

## HJR012S01 compared with HJR012

{deleted text} shows text that was in HJR012 but was deleted in HJR012S01.

inserted text shows text that was not in HJR012 but was inserted into HJR012S01.

**DISCLAIMER:** This document is provided to assist you in your comparison of the two bills. Sometimes this automated comparison will not be completely accurate. Therefore, you need to read the actual bill. This automatically generated document could experience abnormalities caused by: limitations of the compare program; bad input data; the timing of the compare; and other potential causes.

**Representative Stephen E. Sandstrom proposes the following substitute bill:**

### **JOINT RESOLUTION ON PROPERTY TAX EXEMPTION FOR CERTAIN MILITARY PERSONNEL**

2012 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor:** Stephen E. Sandstrom

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

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#### **LONG TITLE**

#### **General Description:**

This joint resolution of the Legislature proposes to amend the Utah Constitution to provide a property tax exemption for property owned by certain military personnel and their spouses.

#### **Highlighted Provisions:**

This resolution proposes to amend the Utah Constitution to:

- ▶ provide a property tax exemption for:
  - property owned by a person and used as the person's primary residence ~~of a~~if the person~~who~~, while serving in the National Guard or a military reserve unit, is ordered to federal active duty outside the state; ~~and~~

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- }or
- if that exemption may not be taken, property owned by the spouse of that person and used as the primary residence of ~~(the spouse of)~~ that person or spouse; and
  - ▶ provide the property tax exemption for each year during any portion of which the person is serving under the order to federal active duty.

### Special Clauses:

This resolution directs the lieutenant governor to submit this proposal to voters.

This resolution provides a contingent effective date of January 1, 2013 for this proposal.

### Utah Constitution Sections Affected:

AMENDS:

### ARTICLE XIII, SECTION 3

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*Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each of the two houses voting in favor thereof:*

Section 1. It is proposed to amend Utah Constitution Article XIII, Section 3, to read:

#### **Article XIII, Section 3. [Property tax exemptions.]**

- (1) The following are exempt from property tax:
  - (a) property owned by the State;
  - (b) property owned by a public library;
  - (c) property owned by a school district;
  - (d) property owned by a political subdivision of the State, other than a school district, and located within the political subdivision;
  - (e) property owned by a political subdivision of the State, other than a school district, and located outside the political subdivision unless the Legislature by statute authorizes the property tax on that property;
  - (f) property owned by a nonprofit entity used exclusively for religious, charitable, or educational purposes;
  - (g) places of burial not held or used for private or corporate benefit;
  - (h) farm equipment and farm machinery as defined by statute;
  - (i) water rights, reservoirs, pumping plants, ditches, canals, pipes, flumes, power plants, and transmission lines to the extent owned and used by an individual or corporation to

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irrigate land that is:

- (i) within the State; and
- (ii) owned by the individual or corporation, or by an individual member of the corporation; [and]
  - (j) (i) if owned by a nonprofit entity and used within the State to irrigate land, provide domestic water, as defined by statute, or provide water to a public water supplier:
    - (A) water rights; and
    - (B) reservoirs, pumping plants, ditches, canals, pipes, flumes, and, as defined by statute, other water infrastructure;
  - (ii) land occupied by a reservoir, ditch, canal, or pipe that is exempt under Subsection (1)(j)(i)(B) if the land is owned by the nonprofit entity that owns the reservoir, ditch, canal, or pipe; and
  - (iii) land immediately adjacent to a reservoir, ditch, canal, or pipe that is exempt under Subsection (1)(j)(i)(B) if the land is:
    - (A) owned by the nonprofit entity that owns the adjacent reservoir, ditch, canal, or pipe; and
    - (B) reasonably necessary for the maintenance or for otherwise supporting the operation of the reservoir, ditch, canal, or pipe[-]; and
- (k) (i) real property owned by a person, whether alone or jointly with the person's spouse, and used as the person's primary residence, if the person, while serving in the National Guard or a military reserve unit, is ordered to and serves federal active duty outside the ~~{state}~~ State in support of combat operations, for each tax year during any portion of which the person serves under the order to federal active duty ~~{outside the state; and}~~  
~~(ii)~~; or
  - (ii) if an exemption under Subsection (1)(k)(i) may not be claimed, real property owned by the spouse of a person described in Subsection (1)(k)(i) and used as the ~~{spouse's}~~ ~~primary residence of that person or that person's spouse~~, for each tax year described in Subsection (1)(k)(i).

- (2) (a) The Legislature may by statute exempt the following from property tax:
  - (i) tangible personal property constituting inventory present in the State on January 1 and held for sale in the ordinary course of business;

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- (ii) tangible personal property present in the State on January 1 and held for sale or processing and shipped to a final destination outside the State within 12 months;
  - (iii) subject to Subsection (2)(b), property to the extent used to generate and deliver electrical power for pumping water to irrigate lands in the State;
  - (iv) up to 45% of the fair market value of residential property, as defined by statute;
  - (v) household furnishings, furniture, and equipment used exclusively by the owner of that property in maintaining the owner's home; and
  - (vi) tangible personal property that, if subject to property tax, would generate an inconsequential amount of revenue.
- (b) The exemption under Subsection (2)(a)(iii) shall accrue to the benefit of the users of pumped water as provided by statute.
- (3) The following may be exempted from property tax as provided by statute:
- (a) property owned by a disabled person who, during military training or a military conflict, was disabled in the line of duty in the military service of the United States or the State; and
  - (b) property owned by the unmarried surviving spouse or the minor orphan of a person who:
    - (i) is described in Subsection (3)(a); or
    - (ii) during military training or a military conflict, was killed in action or died in the line of duty in the military service of the United States or the State.
- (4) The Legislature may by statute provide for the remission or abatement of the taxes of the poor.

### **Section 2. Submittal to voters.**

The lieutenant governor is directed to submit this proposed amendment to the voters of the state at the next regular general election in the manner provided by law.

### **Section 3. Effective date.**

If the amendment proposed by this joint resolution is approved by a majority of those voting on it at the next regular general election, the amendment shall take effect on January 1, 2013.

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**Legislative Review Note**

— as of 1-25-12 6:33 PM

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**Office of Legislative Research and General Counsel,**