

**Representative Casey Snider** proposes the following substitute bill:

**WORKING FARM AND RANCH PROTECTION FUND**

2023 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Casey Snider**

Senate Sponsor: \_\_\_\_\_

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**LONG TITLE**

**General Description:**

This bill modifies provisions related to the management, regulation, conservation, and use of natural resources.

**Highlighted Provisions:**

This bill:

- ▶ defines terms;
- ▶ renames the LeRay McAllister Critical Land Conservation Program;
- ▶ establishes the Working Farm and Ranch Protection Fund;
- ▶ addresses county use of rollback taxes; and
- ▶ addresses county use of rollback tax funds.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None

**Utah Code Sections Affected:**

AMENDS:

**4-46-102**, as renumbered and amended by Laws of Utah 2022, Chapter 68

**4-46-202**, as renumbered and amended by Laws of Utah 2022, Chapter 68



26 [4-46-301](#), as renumbered and amended by Laws of Utah 2022, Chapter 68  
 27 [4-46-302](#), as renumbered and amended by Laws of Utah 2022, Chapter 68  
 28 [4-46-303](#), as renumbered and amended by Laws of Utah 2022, Chapter 68  
 29 [39A-8-104](#), as renumbered and amended by Laws of Utah 2022, Chapter 373  
 30 [59-2-506](#), as last amended by Laws of Utah 2017, Chapter 319  
 31 [59-2-511](#), as last amended by Laws of Utah 2007, Chapter 329  
 32 [59-2-1705](#), as last amended by Laws of Utah 2017, Chapter 319  
 33 [59-2-1710](#), as enacted by Laws of Utah 2012, Chapter 197  
 34 [63J-1-602.2](#), as last amended by Laws of Utah 2022, Chapters 59, 68, 154, 224, 236,  
 35 242, and 447 and last amended by Coordination Clause, Laws of Utah 2022,  
 36 Chapter 154

37 ENACTS:

38 [17-41-601](#), Utah Code Annotated 1953  
 39 [17-41-602](#), Utah Code Annotated 1953



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

42 Section 1. Section [4-46-102](#) is amended to read:

43 **4-46-102. Definitions.**

44 As used in this chapter:

45 (1) "Agricultural land" [~~has the same meaning as~~] means "land in agricultural use,"  
 46 [under] as defined in Section [59-2-502](#).

47 (2) "Board" means the Land Conservation Board established in Section [4-46-201](#).

48 (3) "Conservation commission" means the Conservation Commission created in  
 49 Section [4-18-104](#).

50 (4) "Conservation district" means a limited purpose local government entity created  
 51 under Title 17D, Chapter 3, Conservation District Act.

52 (5) "Director" means the director of the Division of Conservation.

53 (6) "Division" means the Division of Conservation created in Section [4-46-401](#).

54 (7) "Fund" means the Working Farm and Ranch Protection Fund created in Section  
 55 [4-46-301](#).

56 ~~(7)~~ (8) "Land use authority" means:

57 (a) a land use authority, as defined in Section 10-9a-103, of a municipality; or

58 (b) a land use authority, as defined in Section 17-27a-103, of a county.

59 ~~[(8)]~~ (9) "Local entity" means a county, city, or town.

60 ~~[(9)]~~ (10) (a) "Open land" means land that is:

61 (i) preserved in or restored to a predominantly natural, open, and undeveloped  
62 condition; and

63 (ii) used for:

64 (A) wildlife habitat;

65 (B) cultural or recreational use;

66 (C) watershed protection; or

67 (D) another use consistent with the preservation of the land in, or restoration of the  
68 land to, a predominantly natural, open, and undeveloped condition.

69 ~~[(b)(i)]~~ "Open land" does not include land whose predominant use is as a developed  
70 facility for active recreational activities, including baseball, tennis, soccer, golf, or other  
71 sporting or similar activity.]

72 ~~[(ii)]~~ (b) ~~[The condition of land does not change from a natural, open, and undeveloped~~  
73 ~~condition because of the development or presence on the land of]~~ "Open land" includes land  
74 described in Subsection (10)(a) that contains facilities, including trails, waterways, and grassy  
75 areas, that:

76 ~~[(A)]~~ (i) enhance the natural, scenic, or aesthetic qualities of the land; or

77 ~~[(B)]~~ (ii) facilitate the public's access to or use of the land for the enjoyment of the  
78 land's natural, scenic, or aesthetic qualities and for compatible recreational activities.

79 (c) "Open land" does not include land whose predominant use is as a developed facility  
80 for active recreational activities, including baseball, tennis, soccer, golf, or other sporting or  
81 similar activities.

82 ~~[(10)]~~ "Program" means the LeRay McAllister Critical Land Conservation Program  
83 established in Section ~~4-46-301~~.]

84 (11) (a) "State conservation efforts" includes:

85 (i) efforts to optimize and preserve the uses of land for the benefit of the state's  
86 agricultural industry and natural resources; and

87 (ii) conservation of working landscapes that if conserved, preserves the state's

88 agricultural industry and natural resources, such as working agricultural land.

89 (b) "State conservation efforts" does not include the purpose of opening private  
90 property to public access without the consent of the owner of the private property.

91 (12) (a) "Working agricultural land" means agricultural land for which an owner or  
92 producer engages in the activity of producing for commercial purposes crops, orchards,  
93 livestock, poultry, aquaculture, livestock products, or poultry products and the facilities,  
94 equipment, and property used to facilitate the activity.

95 (b) "Working agricultural land" includes an agricultural protection area established  
96 under Title 17, Chapter 41, Agriculture, Industrial, or Critical Infrastructure Materials  
97 Protection Areas.

98 Section 2. Section 4-46-202 is amended to read:

99 **4-46-202. Board duties and powers -- No regulatory authority -- Criteria.**

100 (1) The board shall:

101 (a) administer the [program] fund as provided in this chapter; and

102 (b) fulfill other responsibilities imposed on the board by the Legislature.

103 (2) The board may not exercise any regulatory authority.

104 (3) In carrying out the board's powers and duties under this chapter, the board shall  
105 adopt ranking criteria that is substantially similar to the ranking criteria used by the Agriculture  
106 Conservation Easement Program and Agriculture Land Easement as determined by the Natural  
107 Resources Conservation Service under the United States Department of Agriculture.

108 Section 3. Section 4-46-301 is amended to read:

109 **Part 3. Working Farm and Ranch Protection Fund**

110 **4-46-301. Working Farm and Ranch Protection Fund.**

111 (1) There is created a ~~Ĥ~~ → [program] fund ← ~~Ĥ~~ entitled the "~~[LeRay McAllister Critical~~

111a ~~Land~~  
112 ~~Conservation Program]~~ Working Farm and Ranch Protection Fund."

113 (2) Funding for the [program] fund shall be a line item in the budget of the board. The  
114 line item shall be nonlapsing.

115 Section 4. Section 4-46-302 is amended to read:

116 **4-46-302. Use of money in fund -- Criteria -- Administration.**

117 (1) Subject to Subsection (2), the board may authorize the use of money in the  
118 [program] fund, by grant, to:

- 119 (a) a local entity;  
 120 (b) the Department of Natural Resources created under Section 79-2-201;  
 121 (c) an entity within the department; or  
 122 (d) a charitable organization that qualifies as being tax exempt under Section 501(c)(3),  
 123 Internal Revenue Code.

124 (2) (a) The money in the [program] fund shall be used for preserving or restoring open  
 125 land and agricultural land.

126 (b) [(i)] Except as provided in Subsection [(2)(b)(ii);] (2)(c), money from the  
 127 [program] fund:

128 (i) may be used to:

129 (A) establish a conservation easement under Title 57, Chapter 18, Land Conservation  
 130 Easement Act; or

131 (B) fund similar methods to preserve open land or agricultural land; and

132 (ii) may not be used to:

133 (A) purchase a fee interest in real property to preserve open land or agricultural land;  
 134 but may be used to establish a conservation easement under Title 57, Chapter 18, Land  
 135 Conservation Easement Act, or to fund similar methods to preserve open land or agricultural  
 136 land]; or

137 (B) purchase additional property for the purpose of tax deferral.

138 [(ii)] (c) [Notwithstanding Subsection (2)(b)(i), money] Money from the [program]  
 139 fund may be used to purchase a fee interest in real property to preserve open land or  
 140 agricultural land if:

141 [(A)] (i) the [parcel] property to be purchased is no more than 20 acres in size; and

142 [(B)] (ii) with respect to a parcel purchased in a county in which over 50% of the land  
 143 area is publicly owned, real property roughly equivalent in size and located within that county  
 144 is contemporaneously transferred to private ownership from the governmental entity that  
 145 purchased the fee interest in real property.

146 [(iii)] (d) Eminent domain may not be used or threatened in connection with any  
 147 purchase using money from the [program] fund.

148 [(iv)] (e) A parcel of land larger than 20 acres in size may not be divided [~~into separate~~  
 149 ~~parcels smaller than 20 acres each to meet the requirement of]~~ to create one or more parcels

150 that are smaller than 20 acres in order to comply with Subsection ~~[(2)(b)(i)]~~ (2)(c)(i).

151 ~~[(e)]~~ (f) A local entity, department, or organization under Subsection (1) may not  
152 receive money from the [program] fund unless the local entity, department, or organization  
153 provides matching funds equal to or greater than the amount of money received from the  
154 [program] fund.

155 ~~[(d)]~~ (g) In granting money from the [program] fund, the board may impose conditions  
156 on the recipient as to how the money is to be spent.

157 ~~[(e)]~~ (h) The board shall give priority to:

158 (i) working agricultural land; and

159 (ii) after giving priority to working agricultural land under Subsection ~~[(2)(e)(i)]~~  
160 (2)(h)(i), requests from the Department of Natural Resources for up to 20% of each annual  
161 increase in the amount of money in the [program] fund if the money is used for the protection  
162 of wildlife or watershed.

163 ~~[(f)]~~ (i) (i) The board may not make a grant from the [program] fund that exceeds  
164 \$1,000,000 until after making a report to the Legislative Management Committee about the  
165 grant.

166 (ii) The Legislative Management Committee may make a recommendation to the board  
167 concerning the intended grant, but the recommendation is not binding on the board.

168 (3) In determining the amount and type of financial assistance to provide a local entity,  
169 department, or organization under Subsection (1) and subject to Subsection ~~[(2)(f)]~~ (2)(i), the  
170 board shall consider:

171 (a) the nature and amount of open land and agricultural land proposed to be preserved  
172 or restored;

173 (b) the qualities of the open land and agricultural land proposed to be preserved or  
174 restored;

175 (c) the cost effectiveness of the project to preserve or restore open land or agricultural  
176 land;

177 (d) the funds available;

178 (e) the number of actual and potential applications for financial assistance and the  
179 amount of money sought by those applications;

180 (f) the open land preservation plan of the local entity where the project is located and

181 the priority placed on the project by that local entity;

182 (g) the effects on housing affordability and diversity; and

183 (h) whether the project protects against the loss of private property ownership.

184 (4) If a local entity, department, or organization under Subsection (1) seeks money  
185 from the [program] fund for a project whose purpose is to protect critical watershed, the board  
186 shall require that the needs and quality of that project be verified by the state engineer.

187 (5) An interest in real property purchased with money from the [program] fund shall be  
188 held and administered by the state or a local entity.

189 (6) (a) The board may not authorize the use of money under this section for a project  
190 unless the land use authority for the land in which the project is located consents to the project.

191 (b) To obtain consent to a project, the person who is seeking money from the  
192 [program] fund shall submit a request for consent to a project with the applicable land use  
193 authority. The land use authority may grant or deny consent. If the land use authority does not  
194 take action within 60 days from the day on which the request for consent is filed with the land  
195 use authority under this Subsection (6), the board shall treat the project as having the consent of  
196 the land use authority.

197 (c) An action of a land use authority under this Subsection (6) is not a land use decision  
198 subject to:

- 199 (i) Title 10, Chapter 9a, Municipal Land Use, Development, and Management Act; or
- 200 (ii) Title 17, Chapter 27a, County Land Use, Development, and Management Act.

201 Section 5. Section **4-46-303** is amended to read:

202 **4-46-303. Board to report annually.**

203 The board shall submit an annual report to the Infrastructure and General Government  
204 and Natural Resources, Agriculture, and Environmental Quality Appropriations  
205 Subcommittees:

- 206 (1) specifying the amount of each disbursement from the [program] fund;
- 207 (2) identifying the recipient of each disbursement and describing the project for which  
208 money was disbursed; and
- 209 (3) detailing the conditions, if any, placed by the board on disbursements from the  
210 [program] fund.

211 Section 6. Section **17-41-601** is enacted to read:

212 **Part 6. Open Land and Working Agricultural Land Use**

213 **17-41-601. Definitions.**

214 As used in this part:

215 (1) "Agricultural land" means "land in agricultural use," as defined in Section  
216 59-2-502.

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

218 (i) preserved in or restored to a predominantly natural, open, and undeveloped  
219 condition; and

220 (ii) used for:

221 (A) wildlife habitat;

222 (B) cultural or recreational use;

223 (C) watershed protection; or

224 (D) another use consistent with the preservation of the land in, or restoration of the  
225 land to, a predominantly natural, open, and undeveloped condition.

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

229 (i) enhance the natural, scenic, or aesthetic qualities of the land; or

230 (ii) facilitate the public's access to, or use of, the land for the enjoyment of the land's  
231 natural, scenic, or aesthetic qualities and for compatible recreational activities.

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

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

237 (4) "Rollback tax funds" means the rollback taxes paid to a county in accordance with  
238 Sections 59-2-506, 59-2-511, 59-2-1705, and 59-2-1710.

239 Section 7. Section **17-41-602** is enacted to read:

240 **17-41-602. Use of money -- Criteria -- Administration.**

241 (1) The county treasurer shall:

242 (a) pay rollback taxes in accordance with Sections 59-2-506, 59-2-511, 59-2-1705, and



243 [59-2-1710](#); and

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

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

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

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

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

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

259 Section 8. Section **39A-8-104** is amended to read:

260 **39A-8-104. Committee responsibilities.**

261 (1) The committee shall:

262 (a) identify lands to be included in the designated sentinel landscape;

263 (b) develop strategies and recommendations to encourage landowners within the  
264 sentinel landscape to voluntarily participate in and begin or continue land uses compatible with  
265 Camp Williams's military mission; and

266 (c) publish any policies and procedures as administrative rules in accordance with Title  
267 63G, Chapter 3, Utah Administrative Rulemaking Act.

268 (2) In designating sentinel lands, the coordinating committee shall include all working  
269 or natural lands that the coordinating committee believes contribute to the long-term  
270 sustainability of the military missions conducted at Camp Williams.

271 (3) The committee shall determine the appropriate level of state resources required to  
272 adequately protect Camp Williams's military mission and may apply for grants from the [~~LeRay~~  
273 ~~McAllister Critical Lands Conservation Program~~] Working Farm and Ranch Protection Fund to

274 aid in securing those resources.

275 (4) In determining lands to designate, the coordinating committee shall seek input  
276 from:

277 (a) the director of the Department of Defense Readiness and Environmental Protection  
278 Integration Program; and

279 (b) the director of the National Guard Bureau Army Compatible Use Buffer Program,  
280 as authorized under 10 U.S.C. Sec. 2684(a).

281 (5) The committee shall provide a written report of its activities if state funds are  
282 expended during the previous calendar year no later than July 31 annually to:

283 (a) the governor;

284 (b) the Government Operations Interim Committee; and

285 (c) the Executive Appropriations Committee.

286 Section 9. Section **59-2-506** is amended to read:

287 **59-2-506. Rollback tax -- Penalty -- Computation of tax -- Procedure -- Lien --**  
288 **Interest -- Notice -- Collection -- Distribution.**

289 (1) Except as provided in this section, Section [59-2-506.5](#), or Section [59-2-511](#), if land  
290 is withdrawn from this part, the land is subject to a rollback tax imposed in accordance with  
291 this section.

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

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

296 (i) \$10; or

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

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

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

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

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

304 (i) begins on the later of:

305 (A) the date the land is first assessed under this part; or  
306 (B) five years preceding the day on which the county assessor mails the notice required  
307 by Subsection (5); and  
308 (ii) ends the day on which the county assessor mails the notice required by Subsection  
309 (5).

310 (4) (a) The county treasurer shall:  
311 (i) collect the rollback tax; and  
312 (ii) after the rollback tax is paid, certify to the county recorder that the rollback tax lien  
313 on the property has been satisfied by:  
314 (A) preparing a document that certifies that the rollback tax lien on the property has  
315 been satisfied; and  
316 (B) providing the document described in Subsection (4)(a)(ii)(A) to the county recorder  
317 for recordation.  
318 (b) The county treasurer shall pay the rollback tax collected under this section as  
319 follows:  
320 (i) ~~[into the county treasury]~~ 20% to the county for use for open land and working  
321 agricultural land as those terms are defined in Section 4-46-102; and  
322 (ii) 80% to the various taxing entities pro rata in accordance with the property tax  
323 levies for the current year.

324 (5) (a) The county assessor shall mail to an owner of the land that is subject to a  
325 rollback tax a notice that:  
326 (i) the land is withdrawn from this part;  
327 (ii) the land is subject to a rollback tax under this section; and  
328 (iii) the rollback tax is delinquent if the owner of the land does not pay the tax within  
329 30 days after the day on which the county assessor mails the notice described in this Subsection  
330 (5)(a).  
331 (b) (i) The rollback tax is due and payable on the day the county assessor mails the  
332 notice required by Subsection (5)(a).  
333 (ii) Subject to Subsection (7), the rollback tax is delinquent if an owner of the land that  
334 is withdrawn from this part does not pay the rollback tax within 30 days after the day on which  
335 the county assessor mails the notice required by Subsection (5)(a).

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

338 (i) the rollback tax; and

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

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

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

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

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

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

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

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

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

353 (8) (a) Land that becomes ineligible for assessment under this part only as a result of an  
354 amendment to this part is not subject to the rollback tax if the owner of the land notifies the  
355 county assessor, in accordance with Subsection (2), that the land is withdrawn from this part.

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

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

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

365 (a) (i) for the portion of the land required by a split estate mineral rights owner to  
366 extract a mineral if, after the split estate mineral rights owner exercises the right to extract a

367 mineral, the portion of the property that remains in agricultural production still meets the  
368 acreage requirements of Section 59-2-503 for assessment under this part; or

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

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

377 Section 10. Section 59-2-511 is amended to read:

378 **59-2-511. Acquisition of land by governmental entity -- Requirements -- Rollback**  
379 **tax -- One-time in lieu fee payment -- Passage of title.**

380 (1) For purposes of this section, "governmental entity" means:

381 (a) the United States;

382 (b) the state;

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

384 (i) a county;

385 (ii) a city;

386 (iii) a town;

387 (iv) a school district;

388 (v) a local district; or

389 (vi) a special service district; or

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

391 (i) an agency;

392 (ii) a board;

393 (iii) a bureau;

394 (iv) a commission;

395 (v) a committee;

396 (vi) a department;

397 (vii) a division;

398 (viii) an institution;

399 (ix) an instrumentality; or

400 (x) an office.

401 (2) (a) Except as provided in Subsections (3) and (4), land acquired by a governmental  
402 entity is subject to the rollback tax imposed by this part if:

403 (i) prior to the governmental entity acquiring the land, the land is assessed under this  
404 part; and

405 (ii) after the governmental entity acquires the land, the land does not meet the  
406 requirements of Section 59-2-503 for assessment under this part.

407 (b) A person dedicating a public right-of-way to a governmental entity shall pay the  
408 rollback tax imposed by this part if:

409 (i) a portion of the public right-of-way is located within a subdivision as defined in  
410 Section 10-9a-103; or

411 (ii) in exchange for the dedication, the person dedicating the public right-of-way  
412 receives:

413 (A) money; or

414 (B) other consideration.

415 (3) (a) Except as provided in Subsection (4), land acquired by a governmental entity is  
416 not subject to the rollback tax imposed by this part, but is subject to a one-time in lieu fee  
417 payment as provided in Subsection (3)(b), if:

418 (i) the governmental entity acquires the land by eminent domain;

419 (ii) (A) the land is under the threat or imminence of eminent domain proceedings; and

420 (B) the governmental entity provides written notice of the proceedings to the owner; or

421 (iii) the land is donated to the governmental entity.

422 (b) (i) If a governmental entity acquires land under Subsection (3)(a)(iii), the  
423 governmental entity shall make a one-time in lieu fee payment:

424 (A) to the county treasurer of the county in which the land is located; and

425 (B) in an amount equal to the amount of rollback tax calculated under Section  
426 59-2-506.

427 (ii) If a governmental entity acquires land under Subsection (3)(a)(i) or (3)(a)(ii), the  
428 governmental entity shall make a one-time in lieu fee payment:

429 (A) to the county treasurer of the county in which the land is located; and

430 (B) (I) if the land remaining after the acquisition by the governmental entity meets the  
431 requirements of Section 59-2-503, in an amount equal to the rollback tax under Section  
432 59-2-506 on the land acquired by the governmental entity; or

433 (II) if the land remaining after the acquisition by the governmental entity is less than  
434 five acres, in an amount equal to the rollback tax under Section 59-2-506 on the land acquired  
435 by the governmental entity and the land remaining after the acquisition by the governmental  
436 entity.

437 (iii) For purposes of Subsection (3)(b)(ii), "land remaining after the acquisition by the  
438 governmental entity" includes other eligible acreage that is used in conjunction with the land  
439 remaining after the acquisition by the governmental entity.

440 (c) A county receiving an in lieu fee payment under Subsection (3)(b) shall distribute  
441 the revenues generated by the payment as follows:

442 (i) 20% to the county for use for open land and working agricultural land as those  
443 terms are defined in Section 4-46-102; and

444 (ii) 80% to the taxing entities in which the land is located[; and].

445 ~~[(ii) in the same proportion as the revenue from real property taxes is distributed.]~~

446 (4) Except as provided in Section 59-2-506.5, if land acquired by a governmental entity  
447 is made subject to a conservation easement in accordance with Section 59-2-506.5:

448 (a) the land is not subject to the rollback tax imposed by this part; and

449 (b) the governmental entity acquiring the land is not required to make an in lieu fee  
450 payment under Subsection (3)(b).

451 (5) If a governmental entity acquires land subject to assessment under this part, title to  
452 the land may not pass to the governmental entity until the following are paid to the county  
453 treasurer:

454 (a) any tax due under this part;

455 (b) any one-time in lieu fee payment due under this part; and

456 (c) any interest due under this part.

457 Section 11. Section 59-2-1705 is amended to read:

458 **59-2-1705. Rollback tax -- Penalty -- Computation of tax -- Procedure -- Lien --**  
459 **Interest -- Notice -- Collection -- Distribution -- Appeal to county board of equalization.**

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

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

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

466 (i) \$10; or

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

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

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

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

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

474 (i) begins on the later of:

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

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

478 (ii) ends the day on which the county assessor mails the notice required by Subsection  
479 (5).

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

481 (i) collect the rollback tax; and

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

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

486 (B) providing the document described in Subsection (4)(a)(ii)(A) to the county recorder  
487 for recording.

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

490 (i) ~~[into the county treasury]~~ 20% to the county for use for open land and working



491 agricultural land as those terms are defined in Section 4-46-102; and

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

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

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

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

498 (iii) the rollback tax is delinquent if the owner of the land does not pay the tax within  
499 30 days after the day on which the county assessor mails the notice described in this Subsection  
500 (5)(a).

501 (b) (i) The rollback tax is due and payable on the day the county assessor mails the  
502 notice required by Subsection (5)(a).

503 (ii) Subject to Subsection (7), the rollback tax is delinquent if an owner of the land that  
504 is withdrawn from this part does not pay the rollback tax within 30 days after the day on which  
505 the county assessor mails the notice required by Subsection (5)(a).

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

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

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

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

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

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

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

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

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

521 (8) (a) Land that becomes ineligible for assessment under this part only as a result of an

522 amendment to this part is not subject to the rollback tax if the owner of the land notifies the  
523 county assessor, in accordance with Subsection (2), that the land is withdrawn from this part.

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

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

530 Section 12. Section 59-2-1710 is amended to read:

531 **59-2-1710. Acquisition of land by governmental entity -- Requirements --**  
532 **Rollback tax -- One-time in lieu fee payment -- Passage of title.**

533 (1) For purposes of this section, "governmental entity" means:

534 (a) the United States;

535 (b) the state;

536 (c) a political subdivision of the state, including a county, city, town, school district,  
537 local district, or special service district; or

538 (d) an entity created by the state or the United States, including an agency, board,  
539 bureau, commission, committee, department, division, institution, instrumentality, or office.

540 (2) (a) Except as provided in Subsections (3) and (4), land acquired by a governmental  
541 entity is subject to the rollback tax imposed by this part if:

542 (i) before the governmental entity acquires the land, the land is assessed under this  
543 part; and

544 (ii) after the governmental entity acquires the land, the land does not meet the  
545 requirements of Section 59-2-1703 for assessment under this part.

546 (b) A person dedicating a public right-of-way to a governmental entity shall pay the  
547 rollback tax imposed by this part if:

548 (i) a portion of the public right-of-way is located within a subdivision as defined in  
549 Section 10-9a-103; or

550 (ii) in exchange for the dedication, the person dedicating the public right-of-way  
551 receives money or other consideration.

552 (3) (a) Land acquired by a governmental entity is not subject to the rollback tax

553 imposed by this part, but is subject to a one-time in lieu fee payment as provided in Subsection  
554 (3)(b), if:

- 555 (i) the governmental entity acquires the land by eminent domain;
- 556 (ii) (A) the land is under the threat or imminence of eminent domain proceedings; and
- 557 (B) the governmental entity provides written notice of the proceedings to the owner; or
- 558 (iii) the land is donated to the governmental entity.

559 (b) (i) If a governmental entity acquires land under Subsection (3)(a)(iii), the  
560 governmental entity shall make a one-time in lieu fee payment:

- 561 (A) to the county treasurer of the county in which the land is located; and
- 562 (B) in an amount equal to the amount of rollback tax calculated under Section

563 [59-2-1705](#).

564 (ii) A governmental entity that acquires land under Subsection (3)(a)(i) or (ii) shall  
565 make a one-time in lieu fee payment to the county treasurer of the county in which the land is  
566 located:

567 (A) if the land remaining after the acquisition by the governmental entity meets the  
568 requirements of Section [59-2-1703](#), in an amount equal to the rollback tax under Section  
569 [59-2-1705](#) on the land acquired by the governmental entity; or

570 (B) if the land remaining after the acquisition by the governmental entity is less than  
571 two acres, in an amount equal to the rollback tax under Section [59-2-1705](#) on the land acquired  
572 by the governmental entity and the land remaining after the acquisition by the governmental  
573 entity.

574 (c) A county receiving an in lieu fee payment under Subsection (3)(b) shall distribute  
575 the revenues collected from the payment as follows:

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

578 (ii) 80% to the taxing entities in which the land is located[; and].

579 [~~(ii) in the same proportion as the revenue from real property taxes is distributed.~~]

580 (4) If a governmental entity acquires land subject to assessment under this part, title to  
581 the land may not pass to the governmental entity until any tax, one-time in lieu fee payment,  
582 and applicable interest due under this part are paid to the county treasurer.

583 Section 13. Section **63J-1-602.2** is amended to read:

- 584           **63J-1-602.2. List of nonlapsing appropriations to programs.**  
585           Appropriations made to the following programs are nonlapsing:  
586           (1) The Legislature and the Legislature's committees.  
587           (2) The State Board of Education, including all appropriations to agencies, line items,  
588 and programs under the jurisdiction of the State Board of Education, in accordance with  
589 Section [53F-9-103](#).  
590           (3) The Percent-for-Art Program created in Section [9-6-404](#).  
591           (4) The [~~LeRay McAllister Critical Land Conservation Program~~] Working Farm and  
592 Ranch Protection Fund created in Section 4-46- 301.  
593           (5) The Utah Lake Authority created in Section [11-65-201](#).  
594           (6) Dedicated credits accrued to the Utah Marriage Commission as provided under  
595 Subsection [17-16-21\(2\)\(d\)\(ii\)](#).  
596           (7) The Division of Wildlife Resources for the appraisal and purchase of lands under  
597 the Pelican Management Act, as provided in Section [23-21a-6](#).  
598           (8) The Emergency Medical Services Grant Program in Section [26-8a-207](#).  
599           (9) The primary care grant program created in Section [26-10b-102](#).  
600           (10) Sanctions collected as dedicated credits from Medicaid providers under  
601 Subsection [26-18-3\(7\)](#).  
602           (11) The Utah Health Care Workforce Financial Assistance Program created in Section  
603 [26-46-102](#).  
604           (12) The Rural Physician Loan Repayment Program created in Section [26-46a-103](#).  
605           (13) The Opiate Overdose Outreach Pilot Program created in Section [26-55-107](#).  
606           (14) The Utah Medical Education Council for the:  
607           (a) administration of the Utah Medical Education Program created in Section  
608 [26-69-403](#);  
609           (b) provision of medical residency grants described in Section [26-69-407](#); and  
610           (c) provision of the forensic psychiatric fellowship grant described in Section  
611 [26-69-408](#).  
612           (15) Funds that the Department of Alcoholic Beverage Services retains in accordance  
613 with Subsection [32B-2-301\(8\)\(a\)](#) or (b).  
614           (16) The General Assistance program administered by the Department of Workforce

615 Services, as provided in Section [35A-3-401](#).

616 (17) The Utah National Guard, created in Title 39, Militia and Armories.

617 (18) The State Tax Commission under Section [41-1a-1201](#) for the:

618 (a) purchase and distribution of license plates and decals; and

619 (b) administration and enforcement of motor vehicle registration requirements.

620 (19) The Search and Rescue Financial Assistance Program, as provided in Section  
621 [53-2a-1102](#).

622 (20) The Motorcycle Rider Education Program, as provided in Section [53-3-905](#).

623 (21) The Utah Board of Higher Education for teacher preparation programs, as  
624 provided in Section [53B-6-104](#).

625 (22) Innovation grants under Section [53G-10-608](#), except as provided in Subsection  
626 [53G-10-608\(6\)](#).

627 (23) The Division of Services for People with Disabilities, as provided in Section  
628 [62A-5-102](#).

629 (24) The Division of Fleet Operations for the purpose of upgrading underground  
630 storage tanks under Section [63A-9-401](#).

631 (25) The Utah Seismic Safety Commission, as provided in Section [63C-6-104](#).

632 (26) The Division of Technology Services for technology innovation as provided under  
633 Section [63A-16-903](#).

634 (27) The Office of Administrative Rules for publishing, as provided in Section  
635 [63G-3-402](#).

636 (28) The Colorado River Authority of Utah, created in Title 63M, Chapter 14,  
637 Colorado River Authority of Utah Act.

638 (29) The Governor's Office of Economic Opportunity to fund the Enterprise Zone Act,  
639 as provided in Title 63N, Chapter 2, Part 2, Enterprise Zone Act.

640 (30) The Governor's Office of Economic Opportunity's Rural Employment Expansion  
641 Program, as described in Title 63N, Chapter 4, Part 4, Rural Employment Expansion Program.

642 (31) Programs for the Jordan River Recreation Area as described in Section [65A-2-8](#).

643 (32) The Division of Human Resource Management user training program, as provided  
644 in Section [63A-17-106](#).

645 (33) A public safety answering point's emergency telecommunications service fund, as

646 provided in Section [69-2-301](#).

647 (34) The Traffic Noise Abatement Program created in Section [72-6-112](#).

648 (35) The money appropriated from the Navajo Water Rights Negotiation Account to  
649 the Division of Water Rights, created in Section [73-2-1.1](#), for purposes of participating in a  
650 settlement of federal reserved water right claims.

651 (36) The Judicial Council for compensation for special prosecutors, as provided in  
652 Section [77-10a-19](#).

653 (37) A state rehabilitative employment program, as provided in Section [78A-6-210](#).

654 (38) The Utah Geological Survey, as provided in Section [79-3-401](#).

655 (39) The Bonneville Shoreline Trail Program created under Section [79-5-503](#).

656 (40) Adoption document access as provided in Sections [78B-6-141](#), [78B-6-144](#), and  
657 [78B-6-144.5](#).

658 (41) Indigent defense as provided in Title 78B, Chapter 22, Part 4, Utah Indigent  
659 Defense Commission.

660 (42) The program established by the Division of Facilities Construction and  
661 Management under Section [63A-5b-703](#) under which state agencies receive an appropriation  
662 and pay lease payments for the use and occupancy of buildings owned by the Division of  
663 Facilities Construction and Management.

664 (43) The State Tax Commission for reimbursing counties for deferred property taxes in  
665 accordance with Section [59-2-1802](#).