

Representative Jim Nielson proposes the following substitute bill:

1 **JOINT RESOLUTION ON TANGIBLE PERSONAL
2 PROPERTY TAX EXEMPTION**

3 2014 GENERAL SESSION
4 STATE OF UTAH

5 **Chief Sponsor: Jim Nielson**

6 Senate Sponsor: _____

7 **LONG TITLE**

8 **General Description:**

9 This joint resolution of the Legislature proposes to amend the Utah Constitution to
10 modify provisions regarding the exemption of tangible personal property from property
11 tax.

12 **Highlighted Provisions:**

13 This resolution proposes to amend the Utah Constitution to:

- 14 ► authorize the Legislature to exempt certain tangible personal property from property
15 tax; and
16 ► repeal resulting unnecessary language and make other conforming changes.

17 **Special Clauses:**

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

19 This resolution provides a contingent effective date of January 1, 2015 for this proposal.

20 **Utah Constitution Sections Affected:**

21 AMENDS:

22 **ARTICLE XIII, SECTION 3**

23

24 *Be it resolved by the Legislature of the state of Utah, two-thirds of all members elected to each*



26 *of the two houses voting in favor thereof:*

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

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

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

30 (a) property owned by the State;

31 (b) property owned by a public library;

32 (c) property owned by a school district;

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

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

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

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

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

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

45 (i) within the State; and

46 (ii) owned by the individual or corporation, or by an individual member of the
47 corporation; and

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

50 (A) water rights; and

51 (B) reservoirs, pumping plants, ditches, canals, pipes, flumes, and, as defined by
52 statute, other water infrastructure;

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

56 (iii) land immediately adjacent to a reservoir, ditch, canal, or pipe that is exempt under

57 Subsection (1)(j)(i)(B) if the land is:

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

60 (B) reasonably necessary for the maintenance or for otherwise supporting the operation
61 of the reservoir, ditch, canal, or pipe.

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

63 (i) tangible personal property that:

64 (A) has a value of less than \$10,000;

65 (B) is not household furnishings, furniture, or equipment used exclusively by the owner
66 of that property in maintaining the owner's home; and

67 (C) is not exempt from property tax under Section 2, Subsection (6) of this article;

68 (ii) to the extent not exempted by statute enacted under Subsection (2)(a)(i):

69 [†] (A) tangible personal property constituting inventory present in the State on
70 January 1 and held for sale in the ordinary course of business; and

71 [††] (B) tangible personal property present in the State on January 1 and held for sale
72 or processing and shipped to a final destination outside the State within 12 months;

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

75 (iv) up to 45% of the fair market value of residential property, as defined by statute[;];
76 and

77 (v) household furnishings, furniture, and equipment used exclusively by the owner of
78 that property in maintaining the owner's home[; and].

79 [vi) tangible personal property that, if subject to property tax, would generate an
80 inconsequential amount of revenue.]

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

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

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

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

88 (i) is described in Subsection (3)(a); or
89 (ii) during military training or a military conflict, was killed in action or died in the line
90 of duty in the military service of the United States or the State; and
91 (c) real property owned by a person in the military or the person's spouse, or both, and
92 used as the person's primary residence, if the person serves under an order to federal active duty
93 out of state for at least 200 days in a calendar year or 200 consecutive days.

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

96 **Section 2. Submittal to voters.**

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

99 **Section 3. Contingent effective date.**

100 If the amendment proposed by this joint resolution is approved by a majority of those
101 voting on it at the next regular general election, the amendment shall take effect on January 1,
102 2015.