

1 LOCAL GOVERNMENT AMENDMENTS

2 2015 GENERAL SESSION

3 STATE OF UTAH

4 Chief Sponsor: Deidre M. Henderson

5 House Sponsor: Michael S. Kennedy

7 LONG TITLE

8 General Description:

9 This bill amends provisions related to an assessment area, a local district, and a special
10 service district.

11 Highlighted Provisions:

12 This bill:

- 13 ▶ requires a county treasurer to include certain information on a property tax notice,
14 which notice includes:
- 15 • an assessment levied by a local entity; or
 - 16 • a past due fee, administrative cost, or interest charged by a local district;
- 17 ▶ amends provisions authorizing a lien for an assessment;
- 18 ▶ prohibits a local district from compounding interest more frequently than annually;
- 19 ▶ authorizes a local district to charge for administrative costs for collection of a
20 respective past due fee;
- 21 ▶ authorizes a local district to impose or increase a fee only to offset the local district's
22 demonstrable costs;
- 23 ▶ amends provisions authorizing a lien for a local district fee;
- 24 ▶ by amending local district provisions, also amends provisions that govern a special
25 service district; and
- 26 ▶ makes technical and conforming amendments.

27 Money Appropriated in this Bill:

28 None

29 Other Special Clauses:

30 This bill provides a special effective date.

31 **Utah Code Sections Affected:**

32 AMENDS:

33 **11-42-202**, as last amended by Laws of Utah 2013, Chapters 246 and 265

34 **11-42-401**, as last amended by Laws of Utah 2013, Chapter 265

35 **11-42-501**, as enacted by Laws of Utah 2007, Chapter 329

36 **17B-1-107**, as last amended by Laws of Utah 2010, Chapter 150

37 **17B-1-418**, as renumbered and amended by Laws of Utah 2007, Chapter 329

38 **17B-1-643**, as last amended by Laws of Utah 2011, Chapters 47 and 106

39 **17B-1-902**, as renumbered and amended by Laws of Utah 2007, Chapter 329

40 **17B-1-903**, as renumbered and amended by Laws of Utah 2007, Chapter 329

41 **17B-2a-506**, as last amended by Laws of Utah 2012, Chapter 97

42 **59-2-1317**, as last amended by Laws of Utah 2014, Chapter 279

43 ENACTS:

44 **17B-1-902.1**, Utah Code Annotated 1953



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

47 Section 1. Section **11-42-202** is amended to read:

48 **11-42-202. Requirements applicable to a notice of a proposed assessment area**
49 **designation.**

50 (1) Each notice required under Subsection **11-42-201**(2)(a) shall:

51 (a) state that the local entity proposes to:

52 (i) designate one or more areas within the local entity's jurisdictional boundaries as an
53 assessment area;

54 (ii) provide an improvement to property within the proposed assessment area; and

55 (iii) finance some or all of the cost of improvements by an assessment on benefitted
56 property within the assessment area;

57 (b) describe the proposed assessment area by any reasonable method that allows an

58 owner of property in the proposed assessment area to determine that the owner's property is
59 within the proposed assessment area;

60 (c) describe, in a general way, the improvements to be provided to the assessment area,
61 including:

62 (i) the general nature of the improvements; and

63 (ii) the general location of the improvements, by reference to streets or portions or
64 extensions of streets or by any other means that the governing body chooses that reasonably
65 describes the general location of the improvements;

66 (d) state the estimated cost of the improvements as determined by a project engineer;

67 (e) state that the local entity proposes to levy an assessment on benefitted property
68 within the assessment area to pay some or all of the cost of the improvements according to the
69 estimated direct and indirect benefits to the property from the improvements;

70 (f) state the assessment method by which the governing body proposes to levy the
71 assessment, including, if the local entity is a municipality or county, whether the assessment
72 will be collected:

73 (i) by directly billing a property owner; or

74 (ii) by inclusion on a property tax notice issued in accordance with Section [59-2-1317](#)
75 and in compliance with Section [11-42-401](#);

76 (g) state:

77 (i) the date described in Section [11-42-203](#) and the location at which protests against
78 designation of the proposed assessment area or of the proposed improvements are required to
79 be filed; and

80 (ii) the method by which the governing body will determine the number of protests
81 required to defeat the designation of the proposed assessment area or acquisition or
82 construction of the proposed improvements;

83 (h) state the date, time, and place of the public hearing required in Section [11-42-204](#);

84 (i) if the governing body elects to create and fund a reserve fund under Section
85 [11-42-702](#), include a description of:

86 (i) how the reserve fund will be funded and replenished; and
87 (ii) how remaining money in the reserve fund is to be disbursed upon full payment of
88 the bonds;

89 (j) if the governing body intends to designate a voluntary assessment area, include a
90 property owner consent form that:

91 (i) estimates the total assessment to be levied against the particular parcel of property;

92 (ii) describes any additional benefits that the governing body expects the assessed
93 property to receive from the improvements; and

94 (iii) designates the date and time by which the fully executed consent form is required
95 to be submitted to the governing body;

96 (k) if the local entity intends to levy an assessment to pay operation and maintenance
97 costs or for economic promotion activities, include:

98 (i) a description of the operation and maintenance costs or economic promotion
99 activities to be paid by assessments and the initial estimated annual assessment to be levied;

100 (ii) a description of how the estimated assessment will be determined;

101 (iii) a description of how and when the governing body will adjust the assessment to
102 reflect the costs of:

103 (A) in accordance with Section 11-42-406, current economic promotion activities; or

104 (B) current operation and maintenance costs;

105 (iv) a description of the method of assessment if different from the method of
106 assessment to be used for financing any improvement; and

107 (v) a statement of the maximum number of years over which the assessment will be
108 levied for:

109 (A) operation and maintenance costs; or

110 (B) economic promotion activities; and

111 (l) if the governing body intends to divide the proposed assessment area into zones
112 under Subsection 11-42-201(1)(b), include a description of the proposed zones.

113 (2) A notice required under Subsection 11-42-201(2)(a) may contain other information

114 that the governing body considers to be appropriate, including:

115 (a) the amount or proportion of the cost of the improvement to be paid by the local
116 entity or from sources other than an assessment;

117 (b) the estimated amount of each type of assessment for the various improvements to
118 be financed according to the method of assessment that the governing body chooses; and

119 (c) provisions for any improvements described in Subsection 11-42-102(24)(a)(ii).

120 (3) Each notice required under Subsection 11-42-201(2)(a) shall:

121 (a) (i) (A) be published in a newspaper of general circulation within the local entity's
122 jurisdictional boundaries, once a week for four consecutive weeks, with the last publication at
123 least five but not more than 20 days before the day of the hearing required in Section
124 11-42-204; or

125 (B) if there is no newspaper of general circulation within the local entity's jurisdictional
126 boundaries, be posted in at least three public places within the local entity's jurisdictional
127 boundaries at least 20 but not more than 35 days before the day of the hearing required in
128 Section 11-42-204; and

129 (ii) be published on the Utah Public Notice Website described in Section 63F-1-701 for
130 four weeks before the deadline for filing protests specified in the notice under Subsection
131 (1)(g); and

132 (b) be mailed, postage prepaid, within 10 days after the first publication or posting of
133 the notice under Subsection (3)(a) to each owner of property to be assessed within the proposed
134 assessment area at the property owner's mailing address.

135 Section 2. Section 11-42-401 is amended to read:

136 **11-42-401. Levying an assessment -- Payment of property tax notice --**
137 **Prerequisites -- Assessment list.**

138 (1) (a) If a local entity has designated an assessment area in accordance with Part 2,
139 Designating an Assessment Area, the local entity may levy an assessment against property
140 within that assessment area as provided in this part.

141 (b) If a local entity that is a municipality or county designates an assessment area in

142 accordance with this chapter, the municipality or county may levy an assessment and collect
143 the assessment in accordance with Subsection 11-42-202(1)(f)(i) or (ii).

144 (c) An assessment billed by a municipality or county in the same manner as a property
145 tax and included on a property tax notice in accordance with Subsection 11-42-202(1)(f)(ii) is
146 enforced in accordance with, constitutes a lien in accordance with, and is subject to other
147 penalty provisions in accordance with this chapter.

148 (d) If a local entity includes an assessment on a property tax notice, the county
149 treasurer shall on the property tax notice:

150 (i) clearly state that the assessment is for the improvement, operation and maintenance,
151 or economic promotion activities provided by the local entity;

152 (ii) itemize the assessment separate from any other tax, fee, charge, interest, or penalty
153 that is included on the property tax notice in accordance with Section 59-2-1317; and

154 (iii) state that if less than the full amount of the property tax and assessments included
155 on the property tax notice are paid, the payment will be applied proportionately to the balances
156 due for property taxes and assessments and other permitted charges described in this section
157 unless otherwise specified by the taxpayer and the taxpayer demonstrates that the unpaid fees
158 are being challenged by the taxpayer.

159 (2) Before a governing body may adopt a resolution or ordinance levying an
160 assessment against property within an assessment area:

161 (a) the governing body shall:

162 (i) subject to Subsection (3), prepare an assessment list designating:

163 (A) each parcel of property proposed to be assessed; and

164 (B) the amount of the assessment to be levied against the property;

165 (ii) appoint a board of equalization as provided in Section 11-42-403; and

166 (iii) give notice as provided in Section 11-42-402; and

167 (b) the board of equalization, appointed under Section 11-42-403, shall hold hearings,
168 make any corrections it considers appropriate to an assessment, and report its findings to the
169 governing body as provided in Section 11-42-403.

170 (3) (a) The governing body of a local entity shall prepare the assessment list described
171 in Subsection (2)(a)(i) at any time after:

172 (i) the governing body has determined the estimated or actual operation and
173 maintenance costs, if the assessment is to pay operation and maintenance costs;

174 (ii) the governing body has determined the estimated or actual economic promotion
175 costs described in Section 11-42-206, if the assessment is to pay for economic promotion
176 activities; or

177 (iii) for any other assessment, the governing body has determined:

178 (A) the estimated or actual acquisition and construction costs of all proposed
179 improvements within the assessment area, including overhead costs and authorized
180 contingencies;

181 (B) the estimated or actual property price for all property to be acquired to provide the
182 proposed improvements; and

183 (C) the reasonable cost of any work to be done by the local entity.

184 (b) In addition to the requirements of Subsection (3)(a), the governing body of a local
185 entity shall prepare the assessment list described in Subsection (2)(a)(i) before:

186 (i) the light service has commenced, if the assessment is to pay for light service; or

187 (ii) the park maintenance has commenced, if the assessment is to pay for park
188 maintenance.

189 (4) A local entity may levy an assessment for some or all of the cost of improvements
190 within an assessment area, including payment of:

191 (a) operation and maintenance costs of improvements constructed within the
192 assessment area;

193 (b) (i) if an outside entity furnishes utility services or maintains utility improvements,
194 the actual cost that the local entity pays for utility services or for maintenance of
195 improvements; or

196 (ii) if the local entity itself furnishes utility service or maintains improvements, for the
197 reasonable cost of supplying the utility service or maintenance;

198 (c) the reasonable cost of supplying labor, materials, or equipment in connection with
199 improvements; and

200 (d) (i) the reasonable cost of connection fees; or

201 (ii) the reasonable costs, as determined by the local entity governing body, if the local
202 entity owns or supplies any sewer, storm drainage, water, gas, electric, or communications
203 connections.

204 (5) A local entity may not levy an assessment for an amount donated or contributed for
205 an improvement or part of an improvement.

206 (6) The validity of an otherwise valid assessment is not affected because the actual cost
207 of improvements exceeds the estimated cost.

208 (7) (a) Subject to Subsection (7)(b), an assessment levied to pay for operation and
209 maintenance costs may not be levied over a period of time exceeding five years beginning on
210 the day on which the local entity adopts the assessment ordinance or assessment resolution for
211 the operation and maintenance costs assessment.

212 (b) A local entity may levy an additional assessment described in Subsection (7)(a) in
213 the assessment area designated for the assessment described in Subsection (7)(a) if, after the
214 five-year period expires, the local entity complies with the applicable levy provisions of this
215 part.

216 Section 3. Section **11-42-501** is amended to read:

217 **11-42-501. Assessment constitutes a lien -- Characteristics of an assessment lien.**

218 (1) Each assessment levied under this chapter, including any installment of an
219 assessment, interest, and any penalties and costs of collection, constitutes a lien against the
220 property assessed as of the effective date of the assessment resolution or ordinance.

221 (2) A lien under this section:

222 (a) is superior to the lien of a trust deed, mortgage, mechanic's or materialman's lien, or
223 other encumbrances;

224 (b) ~~[is equal to and on a parity with]~~ has the same priority as, but is separate and
225 distinct from, a lien for general property taxes;

226 (c) applies without interruption, change in priority, or alteration in any manner to any
227 reduced payment obligations; and

228 (d) continues until the assessments, reduced payment obligations, and any interest,
229 penalties, and costs are paid, despite a sale of the property for or on account of a delinquent
230 general property tax, special tax, or other assessment or the issuance of a tax deed, an
231 assignment of interest by the county, or a sheriff's certificate of sale or deed.

232 Section 4. Section **17B-1-107** is amended to read:

233 **17B-1-107. Recording a release of lien.**

234 If a local district records a lien upon real property or a groundwater right for an unpaid
235 assessment by the owner and the owner then pays the assessment in full, including, subject to
236 Section 17B-1-902.1, any interest and [~~penalties~~] administrative costs, the local district
237 recording the lien shall record the release of the lien.

238 Section 5. Section **17B-1-418** is amended to read:

239 **17B-1-418. Annexed area subject to fees and taxes.**

240 When an annexation under Section **17B-1-414** or **17B-1-415** or a boundary adjustment
241 under Section **17B-1-417** is complete, the annexed area or the area affected by the boundary
242 adjustment shall be subject to user fees [~~or charges~~] imposed by and property, sales, and other
243 taxes levied by or for the benefit of the local district.

244 Section 6. Section **17B-1-643** is amended to read:

245 **17B-1-643. Imposing or increasing a fee for service provided by local district.**

246 (1) (a) Before imposing a new fee or increasing an existing fee for a service provided
247 by a local district, each local district board of trustees shall first hold a public hearing at which:

248 (i) the local district shall demonstrate its need to impose or increase the fee; and

249 (ii) any interested person may speak for or against the proposal to impose a fee or to
250 increase an existing fee.

251 (b) Each public hearing under Subsection (1)(a) shall be held in the evening beginning
252 no earlier than 6 p.m.

253 (c) A public hearing required under this Subsection (1) may be combined with a public

254 hearing on a tentative budget required under Section [17B-1-610](#).

255 (d) Except to the extent that this section imposes more stringent notice requirements,
256 the local district board shall comply with Title 52, Chapter 4, Open and Public Meetings Act,
257 in holding the public hearing under Subsection (1)(a).

258 (2) (a) Each local district board shall give notice of a hearing under Subsection (1) as
259 provided in [~~Subsection (2)~~] Subsections (2)(b)(i) or (c) or Subsection (2)(d).

260 (b) [~~(i)(A)~~] The notice required under Subsection (2)(a) shall be published:

261 (i) on the Utah Public Notice Website established in Section [63F-1-701](#); and

262 [~~(i)~~] (ii) (A) in a newspaper or combination of newspapers of general circulation in the
263 local district, if there is a newspaper or combination of newspapers of general circulation in the
264 local district; or

265 [~~(ii)~~] (B) if there is no newspaper or combination of newspapers of general circulation
266 in the local district, the local district board shall post at least one notice per 1,000 population
267 within the local district, at places within the local district that are most likely to provide actual
268 notice to residents within the local district.

269 [~~(B)~~] (c) (i) The notice described in Subsection (2)(b)[~~(i)(A)~~](ii)(A):

270 [~~(i)~~] (A) shall be no less than 1/4 page in size and the type used shall be no smaller
271 than 18 point, and surrounded by a 1/4-inch border;

272 [~~(ii)~~] (B) may not be placed in that portion of the newspaper where legal notices and
273 classified advertisements appear;

274 [~~(iii)~~] (C) whenever possible, shall appear in a newspaper that is published at least one
275 day per week;

276 [~~(iv)~~] (D) shall be in a newspaper or combination of newspapers of general interest
277 and readership in the local district, and not of limited subject matter; and

278 [~~(v)~~] (E) shall be run once each week for the two weeks preceding the hearing.

279 (ii) The notice described in Subsection (2)(b)[~~(i)(A)~~] shall state that the local district
280 board intends to impose or increase a fee for a service provided by the local district and will
281 hold a public hearing on a certain day, time, and place fixed in the notice, which shall be not

282 less than seven days after the day the first notice is published, for the purpose of hearing
283 comments regarding the proposed imposition or increase of a fee and to explain the reasons for
284 the proposed imposition or increase.

285 ~~(c)~~ (d) (i) In lieu of providing notice under Subsection (2)(b), the local district board
286 of trustees may give the notice required under Subsection (2)(a) by mailing the notice to those
287 within the district who:

288 (A) will be charged the fee for a district service, if the fee is being imposed for the first
289 time; or

290 (B) are being charged a fee, if the fee is proposed to be increased.

291 (ii) Each notice under Subsection (2)~~(c)~~(d)(i) shall comply with Subsection
292 (2)~~(b)~~(c)(ii).

293 (iii) A notice under Subsection (2)~~(c)~~(d)(i) may accompany a district bill for an
294 existing fee.

295 ~~(d)~~ (e) If the hearing required under this section is combined with the public hearing
296 required under Section 17B-1-610, the notice requirement under this Subsection (2) is satisfied
297 if a notice that meets the requirements of Subsection (2)~~(b)~~(c)(ii) is combined with the notice
298 required under Section 17B-1-609.

299 ~~(c)~~ (f) Proof that notice was given as provided in Subsection (2)(b) or ~~(c)~~ (d) is
300 prima facie evidence that notice was properly given.

301 ~~(f)~~ (g) If no challenge is made to the notice given of a hearing required by Subsection
302 (1) within 30 days after the date of the hearing, the notice is considered adequate and proper.

303 (3) After holding a public hearing under Subsection (1), a local district board may:

304 (a) impose the new fee or increase the existing fee as proposed;

305 (b) adjust the amount of the proposed new fee or the increase of the existing fee and
306 then impose the new fee or increase the existing fee as adjusted; or

307 (c) decline to impose the new fee or increase the existing fee.

308 (4) This section applies to each new fee imposed and each increase of an existing fee
309 that occurs on or after July 1, 1998.

310 (5) (a) This section does not apply to an impact fee.

311 (b) The imposition or increase of an impact fee is governed by Title 11, Chapter 36a,
312 Impact Fees Act.

313 Section 7. Section **17B-1-902** is amended to read:

314 **17B-1-902. Lien for past due service fees -- Payment of property tax notice.**

315 (1) (a) A local district may ~~[certify, to the treasurer of the county in which the~~
316 ~~customer's property is located,]~~ file a lien on a customer's property for past due fees [and
317 ~~charges]~~ for commodities, services, or facilities that the district has provided to the customer's
318 ~~property[-(b) Subject]~~ by certifying, subject to Subsection (2), to the treasurer of the county in
319 which the customer's property is located the past due fees [and charges], including, subject to
320 Section 17B-1-902.1, applicable interest [and penalties, upon their] and administrative costs.

321 (b) Upon certification under Subsection (1)(a), the past due fees, and if applicable,
322 interest and administrative costs, become a lien on the customer's property to which the
323 commodities, services, or facilities were provided~~[, on a parity with and collectible at the same~~
324 ~~time and in the same manner as general county taxes that are a lien on the property].~~

325 (c) A lien filed in accordance with this section has the same priority as, but is separate
326 and distinct from, a property tax lien.

327 (2) (a) If a local district certifies past due fees under Subsection (1)(a), the county
328 treasurer shall include on a property tax notice issued in accordance with Section 59-2-1317 an
329 unpaid fee, administrative cost, or interest described in Subsection (1)(a).

330 (b) If an unpaid fee, administrative cost, or interest is included on a property tax notice
331 in accordance with Subsection (2)(a), the county treasurer shall on the property tax notice:

332 (i) clearly state that the unpaid fee, administrative cost, or interest is for a service
333 provided by the local district;

334 (ii) itemize the unpaid fee, administrative cost, or interest separate from any other tax,
335 fee, interest, or penalty that is included on the property tax notice in accordance with Section
336 59-2-1317; and

337 (iii) state that if less than the full amount of the property tax and local district fees

338 included on the property tax notice are paid, the payment will be applied proportionately to the
339 balances due for property taxes and local district fees, which shall include all fees and other
340 permitted charges described in this section unless otherwise specified by the taxpayer and the
341 taxpayer demonstrates that the unpaid fees are being challenged by the taxpayer.

342 ~~[(2)]~~ (3) A lien under Subsection (1) is not valid if certification under Subsection (1) is
343 made after the filing for record of a document conveying title of the customer's property to a
344 new owner.

345 ~~[(3)]~~ (4) Nothing in this section may be construed to:

346 (a) waive or release the customer's obligation to pay fees ~~[or charges]~~ that the district
347 has imposed;

348 (b) preclude the certification of a lien under Subsection (1) with respect to past due
349 fees ~~[or charges]~~ for commodities, services, or facilities provided after the date that title to the
350 property is transferred to a new owner; or

351 (c) nullify or terminate a valid lien.

352 ~~[(4)]~~ (5) After all amounts owing under a lien established as provided in this section
353 have been paid, the local district shall file for record in the county recorder's office a release of
354 the lien.

355 Section 8. Section **17B-1-902.1** is enacted to read:

356 **17B-1-902.1. Interest -- Collection of administrative costs.**

357 (1) (a) A local district may charge interest on a past due fee or past due charge.

358 (b) If a local district charges interest as described in Subsection (1)(b), the local district
359 shall calculate the interest rate for a calendar year:

360 (i) based on the federal short-term rate determined by the secretary of the treasury
361 under Section 6621, Internal Revenue Code, in effect for the preceding fourth calendar quarter;
362 and

363 (ii) as simple interest at the rate of eighteen percentage points above the federal
364 short-term rate.

365 (c) If a local district charges interest on a past due fee collected by the local district,

366 regardless of whether the fee is certified, the local district may charge the interest monthly but
367 may not compound the interest more frequently than annually.

368 (2) (a) A local district may charge and collect only one of the following:

369 (i) a one-time penalty charge not to exceed 8% for a past-due fee; or

370 (ii) an administrative cost for some or all of the following:

371 (A) the collection cost of a past due fee or charge;

372 (B) reasonable attorney fees actually incurred for collection and foreclosure costs, if
373 applicable; and

374 (C) any other cost.

375 (b) A local district may not charge interest on an administrative cost.

376 Section 9. Section **17B-1-903** is amended to read:

377 **17B-1-903. Authority to require written application for water or sewer service**
378 **and to terminate for failure to pay -- Limitations.**

379 (1) A local district that owns or controls a system for furnishing water or providing
380 sewer service or both may:

381 (a) before furnishing water or providing sewer service to a property, require the
382 property owner or an authorized agent to submit a written application, signed by the owner or
383 an authorized agent, agreeing to pay for all water furnished or sewer service provided to the
384 property, whether occupied by the owner or by a tenant or other occupant, according to the
385 rules and regulations adopted by the local district; and

386 (b) if a customer fails to pay for water furnished or sewer service provided to the
387 customer's property, discontinue furnishing water or providing sewer service to the property
388 until all amounts for water furnished or sewer service provided are paid, subject to Subsection
389 (2).

390 (2) Unless a valid lien has been established as provided in Section **17B-1-902**, has not
391 been satisfied, and has not been terminated by a sale as provided in ~~[Subsection]~~ Section
392 **17B-1-902**~~[(2)]~~, a local district may not:

393 (a) use a customer's failure to pay for water furnished or sewer service provided to the

394 customer's property as a basis for not furnishing water or providing sewer service to the
395 property after ownership of the property is transferred to a subsequent owner; or

396 (b) require an owner to pay for water that was furnished or sewer service that was
397 provided to the property before the owner's ownership.

398 Section 10. Section **17B-2a-506** is amended to read:

399 **17B-2a-506. Different use charges for different units -- Use charges based on the**
400 **size of the land served -- Use charge may not be based on property value.**

401 (1) An irrigation district may:

402 (a) divide the district into units and apply different use charges to the different units;
403 and

404 (b) base use charges upon the amount of water or electricity the district provides, the
405 area of the land served, or any other reasonable basis, as determined by the board of trustees.

406 (2) If an irrigation district imposes a use charge based on the size of the land served or
407 the amount of water allotted to the land:

408 (a) the assessor of the county in which the land is located shall assist the irrigation
409 district in ascertaining the identity of a parcel served by the district;

410 (b) the district shall notify the treasurer of the county in which the land is located of the
411 charge to be imposed for each parcel of land served by the district; and

412 (c) the treasurer of the county in which the land is located:

413 (i) shall:

414 (A) provide each landowner a notice of use charges as part of the annual tax notice as
415 an additional charge separate from ad valorem taxes;

416 (B) collect, receive, and provide an accounting for all money belonging to the district
417 from use charges; and

418 (C) remit to the irrigation district, by the tenth day of each month, the funds previously
419 collected by the county as use charges on the district's behalf; and

420 (ii) may receive and account for use charges separately from taxes upon real estate for
421 county purposes.

422 (3) (a) A use charge described in Subsection (2)(b) shall become a lien on the land
423 served as provided in Section 17B-1-902 except that the certification described in Subsection
424 17B-1-902(1)[(a)] is not required.

425 (b) A lien described in Subsection (3)(a) shall remain in force until the use charge is
426 paid.

427 (c) The county treasurer shall release a lien described in Subsection (3)(a) upon receipt
428 of full payment of the use charge.

429 (4) A use charge may not be calculated on the basis of property value and does not
430 constitute an ad valorem property tax or other tax.

431 Section 11. Section 59-2-1317 is amended to read:

432 **59-2-1317. Tax notice -- Contents of notice -- Procedures and requirements for**
433 **providing notice.**

434 (1) Subject to the other provisions of this section, the county treasurer shall:

435 (a) collect the taxes; and

436 (b) provide a notice to each taxpayer that contains the following:

437 (i) the kind and value of property assessed to the taxpayer;

438 (ii) the street address of the property, if available to the county;

439 (iii) that the property may be subject to a detailed review in the next year under Section
440 59-2-303.1;

441 (iv) the amount of taxes levied;

442 (v) a separate statement of the taxes levied only on a certain kind or class of property
443 for a special purpose;

444 (vi) property tax information pertaining to taxpayer relief, options for payment of
445 taxes, and collection procedures;

446 (vii) if applicable, the amount of an assessment assessed in accordance with Section
447 11-42-401;

448 (viii) if applicable, an unpaid fee, administrative cost, or interest for a local district in
449 accordance with Section 17B-1-902;

450 [~~(viii)~~] (ix) the date the taxes are due;

451 [~~(ix)~~] (x) the street address at which the taxes may be paid;

452 [~~(x)~~] (xi) the date on which the taxes are delinquent;

453 [~~(xi)~~] (xii) the penalty imposed on delinquent taxes;

454 [~~(xii)~~] (xiii) other information specifically authorized to be included on the notice

455 under this chapter; and

456 [~~(xiii)~~] (xiv) other property tax information approved by the commission.

457 (2) For any property for which property taxes are delinquent, the notice described in

458 Subsection (1) shall state, "Prior taxes are delinquent on this parcel."

459 (3) Except as provided in Subsection (4), the county treasurer shall:

460 (a) mail the notice required by this section, postage prepaid; or

461 (b) leave the notice required by this section at the taxpayer's residence or usual place of

462 business, if known.

463 (4) (a) Subject to the other provisions of this Subsection (4), a county treasurer may, at

464 the county treasurer's discretion, provide the notice required by this section by electronic mail if

465 a taxpayer makes an election, according to procedures determined by the county treasurer, to

466 receive the notice by electronic mail.

467 (b) A taxpayer may revoke an election to receive the notice required by this section by

468 electronic mail if the taxpayer provides written notice to the treasurer on or before October 1.

469 (c) A revocation of an election under this section does not relieve a taxpayer of the

470 duty to pay a tax due under this chapter on or before the due date for paying the tax.

471 (d) A county treasurer shall provide the notice required by this section using a method

472 described in Subsection (3), until a taxpayer makes a new election in accordance with this

473 Subsection (4), if:

474 (i) the taxpayer revokes an election in accordance with Subsection (4)(b) to receive the

475 notice required by this section by electronic mail; or

476 (ii) the county treasurer finds that the taxpayer's electronic mail address is invalid.

477 (e) A person is considered to be a taxpayer for purposes of this Subsection (4)

478 regardless of whether the property that is the subject of the notice required by this section is
479 exempt from taxation.

480 (5) (a) The county treasurer shall provide the notice required by this section to a
481 taxpayer on or before November 1.

482 (b) The county treasurer shall keep on file in the county treasurer's office the
483 information set forth in the notice.

484 (c) The county treasurer is not required to mail a tax receipt acknowledging payment.

485 (6) This section does not apply to property taxed under Section [59-2-1302](#) or
486 [59-2-1307](#).

487 Section 12. **Effective date.**

488 (1) Except as provided in Subsection (2), this bill takes effect on May 12, 2015.

489 (2) The actions affecting the following take effect on January 1, 2016:

490 (a) Section [11-42-401](#);

491 (b) Section [17B-1-902](#); and

492 (c) Section [59-2-1317](#).