

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: Luz Robles

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 if the person, while serving in the National Guard or a military reserve unit, is ordered to federal active duty outside the state; or
 - if that exemption may not be taken, property owned by the spouse of that person and used as the primary residence 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.



26 **Utah Constitution Sections Affected:**

27 AMENDS:

28 **ARTICLE XIII, SECTION 3**



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

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

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

34 (1) The following are exempt from property tax:

35 (a) property owned by the State;

36 (b) property owned by a public library;

37 (c) property owned by a school district;

38 (d) property owned by a political subdivision of the State, other than a school district,
39 and located within the political subdivision;

40 (e) property owned by a political subdivision of the State, other than a school district,
41 and located outside the political subdivision unless the Legislature by statute authorizes the
42 property tax on that property;

43 (f) property owned by a nonprofit entity used exclusively for religious, charitable, or
44 educational purposes;

45 (g) places of burial not held or used for private or corporate benefit;

46 (h) farm equipment and farm machinery as defined by statute;

47 (i) water rights, reservoirs, pumping plants, ditches, canals, pipes, flumes, power
48 plants, and transmission lines to the extent owned and used by an individual or corporation to
49 irrigate land that is:

50 (i) within the State; and

51 (ii) owned by the individual or corporation, or by an individual member of the
52 corporation; [~~and~~]

53 (j) (i) if owned by a nonprofit entity and used within the State to irrigate land, provide
54 domestic water, as defined by statute, or provide water to a public water supplier:

55 (A) water rights; and

56 (B) reservoirs, pumping plants, ditches, canals, pipes, flumes, and, as defined by

57 statute, other water infrastructure;

58 (ii) land occupied by a reservoir, ditch, canal, or pipe that is exempt under Subsection
59 (1)(j)(i)(B) if the land is owned by the nonprofit entity that owns the reservoir, ditch, canal, or
60 pipe; and

61 (iii) land immediately adjacent to a reservoir, ditch, canal, or pipe that is exempt under
62 Subsection (1)(j)(i)(B) if the land is:

63 (A) owned by the nonprofit entity that owns the adjacent reservoir, ditch, canal, or
64 pipe; and

65 (B) reasonably necessary for the maintenance or for otherwise supporting the operation
66 of the reservoir, ditch, canal, or pipe[-]; and

67 (k) (i) real property owned by a person, whether alone or jointly with the person's
68 spouse, and used as the person's primary residence, if the person, while serving in the National
69 Guard or a military reserve unit, is ordered to and serves federal active duty outside the State in
70 support of combat operations, for each tax year during any portion of which the person serves
71 under the order to federal active duty; or

72 (ii) if an exemption under Subsection (1)(k)(i) may not be claimed, real property
73 owned by the spouse of a person described in Subsection (1)(k)(i) and used as the primary
74 residence of that person or that person's spouse, for each tax year described in Subsection
75 (1)(k)(i).

76 (2) (a) The Legislature may by statute exempt the following from property tax:

77 (i) tangible personal property constituting inventory present in the State on January 1
78 and held for sale in the ordinary course of business;

79 (ii) tangible personal property present in the State on January 1 and held for sale or
80 processing and shipped to a final destination outside the State within 12 months;

81 (iii) subject to Subsection (2)(b), property to the extent used to generate and deliver
82 electrical power for pumping water to irrigate lands in the State;

83 (iv) up to 45% of the fair market value of residential property, as defined by statute;

84 (v) household furnishings, furniture, and equipment used exclusively by the owner of
85 that property in maintaining the owner's home; and

86 (vi) tangible personal property that, if subject to property tax, would generate an
87 inconsequential amount of revenue.

88 (b) The exemption under Subsection (2)(a)(iii) shall accrue to the benefit of the users
89 of pumped water as provided by statute.

90 (3) The following may be exempted from property tax as provided by statute:

91 (a) property owned by a disabled person who, during military training or a military
92 conflict, was disabled in the line of duty in the military service of the United States or the State;
93 and

94 (b) property owned by the unmarried surviving spouse or the minor orphan of a person
95 who:

96 (i) is described in Subsection (3)(a); or

97 (ii) during military training or a military conflict, was killed in action or died in the line
98 of duty in the military service of the United States or the State.

99 (4) The Legislature may by statute provide for the remission or abatement of the taxes
100 of the poor.

101 **Section 2. Submittal to voters.**

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

104 **Section 3. Effective date.**

105 If the amendment proposed by this joint resolution is approved by a majority of those
106 voting on it at the next regular general election, the amendment shall take effect on January 1,
107 2013.