363 (a) on the date that the property taxes are due; and

364 (b) as provided in this chapter.

365 (2) A taxpayer shall receive payment as provided in this section if a reduction in the
366 amount of any tax levied against any property for which the taxpayer paid a tax or any portion

367 of a tax under this chapter for a calendar year is required by a final and unappealable judgment
368 or order described in Subsection (3) issued by:

- 369 (a) a county board of equalization;
- 370 (b) the commission; or
- 371 (c) a court of competent jurisdiction.

372 (3) (a) For purposes of Subsection (2), the state or any taxing entity that has received
373 property taxes or any portion of property taxes from a taxpayer described in Subsection (2)
374 shall pay the taxpayer if:

375 (i) the taxes the taxpayer paid in accordance with Subsection (2) are collected by an
376 authorized officer of the:

- 377 (A) county; or
- 378 (B) state; and

379 (ii) the taxpayer obtains a final and unappealable judgment or order:

380 (A) from:

- 381 (I) a county board of equalization;
- 382 (II) the commission; or
- 383 (III) a court of competent jurisdiction;

384 (B) against:

- 385 (I) the taxing entity or an authorized officer of the taxing entity; or
- 386 (II) the state or an authorized officer of the state; and

387 (C) ordering a reduction in the amount of any tax levied against any property for which
388 a taxpayer paid a tax or any portion of a tax under this chapter for the calendar year.

389 (b) The amount that the state or a taxing entity shall pay a taxpayer shall be determined
390 in accordance with Subsections (4) through (7).

391 (4) For purposes of Subsections (2) and (3), the amount the state shall pay to a taxpayer
392 is equal to the sum of:

393 (a) if the difference described in this Subsection (4)(a) is greater than \$0, the difference
394 between:

- 395 (i) the tax the taxpayer paid to the state in accordance with Subsection (2); and
- 396 (ii) the amount of the taxpayer's tax liability to the state after the reduction in the
397 amount of tax levied against the property in accordance with the final and unappealable

398 judgment or order described in Subsection (3);

399 (b) if the difference described in this Subsection (4)(b) is greater than \$0, the difference
400 between:

401 (i) any penalties the taxpayer paid to the state in accordance with Section 59-2-1331;
402 and

403 (ii) the amount of penalties the taxpayer is liable to pay to the state in accordance with
404 Section 59-2-1331 after the reduction in the amount of tax levied against the property in
405 accordance with the final and unappealable judgment or order described in Subsection (3);

406 (c) as provided in Subsection (6)(a), interest the taxpayer paid in accordance with
407 Section 59-2-1331 on the amounts described in Subsections (4)(a) and (4)(b); and

408 (d) as provided in Subsection (6)(b), interest on the sum of the amounts described in:

409 (i) Subsection (4)(a);

410 (ii) Subsection (4)(b); and

411 (iii) Subsection (4)(c).

412 (5) For purposes of Subsections (2) and (3), the amount a taxing entity shall pay to a
413 taxpayer is equal to the sum of:

414 (a) if the difference described in this Subsection (5)(a) is greater than \$0, the difference
415 between:

416 (i) the tax the taxpayer paid to the taxing entity in accordance with Subsection (2); and

417 (ii) the amount of the taxpayer's tax liability to the taxing entity after the reduction in
418 the amount of tax levied against the property in accordance with the final and unappealable
419 judgment or order described in Subsection (3);

420 (b) if the difference described in this Subsection (5)(b) is greater than \$0, the difference
421 between:

422 (i) any penalties the taxpayer paid to the taxing entity in accordance with Section
423 59-2-1331; and

424 (ii) the amount of penalties the taxpayer is liable to pay to the taxing entity in
425 accordance with Section 59-2-1331 after the reduction in the amount of tax levied against the
426 property in accordance with the final and unappealable judgment or order described in
427 Subsection (3);

428 (c) as provided in Subsection (6)(a), interest the taxpayer paid in accordance with

429 Section 59-2-1331 on the amounts described in Subsections (5)(a) and (5)(b); and
430 (d) as provided in Subsection (6)(b), interest on the sum of the amounts described in:
431 (i) Subsection (5)(a);
432 (ii) Subsection (5)(b); and
433 (iii) Subsection (5)(c).
434 (6) Except as provided in Subsection (7):
435 (a) interest shall be refunded to a taxpayer on the amount described in Subsection
436 (4)(c) or (5)(c) in an amount equal to the amount of interest the taxpayer paid in accordance
437 with Section 59-2-1331; and
438 (b) interest shall be paid to a taxpayer on the amount described in Subsection (4)(d) or
439 (5)(d):
440 (i) beginning on the later of:
441 (A) the day on which the taxpayer paid the tax in accordance with Subsection (2); or
442 (B) January 1 of the calendar year immediately following the calendar year for which
443 the tax was due;
444 (ii) ending on the day on which the state or a taxing entity pays to the taxpayer the
445 amount required by Subsection (4) or (5); and
446 (iii) at the interest rate earned by the state treasurer on public funds transferred to the
447 state treasurer in accordance with Section 51-7-5.
448 (7) Notwithstanding Subsection (6):
449 (a) the state may not pay or refund interest to a taxpayer under Subsection (6) on any
450 tax the taxpayer paid in accordance with Subsection (2) that exceeds the amount of tax levied
451 by the state for that calendar year as stated on the notice required by Section 59-2-1317; and
452 (b) a taxing entity may not pay or refund interest to a taxpayer under Subsection (6) on
453 any tax the taxpayer paid in accordance with Subsection (2) that exceeds the amount of tax
454 levied by the taxing entity for that calendar year as stated on the notice required by Section
455 59-2-1317.
456 (8) (a) Each taxing entity may levy a tax to pay its share of the final and unappealable
457 judgment or order described in Subsection (3) if:
458 (i) the final and unappealable judgment or order is issued no later than 15 days prior to
459 the date the certified tax rate is set under Section 59-2-924;

460 (ii) the [~~amount of the judgment levy~~] following information is included on the notice
461 under Section 59-2-919.1:

462 (A) the amount of the judgment levy; and

463 (B) the term of the judgment levy; and

464 (iii) the final and unappealable judgment or order is an eligible judgment, as defined in
465 Section 59-2-102.

466 (b) The levy under Subsection (8)(a) is in addition to, and exempt from, the maximum
467 levy established for the taxing entity.

468 (c) A taxing entity may impose a judgment levy under this Subsection (8) for more
469 than one tax year.

470 (9) (a) A taxpayer that objects to the assessment of property assessed by the
471 commission shall pay, on or before the property tax due date established under Subsection
472 59-2-1331(1) or Section 59-2-1332, the full amount of taxes stated on the notice required by
473 Section 59-2-1317 if:

474 (i) the taxpayer has applied to the commission for a hearing in accordance with Section
475 59-2-1007 on the objection to the assessment; and

476 (ii) the commission has not issued a written decision on the objection to the assessment
477 in accordance with Section 59-2-1007.

478 (b) A taxpayer that pays the full amount of taxes due under Subsection (9)(a) is not
479 required to pay penalties or interest on an assessment described in Subsection (9)(a) unless:

480 (i) a final and unappealable judgment or order establishing that the property described
481 in Subsection (9)(a) has a value greater than the value stated on the notice required by Section
482 59-2-1317 is issued by:

483 (A) the commission; or

484 (B) a court of competent jurisdiction; and

485 (ii) the taxpayer fails to pay the additional tax liability resulting from the final and
486 unappealable judgment or order described in Subsection (9)(b)(i) within a 45-day period after
487 the county bills the taxpayer for the additional tax liability.

488 (10) (a) Except as provided in Subsection (10)(b), a payment that is required by this
489 section shall be paid to a taxpayer:

490 (i) within [~~60 days~~] 12 months after the day on which the final and unappealable

491 judgment or order is issued in accordance with Subsection (3); or

492 (ii) if a judgment levy is imposed in accordance with Subsection (8):

493 (A) if the payment to the taxpayer required by this section is \$5,000 or more, no later
494 than December 31 of the year in which the judgment levy is imposed; and

495 (B) if the payment to the taxpayer required by this section is less than \$5,000, within
496 60 days after the date the final and unappealable judgment or order is issued in accordance with
497 Subsection (3).

498 (b) Notwithstanding Subsection (10)(a), a taxpayer may enter into an agreement:

499 (i) that establishes a time period other than a time period described in Subsection
500 (10)(a) for making a payment to the taxpayer that is required by this section; and

501 (ii) with:

502 (A) an authorized officer of a taxing entity for a tax imposed by a taxing entity; or

503 (B) an authorized officer of the state for a tax imposed by the state.

504 Section 5. **Effective date.**

505 This bill takes effect on May 1, 2024.