

PROPERTY TAX APPEALS AMENDMENTS

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Derrin R. Owens

House Sponsor: Bridger Bolinder

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;

- establishes exceptions to the requirement for the State Tax Commission to stay a pending appeal under judicial review;

- allows a taxing entity to impose a judgment levy in multiple 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

Other Special Clauses:

This bill provides a special effective date.

Utah Code Sections Affected:

AMENDS:

17-36-54 (Effective 05/01/24), as last amended by Laws of Utah 2014, Chapter 176

59-1-613 (Effective 01/01/25), as enacted by Laws of Utah 2021, Chapter 238

59-2-924 (Effective 01/01/25), as last amended by Laws of Utah 2023, Chapter 502

59-2-1330 (Effective 01/01/25), as last amended by Laws of Utah 2015, Chapter 201

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

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

17-36-54 (Effective 05/01/24). Tax stability and trust fund -- Use of principal -- Determination of necessity -- Election -- Exception.

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

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

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

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

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

59-1-613 (Effective 01/01/25). Judicial review -- Mandatory stay of certain commission cases.

(1) ~~[Unless]~~ Except as provided in Subsection (2) or unless all parties otherwise agree, upon request, the commission shall stay an appeal of the valuation or equalization of real or personal property, if:

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

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

- (i) taxpayer;
- (ii) legal issue or valuation principle; and
- (iii) to a material degree, facts.

(2) Subsection (1) does not apply if:

- (a) the commission determines that the case under judicial review is not likely to have a material influence on the outcome of the pending commission appeal; or
- (b) the property taxes subject to the pending commission appeal have not been paid in accordance with Section 59-2-1330.

~~[(2)]~~ (3) An appeal stayed in accordance with Subsection (1) is stayed until the court issues a final decision after judicial review of the commission decision.

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

59-2-924 (Effective 01/01/25). Definitions -- Report of valuation of property to county auditor and commission -- Transmittal by auditor to governing bodies -- Calculation of certified tax rate -- Rulemaking authority -- Adoption of tentative budget -- Notice provided by the commission.

(1) As used in this section:

- (a) (i) "Ad valorem property tax revenue" means revenue collected in accordance with this chapter.
- (ii) "Ad valorem property tax revenue" does not include:
 - (A) interest;
 - (B) penalties;
 - (C) collections from redemptions; or
 - (D) revenue received by a taxing entity from personal property that is semiconductor manufacturing equipment assessed by a county assessor in accordance with Part 3, County Assessment.
- (b) "Adjusted tax increment" means the same as that term is defined in Section 17C-1-102.
- (c) (i) "Aggregate taxable value of all property taxed" means:
 - (A) the aggregate taxable value of all real property a county assessor assesses in accordance with Part 3, County Assessment, for the current year;
 - (B) the aggregate taxable value of all real and personal property the commission assesses in accordance with Part 2, Assessment of Property, for the current year; and
 - (C) the aggregate year end taxable value of all personal property a county assessor

- assesses in accordance with Part 3, County Assessment, contained on the prior year's tax rolls of the taxing entity.
- (ii) "Aggregate taxable value of all property taxed" does not include the aggregate year end taxable value of personal property that is:
- (A) semiconductor manufacturing equipment assessed by a county assessor in accordance with Part 3, County Assessment; and
- (B) contained on the prior year's tax rolls of the taxing entity.
- (d) "Base taxable value" means:
- (i) for an authority created under Section 11-58-201, the same as that term is defined in Section 11-58-102;
- (ii) for the Point of the Mountain State Land Authority created in Section 11-59-201, the same as that term is defined in Section 11-59-207;
- (iii) for an agency created under Section 17C-1-201.5, the same as that term is defined in Section 17C-1-102;
- (iv) for an authority created under Section 63H-1-201, the same as that term is defined in Section 63H-1-102;
- (v) for a host local government, the same as that term is defined in Section 63N-2-502; or
- (vi) for a housing and transit reinvestment zone created under Title 63N, Chapter 3, Part 6, Housing and Transit Reinvestment Zone Act, a property's taxable value as shown upon the assessment roll last equalized during the base year, as that term is defined in Section 63N-3-602.
- (e) "Centrally assessed benchmark value" means an amount equal to the [highest] average year end taxable value of real and personal property the commission assesses in accordance with Part 2, Assessment of Property, for [a previous calendar year that begins on or after January 1, 2015] the previous three calendar years, adjusted for taxable value attributable to:
- (i) an annexation to a taxing entity;
- (ii) an incorrect allocation of taxable value of real or personal property the commission assesses in accordance with Part 2, Assessment of Property; or
- (iii) a change in value as a result of a change in the method of apportioning the value prescribed by the Legislature, a court, or the commission in an administrative rule or administrative order.
- (f) (i) "Centrally assessed new growth" means the greater of:

- 130 (A) zero; or
- 131 (B) the amount calculated by subtracting the centrally assessed benchmark value
- 132 adjusted for prior year end incremental value from the taxable value of real and
- 133 personal property the commission assesses in accordance with Part 2,
- 134 Assessment of Property, for the current year, adjusted for current year
- 135 incremental value.
- 136 (ii) "Centrally assessed new growth" does not include a change in value as a result of
- 137 a change in the method of apportioning the value prescribed by the Legislature, a
- 138 court, or the commission in an administrative rule or administrative order.
- 139 (g) "Certified tax rate" means a tax rate that will provide the same ad valorem property
- 140 tax revenue for a taxing entity as was budgeted by that taxing entity for the prior year.
- 141 (h) "Community reinvestment agency" means the same as that term is defined in Section
- 142 17C-1-102.
- 143 (i) "Eligible new growth" means the greater of:
- 144 (i) zero; or
- 145 (ii) the sum of:
- 146 (A) locally assessed new growth;
- 147 (B) centrally assessed new growth; and
- 148 (C) project area new growth or hotel property new growth.
- 149 (j) "Host local government" means the same as that term is defined in Section 63N-2-502.
- 150 (k) "Hotel property" means the same as that term is defined in Section 63N-2-502.
- 151 (l) "Hotel property new growth" means an amount equal to the incremental value that is
- 152 no longer provided to a host local government as incremental property tax revenue.
- 153 (m) "Incremental property tax revenue" means the same as that term is defined in
- 154 Section 63N-2-502.
- 155 (n) "Incremental value" means:
- 156 (i) for an authority created under Section 11-58-201, the amount calculated by
- 157 multiplying:
- 158 (A) the difference between the taxable value and the base taxable value of the
- 159 property that is located within a project area and on which property tax
- 160 differential is collected; and
- 161 (B) the number that represents the percentage of the property tax differential that
- 162 is paid to the authority;
- 163 (ii) for the Point of the Mountain State Land Authority created in Section 11-59-201,

- 164 an amount calculated by multiplying:
- 165 (A) the difference between the current assessed value of the property and the base
- 166 taxable value; and
- 167 (B) the number that represents the percentage of the property tax augmentation, as
- 168 defined in Section 11-59-207, that is paid to the Point of the Mountain State
- 169 Land Authority;
- 170 (iii) for an agency created under Section 17C-1-201.5, the amount calculated by
- 171 multiplying:
- 172 (A) the difference between the taxable value and the base taxable value of the
- 173 property located within a project area and on which tax increment is collected;
- 174 and
- 175 (B) the number that represents the adjusted tax increment from that project area
- 176 that is paid to the agency;
- 177 (iv) for an authority created under Section 63H-1-201, the amount calculated by
- 178 multiplying:
- 179 (A) the difference between the taxable value and the base taxable value of the
- 180 property located within a project area and on which property tax allocation is
- 181 collected; and
- 182 (B) the number that represents the percentage of the property tax allocation from
- 183 that project area that is paid to the authority;
- 184 (v) for a housing and transit reinvestment zone created pursuant to Title 63N, Chapter
- 185 3, Part 6, Housing and Transit Reinvestment Zone Act, an amount calculated by
- 186 multiplying:
- 187 (A) the difference between the taxable value and the base taxable value of the
- 188 property that is located within a housing and transit reinvestment zone and on
- 189 which tax increment is collected; and
- 190 (B) the number that represents the percentage of the tax increment that is paid to
- 191 the housing and transit reinvestment zone;
- 192 (vi) for a host local government, an amount calculated by multiplying:
- 193 (A) the difference between the taxable value and the base taxable value of the
- 194 hotel property on which incremental property tax revenue is collected; and
- 195 (B) the number that represents the percentage of the incremental property tax
- 196 revenue from that hotel property that is paid to the host local government; or
- 197 (vii) for the State Fair Park Authority created in Section 11-68-201, the taxable value

- 198 of:
- 199 (A) fair park land, as defined in Section 11-68-101, that is subject to a privilege
- 200 tax under Section 11-68-402; or
- 201 (B) personal property located on property that is subject to the privilege tax
- 202 described in Subsection (1)(n)(vii)(A).
- 203 (o) (i) "Locally assessed new growth" means the greater of:
- 204 (A) zero; or
- 205 (B) the amount calculated by subtracting the year end taxable value of real
- 206 property the county assessor assesses in accordance with Part 3, County
- 207 Assessment, for the previous year, adjusted for prior year end incremental
- 208 value from the taxable value of real property the county assessor assesses in
- 209 accordance with Part 3, County Assessment, for the current year, adjusted for
- 210 current year incremental value.
- 211 (ii) "Locally assessed new growth" does not include a change in:
- 212 (A) value as a result of factoring in accordance with Section 59-2-704, reappraisal,
- 213 or another adjustment;
- 214 (B) assessed value based on whether a property is allowed a residential exemption
- 215 for a primary residence under Section 59-2-103;
- 216 (C) assessed value based on whether a property is assessed under Part 5, Farmland
- 217 Assessment Act; or
- 218 (D) assessed value based on whether a property is assessed under Part 17, Urban
- 219 Farming Assessment Act.
- 220 (p) "Project area" means:
- 221 (i) for an authority created under Section 11-58-201, the same as that term is defined
- 222 in Section 11-58-102;
- 223 (ii) for an agency created under Section 17C-1-201.5, the same as that term is defined
- 224 in Section 17C-1-102; or
- 225 (iii) for an authority created under Section 63H-1-201, the same as that term is
- 226 defined in Section 63H-1-102.
- 227 (q) "Project area new growth" means:
- 228 (i) for an authority created under Section 11-58-201, an amount equal to the
- 229 incremental value that is no longer provided to an authority as property tax
- 230 differential;
- 231 (ii) for the Point of the Mountain State Land Authority created in Section 11-59-201,

- 232 an amount equal to the incremental value that is no longer provided to the Point of
233 the Mountain State Land Authority as property tax augmentation, as defined in
234 Section 11-59-207;
- 235 (iii) for an agency created under Section 17C-1-201.5, an amount equal to the
236 incremental value that is no longer provided to an agency as tax increment;
- 237 (iv) for an authority created under Section 63H-1-201, an amount equal to the
238 incremental value that is no longer provided to an authority as property tax
239 allocation; or
- 240 (v) for a housing and transit reinvestment zone created under Title 63N, Chapter 3,
241 Part 6, Housing and Transit Reinvestment Zone Act, an amount equal to the
242 incremental value that is no longer provided to a housing and transit reinvestment
243 zone as tax increment.
- 244 (r) "Project area incremental revenue" means the same as that term is defined in Section
245 17C-1-1001.
- 246 (s) "Property tax allocation" means the same as that term is defined in Section 63H-1-102.
- 247 (t) "Property tax differential" means the same as that term is defined in Section
248 11-58-102.
- 249 (u) "Qualifying exempt revenue" means revenue received:
- 250 (i) for the previous calendar year;
- 251 (ii) by a taxing entity;
- 252 (iii) from tangible personal property contained on the prior year's tax rolls that is
253 exempt from property tax under Subsection 59-2-1115(2)(b) for a calendar year
254 beginning on January 1, 2022; and
- 255 (iv) on the aggregate 2021 year end taxable value of the tangible personal property
256 that exceeds \$15,300.
- 257 (v) "Tax increment" means:
- 258 (i) for a project created under Section 17C-1-201.5, the same as that term is defined
259 in Section 17C-1-102; or
- 260 (ii) for a housing and transit reinvestment zone created under Title 63N, Chapter 3,
261 Part 6, Housing and Transit Reinvestment Zone Act, the same as that term is
262 defined in Section 63N-3-602.
- 263 (2) Before June 1 of each year, the county assessor of each county shall deliver to the
264 county auditor and the commission the following statements:
- 265 (a) a statement containing the aggregate valuation of all taxable real property a county

266 assessor assesses in accordance with Part 3, County Assessment, for each taxing
267 entity; and

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

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

273 (a) the statements described in Subsections (2)(a) and (b);
274 (b) an estimate of the revenue from personal property;
275 (c) the certified tax rate; and
276 (d) all forms necessary to submit a tax levy request.

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

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

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

284 (A) the aggregate taxable value of all property taxed; and
285 (B) any adjustments for current year incremental value;

286 (ii) after making the calculation required by Subsection (4)(b)(i), calculate an amount
287 determined by increasing or decreasing the amount calculated under Subsection
288 (4)(b)(i) by the average of the percentage net change in the value of taxable
289 property for the equalization period for the three calendar years immediately
290 preceding the current calendar year;

291 (iii) after making the calculation required by Subsection (4)(b)(ii), calculate the
292 product of:

293 (A) the amount calculated under Subsection (4)(b)(ii); and
294 (B) the percentage of property taxes collected for the five calendar years
295 immediately preceding the current calendar year; and

296 (iv) after making the calculation required by Subsection (4)(b)(iii), calculate an
297 amount determined by:

298 (A) multiplying the percentage of property taxes collected for the five calendar
299 years immediately preceding the current calendar year by eligible new growth;

- 300 and
- 301 (B) subtracting the amount calculated under Subsection (4)(b)(iv)(A) from the
- 302 amount calculated under Subsection (4)(b)(iii).
- 303 (5) A certified tax rate for a taxing entity described in this Subsection (5) shall be calculated
- 304 as follows:
- 305 (a) except as provided in Subsection (5)(b) or (c), for a new taxing entity, the certified
- 306 tax rate is zero;
- 307 (b) for a municipality incorporated on or after July 1, 1996, the certified tax rate is:
- 308 (i) in a county of the first, second, or third class, the levy imposed for municipal-type
- 309 services under Sections 17-34-1 and 17-36-9; and
- 310 (ii) in a county of the fourth, fifth, or sixth class, the levy imposed for general county
- 311 purposes and such other levies imposed solely for the municipal-type services
- 312 identified in Section 17-34-1 and Subsection 17-36-3(23);
- 313 (c) for a community reinvestment agency that received all or a portion of a taxing
- 314 entity's project area incremental revenue in the prior year under Title 17C, Chapter 1,
- 315 Part 10, Agency Taxing Authority, the certified tax rate is calculated as described in
- 316 Subsection (4) except that the commission shall treat the total revenue transferred to
- 317 the community reinvestment agency as ad valorem property tax revenue that the
- 318 taxing entity budgeted for the prior year; and
- 319 (d) for debt service voted on by the public, the certified tax rate is the actual levy
- 320 imposed by that section, except that a certified tax rate for the following levies shall
- 321 be calculated in accordance with Section 59-2-913 and this section:
- 322 (i) a school levy provided for under Section 53F-8-301, 53F-8-302, or 53F-8-303; and
- 323 (ii) a levy to pay for the costs of state legislative mandates or judicial or
- 324 administrative orders under Section 59-2-1602.
- 325 (6) (a) A judgment levy imposed under Section 59-2-1328 or 59-2-1330 may be
- 326 imposed at a rate that is sufficient to generate only the revenue required to satisfy one
- 327 or more eligible judgments.
- 328 (b) The ad valorem property tax revenue generated by a judgment levy described in
- 329 Subsection (6)(a) may not be considered in establishing a taxing entity's aggregate
- 330 certified tax rate.
- 331 (7) (a) For the purpose of calculating the certified tax rate, the county auditor shall use:
- 332 (i) the taxable value of real property:
- 333 (A) the county assessor assesses in accordance with Part 3, County Assessment;

- 334 and
- 335 (B) contained on the assessment roll;
- 336 (ii) the year end taxable value of personal property:
- 337 (A) a county assessor assesses in accordance with Part 3, County Assessment; and
- 338 (B) contained on the prior year's assessment roll; and
- 339 (iii) the taxable value of real and personal property the commission assesses in
- 340 accordance with Part 2, Assessment of Property.
- 341 (b) For purposes of Subsection (7)(a), taxable value does not include eligible new
- 342 growth.
- 343 (8) (a) On or before June 30, a taxing entity shall annually adopt a tentative budget.
- 344 (b) If a taxing entity intends to exceed the certified tax rate, the taxing entity shall notify
- 345 the county auditor of:
- 346 (i) the taxing entity's intent to exceed the certified tax rate; and
- 347 (ii) the amount by which the taxing entity proposes to exceed the certified tax rate.
- 348 (c) The county auditor shall notify property owners of any intent to levy a tax rate that
- 349 exceeds the certified tax rate in accordance with Sections 59-2-919 and 59-2-919.1.
- 350 (9) (a) Subject to Subsection (9)(d), the commission shall provide notice, through
- 351 electronic means on or before July 31, to a taxing entity and the Revenue and
- 352 Taxation Interim Committee if:
- 353 (i) the amount calculated under Subsection (9)(b) is 10% or more of the year end
- 354 taxable value of the real and personal property the commission assesses in
- 355 accordance with Part 2, Assessment of Property, for the previous year, adjusted
- 356 for prior year end incremental value; and
- 357 (ii) the amount calculated under Subsection (9)(c) is 50% or more of the total year
- 358 end taxable value of the real and personal property of a taxpayer the commission
- 359 assesses in accordance with Part 2, Assessment of Property, for the previous year.
- 360 (b) For purposes of Subsection (9)(a)(i), the commission shall calculate an amount by
- 361 subtracting the taxable value of real and personal property the commission assesses
- 362 in accordance with Part 2, Assessment of Property, for the current year, adjusted for
- 363 current year incremental value, from the year end taxable value of the real and
- 364 personal property the commission assesses in accordance with Part 2, Assessment of
- 365 Property, for the previous year, adjusted for prior year end incremental value.
- 366 (c) For purposes of Subsection (9)(a)(ii), the commission shall calculate an amount by
- 367 subtracting the total taxable value of real and personal property of a taxpayer the

commission assesses in accordance with Part 2, Assessment of Property, for the current year, from the total year end taxable value of the real and personal property of a taxpayer the commission assesses in accordance with Part 2, Assessment of Property, for the previous year.

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

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

59-2-1330 (Effective 01/01/25). Payment of property taxes -- Payments to taxpayer by state or taxing entity -- Refund of penalties paid by taxpayer -- Refund of interest paid by taxpayer -- Payment of interest to taxpayer -- Judgment levy -- Objections to assessments by the commission -- Time periods for making payments to taxpayer.

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

- (a) on the date that the property taxes are due; and
- (b) as provided in this chapter.

- (2) A taxpayer shall receive payment as provided in this section if a reduction in the amount of any tax levied against any property for which the taxpayer paid a tax or any portion of a tax under this chapter for a calendar year is required by a final and unappealable judgment or order described in Subsection (3) issued by:

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

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

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

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

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

- (A) from:

- (I) a county board of equalization;
 - (II) the commission; or

- 402 (III) a court of competent jurisdiction;
- 403 (B) against:
- 404 (I) the taxing entity or an authorized officer of the taxing entity; or
- 405 (II) the state or an authorized officer of the state; and
- 406 (C) ordering a reduction in the amount of any tax levied against any property for
- 407 which a taxpayer paid a tax or any portion of a tax under this chapter for the
- 408 calendar year.
- 409 (b) The amount that the state or a taxing entity shall pay a taxpayer shall be determined
- 410 in accordance with Subsections (4) through (7).
- 411 (4) For purposes of Subsections (2) and (3), the amount the state shall pay to a taxpayer is
- 412 equal to the sum of:
- 413 (a) if the difference described in this Subsection (4)(a) is greater than \$0, the difference
- 414 between:
- 415 (i) the tax the taxpayer paid to the state in accordance with Subsection (2); and
- 416 (ii) the amount of the taxpayer's tax liability to the state after the reduction in the
- 417 amount of tax levied against the property in accordance with the final and
- 418 unappealable judgment or order described in Subsection (3);
- 419 (b) if the difference described in this Subsection (4)(b) is greater than \$0, the difference
- 420 between:
- 421 (i) any penalties the taxpayer paid to the state in accordance with Section 59-2-1331;
- 422 and
- 423 (ii) the amount of penalties the taxpayer is liable to pay to the state in accordance
- 424 with Section 59-2-1331 after the reduction in the amount of tax levied against the
- 425 property in accordance with the final and unappealable judgment or order
- 426 described in Subsection (3);
- 427 (c) as provided in Subsection (6)(a), interest the taxpayer paid in accordance with
- 428 Section 59-2-1331 on the amounts described in Subsections (4)(a) and (4)(b); and
- 429 (d) as provided in Subsection (6)(b), interest on the sum of the amounts described in:
- 430 (i) Subsection (4)(a);
- 431 (ii) Subsection (4)(b); and
- 432 (iii) Subsection (4)(c).
- 433 (5) For purposes of Subsections (2) and (3), the amount a taxing entity shall pay to a
- 434 taxpayer is equal to the sum of:
- 435 (a) if the difference described in this Subsection (5)(a) is greater than \$0, the difference

436 between:

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

438 and

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

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

444 (i) any penalties the taxpayer paid to the taxing entity in accordance with Section
445 59-2-1331; and

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

450 (c) as provided in Subsection (6)(a), interest the taxpayer paid in accordance with
451 Section 59-2-1331 on the amounts described in Subsections (5)(a) and (5)(b); and

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

453 (i) Subsection (5)(a);

454 (ii) Subsection (5)(b); and

455 (iii) Subsection (5)(c).

456 (6) Except as provided in Subsection (7):

457 (a) interest shall be refunded to a taxpayer on the amount described in Subsection (4)(c)
458 or (5)(c) in an amount equal to the amount of interest the taxpayer paid in accordance
459 with Section 59-2-1331; and

460 (b) interest shall be paid to a taxpayer on the amount described in Subsection (4)(d) or
461 (5)(d):

462 (i) beginning on the later of:

463 (A) the day on which the taxpayer paid the tax in accordance with Subsection (2);

464 or

465 (B) January 1 of the calendar year immediately following the calendar year for
466 which the tax was due;

467 (ii) ending on the day on which the state or a taxing entity pays to the taxpayer the
468 amount required by Subsection (4) or (5); and

469 (iii) at the interest rate earned by the state treasurer on public funds transferred to the

- state treasurer in accordance with Section 51-7-5.
- (7) Notwithstanding Subsection (6):
- (a) the state may not pay or refund interest to a taxpayer under Subsection (6) on any tax the taxpayer paid in accordance with Subsection (2) that exceeds the amount of tax levied by the state for that calendar year as stated on the notice required by Section 59-2-1317; and
- (b) a taxing entity may not pay or refund interest to a taxpayer under Subsection (6) on any tax the taxpayer paid in accordance with Subsection (2) that exceeds the amount of tax levied by the taxing entity for that calendar year as stated on the notice required by Section 59-2-1317.
- (8) (a) Each taxing entity may levy a tax to pay its share of the final and unappealable judgment or order described in Subsection (3) if:
- (i) the final and unappealable judgment or order is issued no later than 15 days prior to the date the certified tax rate is set under Section 59-2-924;
- (ii) the ~~[amount of the judgment levy]~~ following information is included on the notice under Section 59-2-919.1:
- (A) the amount of the judgment levy; and
- (B) the term of the judgment levy; and
- (iii) the final and unappealable judgment or order is an eligible judgment, as defined in Section 59-2-102.
- (b) The levy under Subsection (8)(a) is in addition to, and exempt from, the maximum levy established for the taxing entity.
- (c) A taxing entity may divide a judgment levy under this Subsection (8) and impose the judgment levy in more than one subsequent tax year.
- (9) (a) A taxpayer that objects to the assessment of property assessed by the commission shall pay, on or before the property tax due date established under Subsection 59-2-1331(1) or Section 59-2-1332, the full amount of taxes stated on the notice required by Section 59-2-1317 if:
- (i) the taxpayer has applied to the commission for a hearing in accordance with Section 59-2-1007 on the objection to the assessment; and
- (ii) the commission has not issued a written decision on the objection to the assessment in accordance with Section 59-2-1007.
- (b) A taxpayer that pays the full amount of taxes due under Subsection (9)(a) is not required to pay penalties or interest on an assessment described in Subsection (9)(a)

504 unless:

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

508 (A) the commission; or

509 (B) a court of competent jurisdiction; and

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

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

515 (i) within ~~[60]~~ 120 days after the day on which the final and unappealable judgment or
516 order is issued in accordance with Subsection (3); or

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

518 (A) if the payment to the taxpayer required by this section is ~~[\$5,000]~~ \$15,000 or
519 more, no later than December 31 of the first year in which the judgment levy is
520 imposed; and

521 (B) if the payment to the taxpayer required by this section is less than ~~[\$5,000]~~
522 \$15,000, within ~~[60]~~ 120 days after the date the final and unappealable
523 judgment or order is issued in accordance with Subsection (3).

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

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

527 (ii) with:

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

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

530 **Section 5. Effective date.**

531 (1) Except as provided in Subsection (2), this bill takes effect on May 1, 2024.

532 (2) The following sections take effect for a taxable year beginning on or after January 1,
533 2025:

534 (a) Section 59-1-613;

535 (b) Section 59-2-924; and

536 (c) Section 59-2-1330.