

**Representative Jason B. Kyle** proposes the following substitute bill:

**ROLLBACK TAX AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jason B. Kyle**

Senate Sponsor: David P. Hinkins

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to the rollback tax imposed on land withdrawn from agricultural or urban farming property tax assessment.

**Highlighted Provisions:**

This bill:

▶ excludes land acquired by governmental entities from the rollback tax and related fees in certain circumstances;

▶ requires a governmental entity that acquires agricultural or urban farming land to make a one-time fee in lieu payment in certain circumstances;

▶ modifies the due date for paying rollback taxes and the deadline for filing appeals associated with agricultural and urban farming assessments;

▶ requires the State Tax Commission to establish circumstances under which appeals associated with agricultural and urban farming assessments may be filed after the applicable deadline; and

▶ makes technical and conforming changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**



26 This bill provides a special effective date.

27 **Utah Code Sections Affected:**

28 AMENDS:

29 17-41-601, as enacted by Laws of Utah 2023, Chapter 180

30 17-41-602, as enacted by Laws of Utah 2023, Chapter 180

31 35A-5-302, as last amended by Laws of Utah 2019, Chapter 502

32 59-2-502, as last amended by Laws of Utah 2017, Chapter 319

33 59-2-506, as last amended by Laws of Utah 2023, Chapters 180, 189

34 59-2-506.5, as last amended by Laws of Utah 2003, Chapter 208

35 59-2-516, as enacted by Laws of Utah 2017, Chapter 319

36 59-2-1702, as last amended by Laws of Utah 2021, Chapter 384

37 59-2-1705, as last amended by Laws of Utah 2023, Chapters 180, 189

38 59-2-1713, as enacted by Laws of Utah 2017, Chapter 319

39 63L-6-102, as enacted by Laws of Utah 2012, Chapter 353

40 72-5-407, as enacted by Laws of Utah 2020, Chapter 69

41 REPEALS:

42 59-2-511, as last amended by Laws of Utah 2023, Chapters 16, 180

43 59-2-1710, as last amended by Laws of Utah 2023, Chapters 16, 180 and 471



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

46 Section 1. Section 17-41-601 is amended to read:

47 **17-41-601. Definitions.**

48 As used in this part:

49 (1) "Agricultural land" means "land in agricultural use," as defined in Section

50 59-2-502.

51 (2) (a) "Open land" means land that is:

52 (i) preserved in or restored to a predominantly natural, open, and undeveloped

53 condition; and

54 (ii) used for:

55 (A) wildlife habitat;

56 (B) cultural or recreational use;

57 (C) watershed protection; or  
58 (D) another use consistent with the preservation of the land in, or restoration of the  
59 land to, a predominantly natural, open, and undeveloped condition.

60 (b) "Open land" includes land described in Subsection (2)(a) that contains facilities,  
61 including trails, waterways, and grassy areas, that, in the judgment of the county legislative  
62 body:

63 (i) enhance the natural, scenic, or aesthetic qualities of the land; or  
64 (ii) facilitate the public's access to, or use of, the land for the enjoyment of the land's  
65 natural, scenic, or aesthetic qualities and for compatible recreational activities.

66 (c) "Open land" does not include land whose predominant use is as a developed facility  
67 for active recreational activities played on fields or courses, including baseball, tennis, soccer,  
68 golf, or other sporting or similar activities.

69 (3) "Public land county" means a county in which over 50% of the land area is publicly  
70 owned.

71 (4) "Rollback tax funds" means the rollback taxes paid to a county in accordance with  
72 Sections [59-2-506](#)~~[, [59-2-511](#)]~~, and [59-2-1705](#)~~[, and [59-2-1710](#)]~~.

73 Section 2. Section **17-41-602** is amended to read:

74 **17-41-602. Use of money -- Criteria -- Administration.**

75 (1) The county treasurer shall:

76 (a) pay rollback taxes in accordance with Sections [59-2-506](#)~~[, [59-2-511](#)]~~, and  
77 [59-2-1705](#)~~[, and [59-2-1710](#)]~~; and

78 (b) deposit 20% of the rollback tax funds into an account or fund of the county set  
79 aside for preserving or restoring open land and agricultural land.

80 (2) The percentage of rollback tax funds described in Subsection (1)(b):

81 (a) may be used to establish a conservation easement under Title 57, Chapter 18, Land  
82 Conservation Easement Act, or to fund similar methods to preserve open land or agricultural  
83 land; and

84 (b) if the property to be purchased is in a public land county, may not be used to  
85 purchase a fee interest in real property to preserve open land or agricultural land, unless, the  
86 governmental entity purchasing the property contemporaneously transfers to the private  
87 ownership real property, in the same public land county, that is roughly equivalent in size to the

88 property to be purchased.

89 (3) Eminent domain may not be used or threatened in connection with any purchase  
90 using the percentage of rollback tax funds described in Subsection (1)(b).

91 (4) The funds collected by the account or fund of the county may roll over from  
92 year-to-year.

93 Section 3. Section **35A-5-302** is amended to read:

94 **35A-5-302. Definitions.**

95 As used in this part:

96 (1) "Date of hire" means the date a person who is homeless first performs labor or  
97 services for compensation for an employer.

98 (2) "Governmental entity" [~~is as defined in Section 59-2-511~~] means the same as that  
99 term is defined in Section 59-2-502.

100 (3) "Permanent housing, permanent supportive, or transitional facility" means a  
101 facility:

102 (a) located within the state;

103 (b) that provides supervision of residents of the facility; and

104 (c) that is:

105 (i) a publicly or privately operated shelter:

106 (A) designed to provide temporary living accommodations, including a welfare hotel,  
107 congregate shelter, or transitional housing for the mentally ill; and

108 (B) that receives federal homeless assistance funding distributed by the United States  
109 Department of Housing and Urban Development; or

110 (ii) an emergency shelter that receives homeless assistance funding from a county, city,  
111 or town.

112 (4) "Person who is homeless" means an individual whose primary nighttime residence  
113 is:

114 (a) a public or private place not designated for or ordinarily used as a regular sleeping  
115 accommodation for an individual, including a car, park, abandoned building, bus station, train  
116 station, airport, or camping ground; or

117 (b) a publicly or privately operated shelter designated to provide temporary living  
118 arrangements, including a permanent housing, permanent supportive, or transitional facility.

119 (5) "Wage requirement" means that an employer pays a person who is homeless \$4,000  
120 or more in wages during a time period that:

121 (a) begins on the date of hire; and

122 (b) ends no later than two calendar quarters after the calendar quarter in which the date  
123 of hire occurs.

124 Section 4. Section **59-2-502** is amended to read:

125 **59-2-502. Definitions.**

126 As used in this part:

127 (1) "Actively devoted to agricultural use" means that the land in agricultural use  
128 produces in excess of 50% of the average agricultural production per acre:

129 (a) as determined under Section [59-2-503](#); and

130 (b) for:

131 (i) the given type of land; and

132 (ii) the given county or area.

133 (2) "Conservation easement rollback tax" means the tax imposed under Section  
134 [59-2-506.5](#).

135 (3) "Governmental entity" means:

136 (a) the United States;

137 (b) the state;

138 (c) a political subdivision of the state, including:

139 (i) a county;

140 (ii) a city;

141 (iii) a town;

142 (iv) a school district;

143 (v) a special district; or

144 (vi) a special service district; or

145 (d) an entity created by the state or the United States, including:

146 (i) an agency;

147 (ii) a board;

148 (iii) a bureau;

149 (iv) a commission;

- 150            (v) a committee;
- 151            (vi) a department;
- 152            (vii) a division;
- 153            (viii) an institution;
- 154            (ix) an instrumentality; or
- 155            (x) an office.
- 156            [~~(3)~~] (4) "Identical legal ownership" means legal ownership held by:
  - 157            (a) identical legal parties; or
  - 158            (b) identical legal entities.
- 159            [~~(4)~~] (5) "Land in agricultural use" means:
  - 160            (a) land devoted to the raising of useful plants and animals with a reasonable
  - 161            expectation of profit, including:
    - 162            (i) forages and sod crops;
    - 163            (ii) grains and feed crops;
    - 164            (iii) livestock as defined in Section [59-2-102](#);
    - 165            (iv) trees and fruits; or
    - 166            (v) vegetables, nursery, floral, and ornamental stock; or
    - 167            (b) land devoted to and meeting the requirements and qualifications for payments or
    - 168            other compensation under a crop-land retirement program with an agency of the state or federal
    - 169            government.
- 170            [~~(5)~~] (6) "Other eligible acreage" means land that is:
  - 171            (a) five or more contiguous acres;
  - 172            (b) eligible for assessment under this part; and
  - 173            (c) (i) located in the same county as land described in Subsection [59-2-503\(1\)\(a\)](#); or
  - 174            (ii) contiguous across county lines with land described in Subsection [59-2-503\(1\)\(a\)](#) as
  - 175            provided in Section [59-2-512](#).
- 176            [~~(6)~~] (7) "Platted" means land in which:
  - 177            (a) parcels of ground are laid out and mapped by their boundaries, course, and extent;
  - 178            and
  - 179            (b) the plat has been approved as provided in Section [10-9a-604](#) or [17-27a-604](#).
- 180            [~~(7)~~] (8) "Rollback tax" means the tax imposed under Section [59-2-506](#).

181 [(8)] (9) "Withdrawn from this part" means that land that has been assessed under this  
 182 part is no longer assessed under this part or eligible for assessment under this part for any  
 183 reason including that:

- 184 (a) an owner voluntarily requests that the land be withdrawn from this part;
- 185 (b) the land is no longer actively devoted to agricultural use;
- 186 (c) (i) the land has a change in ownership; and
- 187 (ii) (A) the new owner fails to apply for assessment under this part as required by  
 188 Section 59-2-509; or
- 189 (B) (I) an owner applies for assessment under this part as required by Section  
 190 59-2-509; and
- 191 (II) the land does not meet the requirements of this part to be assessed under this part;
- 192 (d) (i) the legal description of the land changes; and
- 193 (ii) (A) an owner fails to apply for assessment under this part as required by Section  
 194 59-2-509; or
- 195 (B) (I) an owner applies for assessment under this part as required by Section  
 196 59-2-509; and
- 197 (II) the land does not meet the requirements of this part to be assessed under this part;
- 198 (e) if required by the county assessor, the owner of the land:
- 199 (i) fails to file a new application as provided in Subsection 59-2-508(5); or
- 200 (ii) fails to file a signed statement as provided in Subsection 59-2-508(5); or
- 201 (f) except as provided in Section 59-2-503, the land fails to meet a requirement of  
 202 Section 59-2-503.

203 Section 5. Section 59-2-506 is amended to read:

204 **59-2-506. Rollback tax -- Penalty -- Computation of tax -- Procedure -- Lien --**  
 205 **Interest -- Notice -- Collection -- Distribution -- Acquisition of land by governmental**  
 206 **entity.**

207 (1) Except as provided in this section[;] or Section 59-2-506.5, [~~or Section 59-2-511;~~]  
 208 if land is withdrawn from this part, the land is subject to a rollback tax imposed in accordance  
 209 with this section.

210 (2) (a) An owner shall notify the county assessor that land is withdrawn from this part  
 211 within 120 days after the day on which the land is withdrawn from this part.

212 (b) An owner that fails to notify the county assessor under Subsection (2)(a) that land is  
213 withdrawn from this part is subject to a penalty equal to the greater of:

214 (i) \$10; or

215 (ii) 2% of the rollback tax due for the last year of the rollback period.

216 (3) (a) The county assessor shall determine the amount of the rollback tax by  
217 computing the difference for the rollback period described in Subsection (3)(b) between:

218 (i) the tax paid while the land was assessed under this part; and

219 (ii) the tax that would have been paid had the property not been assessed under this  
220 part.

221 (b) For purposes of this section, the rollback period is a time period that:

222 (i) begins on the later of:

223 (A) the date the land is first assessed under this part; or

224 (B) five years preceding the day on which the county assessor mails the notice required  
225 by Subsection (5); and

226 (ii) ends the day on which the county assessor mails the notice required by Subsection  
227 (5).

228 (4) (a) The county treasurer shall:

229 (i) collect the rollback tax; and

230 (ii) after the rollback tax is paid, certify to the county recorder that the rollback tax lien  
231 on the property has been satisfied by:

232 (A) preparing a document that certifies that the rollback tax lien on the property has  
233 been satisfied; and

234 (B) providing the document described in Subsection (4)(a)(ii)(A) to the county recorder  
235 for recordation.

236 (b) The county treasurer shall pay the rollback tax collected under this section as  
237 follows:

238 (i) 20% to the county for use for open land and working agricultural land as those  
239 terms are defined in Section [4-46-102](#); and

240 (ii) 80% to the various taxing entities pro rata in accordance with the property tax  
241 levies for the current year.

242 (5) (a) The county assessor shall mail to an owner of the land that is subject to a



243 rollback tax a notice that:

244 (i) the land is withdrawn from this part;

245 (ii) the land is subject to a rollback tax under this section; and

246 (iii) the rollback tax is delinquent if the owner of the land does not pay the tax [~~within~~  
247 ~~30 days after the day on which the county assessor mails~~] on or before the due date listed on the  
248 notice described in this Subsection (5)(a).

249 (b) (i) The rollback tax is due and payable [~~on the day~~] within 60 days after the day on  
250 which the county assessor mails the notice required by Subsection (5)(a).

251 (ii) Subject to Subsection (7), the rollback tax is delinquent if an owner of the land that  
252 is withdrawn from this part does not pay the rollback tax [~~within 30 days after the day on which~~  
253 ~~the county assessor mails~~] on or before the due date listed on the notice [required by] described  
254 in Subsection (5)(a).

255 (6) (a) Subject to Subsection (6)(b), the following are a lien on the land assessed under  
256 this part:

257 (i) the rollback tax; and

258 (ii) interest imposed in accordance with Subsection (7).

259 (b) The lien described in Subsection (6)(a) shall:

260 (i) arise upon the imposition of the rollback tax under this section;

261 (ii) end on the day on which the rollback tax and interest imposed in accordance with  
262 Subsection (7) are paid in full; and

263 (iii) relate back to the first day of the rollback period described in Subsection (3)(b).

264 (7) (a) A delinquent rollback tax under this section shall accrue interest:

265 (i) from the date of delinquency until paid; and

266 (ii) at the interest rate established under Section [59-2-1331](#) and in effect on January 1  
267 of the year in which the delinquency occurs.

268 (b) The county treasurer shall include in the notice required by Section [59-2-1317](#) a  
269 rollback tax that is delinquent on September 1 of any year and interest calculated on that  
270 delinquent amount through November 30 of the year in which the county treasurer provides the  
271 notice under Section [59-2-1317](#).

272 (8) (a) Land that becomes ineligible for assessment under this part only as a result of an  
273 amendment to this part is not subject to the rollback tax if the owner of the land notifies the

274 county assessor, in accordance with Subsection (2), that the land is withdrawn from this part.

275 (b) Land described in Subsection (8)(a) that is withdrawn from this part as a result of  
276 an event other than an amendment to this part, whether voluntary or involuntary, is subject to  
277 the rollback tax.

278 (9) [~~Except as provided in Section 59-2-511, land~~] Land that becomes exempt from  
279 taxation under Utah Constitution, Article XIII, Section 3, is not subject to the rollback tax if the  
280 land meets the requirements of Section 59-2-503 to be assessed under this part.

281 (10) Land that becomes ineligible for assessment under this part only as a result of a  
282 split estate mineral rights owner exercising the right to extract a mineral is not subject to the  
283 rollback tax:

284 (a) (i) for the portion of the land required by a split estate mineral rights owner to  
285 extract a mineral if, after the split estate mineral rights owner exercises the right to extract a  
286 mineral, the portion of the property that remains in agricultural production still meets the  
287 acreage requirements of Section 59-2-503 for assessment under this part; or

288 (ii) for the entire acreage that would otherwise qualify for assessment under this part if,  
289 after the split estate mineral rights owner exercises the right to extract a mineral, the entire  
290 acreage that would otherwise qualify for assessment under this part no longer meets the acreage  
291 requirements of Section 59-2-503 for assessment under this part only due to the extraction of  
292 the mineral by the split estate mineral rights owner; and

293 (b) for the period of time that the property described in Subsection (10)(a) is ineligible  
294 for assessment under this part due to the extraction of a mineral by the split estate mineral  
295 rights owner.

296 (11) (a) A portion of land withdrawn from this part is not subject to the rollback tax if  
297 the portion of land:

298 (i) qualifies for assessment under Part 17, Urban Farming Assessment Act; and

299 (ii) for the tax year immediately following withdrawal, the owner of the portion of land  
300 applies in accordance with Section 59-2-1707 for the land to be assessed under Part 17, Urban  
301 Farming Assessment Act.

302 (b) Any remaining portion of the withdrawn land that does not satisfy the requirements  
303 of Subsection (11)(a) is subject to the rollback tax.

304 (12) (a) Land acquired by a governmental entity on or after January 1, 2025, is not

305 subject to the rollback tax imposed by this part if the land meets the requirements of Section  
 306 59-2-503 for assessment under this part for at least five years following the day on which the  
 307 governmental entity acquired the land.

308 (b) (i) Notwithstanding Subsection (12)(a), a governmental entity described in  
 309 Subsection (12)(a) shall make a one-time in lieu fee payment to the county treasurer of the  
 310 county in which the land is located if, within the five-year period following the day on which  
 311 the governmental entity acquired the land:

312 (A) the land no longer meets the requirements of Section 59-2-503 for assessment  
 313 under this part; or

314 (B) the governmental entity conveys a legal or equitable interest in the land to a private  
 315 entity.

316 (ii) The one-time in lieu fee payment described in Subsection (12)(b)(i) shall be in an  
 317 amount equal to the rollback tax under this section on the land at the time the governmental  
 318 entity acquired the land.

319 Section 6. Section 59-2-506.5 is amended to read:

320 **59-2-506.5. Conservation easement rollback tax -- One-time in lieu fee payment --**  
 321 **Computation -- Lien -- Interest -- Notice -- Procedure -- Collection -- Distribution.**

322 (1) (a) Notwithstanding Section 59-2-506 and subject to the requirements of this  
 323 section, land is not subject to the rollback tax under Section 59-2-506, if:

324 (i) the land becomes subject to a conservation easement created in accordance with  
 325 Title 57, Chapter 18, Land Conservation Easement Act;

326 (ii) the creation of the conservation easement described in Subsection (1)(a)(i) is  
 327 considered to be a qualified conservation contribution for federal purposes under Section  
 328 170(h), Internal Revenue Code;

329 (iii) the land was assessed under this part in the tax year preceding the tax year that the  
 330 land does not meet the requirements of Section 59-2-503;

331 (iv) after the creation of the conservation easement described in Subsection (1)(a)(i),  
 332 the land does not meet the requirements of Section 59-2-503; and

333 (v) an owner of the land notifies the county assessor as provided in Subsection (1)(b).

334 (b) An owner of land described in Subsection (1)(a) shall notify the county assessor  
 335 that the land meets the requirements of Subsection (1)(a) within 30 days after the day on which

336 the land does not meet the requirements of Section 59-2-503.

337 (2) (a) Except as provided in Subsection (4), if a conservation easement is terminated  
338 in accordance with Section 57-18-5:

339 (i) the land described in Subsection (1) is subject to a conservation easement rollback  
340 tax imposed in accordance with this section; or

341 (ii) if the land described in Subsection (1) is owned by a governmental entity [as  
342 defined in Section 59-2-511], the land is subject to a one-time in lieu fee payment that is:

343 (A) in an amount equal to the conservation easement rollback tax imposed in  
344 accordance with this section; and

345 (B) except as provided in Subsection (2)(b), paid, collected, and distributed in the same  
346 manner as the conservation easement rollback tax imposed in accordance with this section.

347 (b) Notwithstanding Subsection (2)(a)(ii)(B), a one-time in lieu fee payment under  
348 Subsection (2)(a)(ii) is not a lien on the land described in Subsection (2)(a)(ii).

349 (c) (i) The conservation easement rollback tax is an amount equal to 20 times the  
350 property tax imposed on the land for each year for the rollback period described in Subsection  
351 (2)(c)(ii).

352 (ii) For purposes of Subsection (2)(c)(i), the rollback period is a time period that:

353 (A) begins on the later of:

354 (I) the date the land became subject to a conservation easement; or

355 (II) five years preceding the day on which the county assessor mails the notice required  
356 by Subsection (3)(a); and

357 (B) ends the day on which the county assessor mails the notice required by Subsection  
358 (3)(a).

359 (d) An owner shall notify the county assessor that a conservation easement on land  
360 described in Subsection (1) has been terminated in accordance with Section 57-18-5 within 180  
361 days after the day on which the conservation easement is terminated.

362 (3) (a) If land is subject to a conservation easement rollback tax under Subsection (2),  
363 the county assessor shall mail to an owner of the land a notice that:

364 (i) the land is subject to a conservation easement rollback tax under this section; and

365 (ii) the conservation easement rollback tax is delinquent if the owner of the land does  
366 not pay the tax within 30 days after the day on which the county assessor mails the notice.

- 367 (b) The conservation easement rollback tax is:
- 368 (i) due and payable on the day the county assessor mails the notice required by
- 369 Subsection (3)(a);
- 370 (ii) delinquent if an owner of the land that is subject to the conservation easement
- 371 rollback tax does not pay the conservation easement rollback tax within 30 days after the day
- 372 on which the county assessor mails the notice required by Subsection (3)(a); and
- 373 (iii) subject to the same:
- 374 (A) interest provisions of Subsection 59-2-506(7) that apply to the rollback tax; and
- 375 (B) notice requirements of Subsection 59-2-506(7) that apply to the rollback tax.
- 376 (c) (i) Except as provided in Subsection (3)(c)(ii), the conservation easement rollback
- 377 tax shall be paid, collected, subject to a lien, and distributed in a manner consistent with this
- 378 section and Section 59-2-506.
- 379 (ii) Notwithstanding Subsection (3)(c)(i), a lien under Subsection (3)(c)(i) relates back
- 380 to the day on which the conservation easement was terminated.
- 381 (4) (a) Notwithstanding Subsection (2), land described in Subsection (2) is not subject
- 382 to the conservation easement rollback tax or the one-time in lieu fee payment required by
- 383 Subsection (2) if after the conservation easement is terminated in accordance with Section
- 384 57-18-5:
- 385 (i) an owner of the land applies for assessment of the land as land in agricultural use
- 386 under this part within 30 days after the day on which the conservation easement is terminated;
- 387 and
- 388 (ii) the application for assessment of the land described in Subsection (4)(a)(i) is
- 389 approved within two years after the day on which the application was filed.
- 390 (b) Notwithstanding Subsection (4)(a), if the land described in Subsection (4)(a)(i)
- 391 does not receive approval for assessment as land in agricultural use under this part within two
- 392 years after the day on which the application was filed under Subsection (4)(a), an owner of the
- 393 land shall:
- 394 (i) within 30 days after the day on which the two-year period expires, notify the county
- 395 assessor that the two-year period expired; and
- 396 (ii) pay the conservation easement rollback tax or the one-time in lieu fee payment
- 397 required by Subsection (2) as provided in this section.

398 (5) Land subject to a conservation easement created in accordance with Title 57,  
399 Chapter 18, Land Conservation Easement Act, is not subject to a conservation easement  
400 rollback tax or a one-time in lieu fee payment if the land is assessed under this part in  
401 accordance with Section [59-2-505](#).

402 Section 7. Section **59-2-516** is amended to read:

403 **59-2-516. Appeal to the county board of equalization.**

404 (1) Notwithstanding Section [59-2-1004](#) [~~or [63G-4-301](#)]~~ and except as provided in  
405 Subsection (2), the owner of land may appeal the determination or denial of a county assessor  
406 to the county board of equalization within [45] 60 days after the day on which:

407 [~~(1)~~] (a) the county assessor makes a determination under this part; or

408 [~~(2)~~] (b) the county assessor's failure to make a determination results in the owner's  
409 request being considered denied under this part.

410 (2) Notwithstanding Subsection (1), the commission shall, in accordance with Title  
411 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules establishing circumstances  
412 under which an appeal may be filed with the county board of equalization no later than 60 days  
413 after the deadline described in Subsection (1).

414 Section 8. Section **59-2-1702** is amended to read:

415 **59-2-1702. Definitions.**

416 As used in this part:

417 (1) "Actively devoted to urban farming" means that:

418 (a) land is devoted to active urban farming activities; and

419 (b) the land produces greater than 50% of the average agricultural production per acre:

420 (i) as determined under Section [59-2-1703](#); and

421 (ii) for the given type of land and the given county or area.

422 (2) "Governmental entity" means the same as that term is defined in Section [59-2-502](#).

423 [~~(2)~~] (3) "Rollback tax" means the tax imposed under Section [59-2-1705](#).

424 [~~(3)~~] (4) "Urban farming" means:

425 (a) cultivating food or other marketable crop or engaging in livestock production,  
426 including grazing; and

427 (b) performing the activity described in Subsection [~~(3)(a)~~] (4)(a) with a reasonable  
428 expectation of profit and from irrigated land located in a county that has adopted an ordinance

429 governing urban farming in accordance with Section 59-2-1714.

430 [(4)] (5) "Withdrawn from this part" means that land that has been assessed under this  
431 part is no longer assessed under this part or eligible for assessment under this part for any  
432 reason including that:

- 433 (a) an owner voluntarily requests that the land be withdrawn from this part;
- 434 (b) the land is no longer actively devoted to urban farming;
- 435 (c) (i) the land has a change in ownership; and
- 436 (ii) (A) the new owner fails to apply for assessment under this part as required by  
437 Section 59-2-1707; or
- 438 (B) an owner applies for assessment under this part, as required by Section 59-2-1707,  
439 but the land does not meet the requirements of this part to be assessed under this part;
- 440 (d) (i) the legal description of the land changes; and
- 441 (ii) (A) an owner fails to apply for assessment under this part, as required by Section  
442 59-2-1707; or
- 443 (B) an owner applies for assessment under this part, as required by Section 59-2-1707,  
444 but the land does not meet the requirements of this part to be assessed under this part;
- 445 (e) the owner of the land fails to file an application as provided in Section 59-2-1707;
- 446 or
- 447 (f) except as provided in Section 59-2-1703, the land fails to meet a requirement of  
448 Section 59-2-1703.

449 Section 9. Section 59-2-1705 is amended to read:

450 **59-2-1705. Rollback tax -- Penalty -- Computation of tax -- Procedure -- Lien --**  
451 **Interest -- Notice -- Collection -- Distribution -- Acquisition of land by governmental**  
452 **entity.**

453 (1) Except as provided in this section [~~or Section 59-2-1710~~], land that is withdrawn  
454 from this part is subject to a rollback tax imposed as provided in this section.

455 (2) (a) An owner shall notify the county assessor that land is withdrawn from this part  
456 within 120 days after the day on which the land is withdrawn from this part.

457 (b) An owner who fails to notify the county assessor under Subsection (2)(a) that land  
458 is withdrawn from this part is subject to a penalty equal to the greater of:

- 459 (i) \$10; or

460 (ii) 2% of the rollback tax due for the last year of the rollback period.

461 (3) (a) The county assessor shall determine the amount of the rollback tax by

462 computing the difference for the rollback period described in Subsection (3)(b) between:

463 (i) the tax paid while the land was assessed under this part; and

464 (ii) the tax that would have been paid had the property not been assessed under this

465 part.

466 (b) For purposes of this section, the rollback period is a time period that:

467 (i) begins on the later of:

468 (A) except as provided in Subsection (3)(c), the date the land is first assessed under

469 this part; or

470 (B) five years preceding the day on which the county assessor mails the notice required

471 by Subsection (5); and

472 (ii) ends the day on which the county assessor mails the notice required by Subsection

473 (5).

474 (c) For land that was previously assessed under Part 5, Farmland Assessment Act, the

475 date described in Subsection (3)(b)(i)(A) is the date the land was first assessed under Part 5,

476 Farmland Assessment Act, unless the land was subject to a rollback tax imposed under Section

477 [59-2-506](#).

478 (4) (a) The county treasurer shall:

479 (i) collect the rollback tax; and

480 (ii) after the rollback tax is paid, certify to the county recorder that the rollback tax lien

481 on the property has been satisfied by:

482 (A) preparing a document that certifies that the rollback tax lien on the property has

483 been satisfied; and

484 (B) providing the document described in Subsection (4)(a)(ii)(A) to the county recorder

485 for recording.

486 (b) The county treasurer shall pay the rollback tax collected under this section as

487 follows:

488 (i) 20% to the county for use for land and working agricultural land as those terms are

489 defined in Section [4-46-102](#); and

490 (ii) 80% to the various taxing entities pro rata in accordance with the property tax



491 levies for the current year.

492 (5) (a) The county assessor shall mail to an owner of the land that is subject to a  
493 rollback tax a notice that:

494 (i) the land is withdrawn from this part;

495 (ii) the land is subject to a rollback tax under this section; and

496 (iii) the rollback tax is delinquent if the owner of the land does not pay the tax [~~within~~  
497 ~~30 days after the day on which the county assessor mails~~] on or before the due date listed on the  
498 notice described in this Subsection (5)(a).

499 (b) (i) The rollback tax is due and payable [~~on the day~~] within 60 days after the day on  
500 which the county assessor mails the notice required by Subsection (5)(a).

501 (ii) Subject to Subsection (7), the rollback tax is delinquent if an owner of the land that  
502 is withdrawn from this part does not pay the rollback tax [~~within 30 days after the day on which~~  
503 ~~the county assessor mails~~] on or before the due date listed on the notice [required by] described  
504 in Subsection (5)(a).

505 (6) (a) Subject to Subsection (6)(b), the rollback tax and interest imposed under  
506 Subsection (7) are a lien on the land assessed under this part.

507 (b) The lien described in Subsection (6)(a) shall:

508 (i) arise upon the imposition of the rollback tax under this section;

509 (ii) end on the day on which the rollback tax and interest imposed under Subsection (7)  
510 are paid in full; and

511 (iii) relate back to the first day of the rollback period described in Subsection (3)(b).

512 (7) (a) A delinquent rollback tax under this section shall accrue interest:

513 (i) from the date of delinquency until paid; and

514 (ii) at the interest rate established under Section 59-2-1331 and in effect on January 1  
515 of the year in which the delinquency occurs.

516 (b) The county treasurer shall include in the notice required by Section 59-2-1317 a  
517 rollback tax that is delinquent on September 1 of any year and interest calculated on that  
518 delinquent amount through November 30 of the year in which the county treasurer provides the  
519 notice under Section 59-2-1317.

520 (8) (a) Land that becomes ineligible for assessment under this part only as a result of an  
521 amendment to this part is not subject to the rollback tax if the owner of the land notifies the

522 county assessor, in accordance with Subsection (2), that the land is withdrawn from this part.

523 (b) Land described in Subsection (8)(a) that is withdrawn from this part as a result of  
524 an event other than an amendment to this part, whether voluntary or involuntary, is subject to  
525 the rollback tax.

526 (9) [~~Except as provided in Section 59-2-1710, land~~] Land that becomes exempt from  
527 taxation under Utah Constitution, Article XIII, Section 3, is not subject to the rollback tax if the  
528 land meets the requirements of Section 59-2-1703 to be assessed under this part.

529 (10) (a) Land acquired by a governmental entity on or after January 1, 2025, is not  
530 subject to the rollback tax imposed by this part if the land meets the requirements of Section  
531 59-2-1703 for assessment under this part for at least five years following the day on which the  
532 governmental entity acquired the land.

533 (b) (i) Notwithstanding Subsection (10)(a), a governmental entity described in  
534 Subsection (10)(a) shall make a one-time in lieu fee payment to the county treasurer of the  
535 county in which the land is located if, within the five-year period following the day on which  
536 the governmental entity acquired the land:

537 (A) the land no longer meets the requirements of Section 59-2-1703 for assessment  
538 under this part; or

539 (B) the governmental entity conveys a legal or equitable interest in the land to a private  
540 entity.

541 (ii) The one-time in lieu fee payment described in Subsection (10)(b)(i) shall be in an  
542 amount equal to the rollback tax under this section on the land at the time the governmental  
543 entity acquired the land.

544 Section 10. Section 59-2-1713 is amended to read:

545 **59-2-1713. Appeal to the county board of equalization.**

546 (1) Notwithstanding Section 59-2-1004 [~~or 63G-4-301~~] and except as provided in  
547 Subsection (2), the owner of land may appeal the determination or denial of a county assessor  
548 to the county board of equalization within [~~45~~] 60 days after the day on which:

549 ~~[(1)]~~ (a) the county assessor makes a determination under this part; or

550 ~~[(2)]~~ (b) the county assessor's failure to make a determination results in the owner's  
551 request being considered denied under this part.

552 (2) Notwithstanding Subsection (1), the commission shall, in accordance with Title

553 63G, Chapter 3, Utah Administrative Rulemaking Act, make rules establishing circumstances  
554 under which an appeal may be filed with the county board of equalization no later than 60 days  
555 after the deadline described in Subsection (1).

556 Section 11. Section **63L-6-102** is amended to read:

557 **63L-6-102. Definitions.**

558 As used in this chapter:

559 (1) "Governmental entity" [~~is as defined in Section 59-2-511~~] means the same as that  
560 term is defined in Section 59-2-502.

561 (2) "Net proceeds" means the proceeds from the sale of public lands, after subtracting  
562 expenses incident to the sale of the public lands.

563 (3) "Public lands" means lands within the exterior boundaries of this state except:

564 (a) lands to which title is held by a person who is not a governmental entity;

565 (b) lands owned or held in trust by this state, a political subdivision of this state, or an  
566 independent entity;

567 (c) lands reserved for use by the state system of public education as described in Utah  
568 Constitution Article X, Section 2, or a state institution of higher education listed in Section  
569 **53B-1-102**;

570 (d) school and institutional trust lands as defined in Section **53C-1-103**;

571 (e) lands within the exterior boundaries as of January 1, 2012, of the following that are  
572 designated as national parks:

573 (i) Arches National Park;

574 (ii) Bryce Canyon National Park;

575 (iii) Canyonlands National Park;

576 (iv) Capitol Reef National Park; and

577 (v) Zion National Park;

578 (f) lands within the exterior boundaries as of January 1, 2012, of the following national  
579 monuments managed by the National Park Service as of January 1, 2012:

580 (i) Cedar Breaks National Monument;

581 (ii) Dinosaur National Monument;

582 (iii) Hovenweep National Monument;

583 (iv) Natural Bridges National Monument;

- 584 (v) Rainbow Bridge National Monument; and  
585 (vi) Timpanogos Cave National Monument;  
586 (g) lands within the exterior boundaries as of January 1, 2012, of the Golden Spike  
587 National Historic Site;  
588 (h) lands within the exterior boundaries as of January 1, 2012, of the following  
589 wilderness areas located in the state that, as of January 1, 2012, are designated as part of the  
590 National Wilderness Preservation System under the Wilderness Act of 1964, 16 U.S.C. 1131  
591 et seq.:
- 592 (i) Ashdown Gorge Wilderness;
  - 593 (ii) Beartrap Canyon Wilderness;
  - 594 (iii) Beaver Dam Mountains Wilderness;
  - 595 (iv) Black Ridge Canyons Wilderness;
  - 596 (v) Blackridge Wilderness;
  - 597 (vi) Box-Death Hollow Wilderness;
  - 598 (vii) Canaan Mountain Wilderness;
  - 599 (viii) Cedar Mountain Wilderness;
  - 600 (ix) Cottonwood Canyon Wilderness;
  - 601 (x) Cottonwood Forest Wilderness;
  - 602 (xi) Cougar Canyon Wilderness;
  - 603 (xii) Dark Canyon Wilderness;
  - 604 (xiii) Deep Creek Wilderness;
  - 605 (xiv) Deep Creek North Wilderness;
  - 606 (xv) Deseret Peak Wilderness;
  - 607 (xvi) Doc's Pass Wilderness;
  - 608 (xvii) Goose Creek Wilderness;
  - 609 (xviii) High Uintas Wilderness;
  - 610 (xix) LaVerkin Creek Wilderness;
  - 611 (xx) Lone Peak Wilderness;
  - 612 (xxi) Mount Naomi Wilderness;
  - 613 (xxii) Mount Nebo Wilderness;
  - 614 (xxiii) Mount Olympus Wilderness;

- 615 (xxiv) Mount Timpanogos Wilderness;
- 616 (xxv) Paria Canyon-Vermilion Cliffs Wilderness;
- 617 (xxvi) Pine Valley Mountain Wilderness;
- 618 (xxvii) Red Butte Wilderness;
- 619 (xxviii) Red Mountain Wilderness;
- 620 (xxix) Slaughter Creek Wilderness;
- 621 (xxx) Taylor Creek Wilderness;
- 622 (xxxi) Twin Peaks Wilderness;
- 623 (xxxii) Wellsville Mountain Wilderness; and
- 624 (xxxiii) Zion Wilderness;

625 (i) lands with respect to which the jurisdiction is ceded to the United States as provided  
 626 in Section [63L-1-201](#) or [63L-1-203](#);

627 (j) real property or tangible personal property owned by the United States if the  
 628 property is within the boundaries of a municipality; or

629 (k) lands, including water rights, belonging to an Indian or Indian tribe, band, or  
 630 community that is held in trust by the United States or is subject to a restriction against  
 631 alienation imposed by the United States.

632 Section 12. Section ~~72-5-407~~ is amended to read:

633 **72-5-407. Voluntary purchase of property for corridor preservation -- Notice**  
 634 **requirements.**

635 [~~(1) As used in this section:~~]

636 [(a) "Greenbelt property" means land assessed under Title 59, Chapter 2, Part 5,  
 637 Farmland Assessment Act.]

638 [(b) "Rollback tax" means the tax imposed under Section ~~59-2-506~~.]

639 [~~(2) Before purchasing greenbelt property for corridor preservation on a voluntary~~  
 640 ~~basis, the department, county, or municipality shall:]~~

641 [~~(a) provide written notice to the property owner that notifies the property owner that:]~~

642 [(i) because the property owner has agreed to sell the greenbelt property to a  
 643 governmental entity on a voluntary basis, the property owner:]

644 [(A) is required to pay the rollback tax in accordance with Subsection ~~59-2-511(2)(b)~~;

645 and]

646 ~~[(B) is not eligible to receive relocation assistance under Title 57, Chapter 12, Utah~~  
 647 ~~Relocation Assistance Act; and]~~

648 ~~[(ii) if the property owner does not sell the greenbelt property to the governmental~~  
 649 ~~entity on a voluntary basis and a governmental entity later acquires the greenbelt property~~  
 650 ~~under eminent domain or under the threat or imminence of eminent domain proceedings, the~~  
 651 ~~property owner:]~~

652 ~~[(A) would not be required to pay the rollback tax in accordance with Subsection~~  
 653 ~~59-2-511(3); and]~~

654 ~~[(B) may be eligible to receive relocation assistance under Title 57, Chapter 12, Utah~~  
 655 ~~Relocation Assistance Act; and]~~

656 ~~[(b) obtain a signed statement from the property owner acknowledging that the~~  
 657 ~~property owner received the written notice described in Subsection (2)(a):]~~

658 ~~[(3)] (1) Before purchasing [any other] real property [not described in Subsection (2)]~~  
 659 ~~for corridor preservation on a voluntary basis, the department, county, or municipality shall:~~

660 (a) provide written notice to the property owner that notifies the property owner that:

661 (i) because the property owner has agreed to sell the real property to a governmental  
 662 entity on a voluntary basis, the property owner is not eligible to receive relocation assistance  
 663 under Title 57, Chapter 12, Utah Relocation Assistance Act; and

664 (ii) if the property owner does not sell the real property to the governmental entity on a  
 665 voluntary basis and a governmental entity later acquires the real property under eminent  
 666 domain or under the threat or imminence of eminent domain proceedings, the property owner  
 667 may be eligible to receive relocation assistance under Title 57, Chapter 12, Utah Relocation  
 668 Assistance Act; and

669 (b) obtain a signed statement from the property owner acknowledging that the property  
 670 owner received the written notice described in Subsection ~~[(3)(a)]~~ (1)(a).

671 ~~[(4)]~~ (2) The department shall create and publish the form of:

672 (a) the ~~[notices]~~ notice described in ~~[Subsections (2)(a) and (3)(a)]~~ Subsection (1)(a);  
 673 and

674 (b) the ~~[statements]~~ statement described in ~~[Subsections (2)(b) and (3)(b)]~~ Subsection  
 675 (1)(b).

676 Section 13. **Repealer.**

677 This bill repeals:

678 Section **59-2-511**, Acquisition of land by governmental entity -- Requirements --  
679 **Rollback tax -- One-time in lieu fee payment -- Passage of title.**

680 Section **59-2-1710**, Acquisition of land by governmental entity -- Requirements --  
681 **Rollback tax -- One-time in lieu fee payment -- Passage of title.**

682 Section 14. **Effective date.**

683 This bill takes effect on January 1, 2025.