

## SJR004S01 compared with SJR004

~~{deleted text}~~ shows text that was in SJR004 but was deleted in SJR004S01.

inserted text shows text that was not in SJR004 but was inserted into SJR004S01.

**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 bills. This automatically generated document could contain inaccuracies caused by: limitations of the compare program; bad input data; or other causes.

Senator Jim Dabakis proposes the following substitute bill:

### PROPOSAL TO AMEND UTAH CONSTITUTION - EDUCATION FUNDING

2016 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Jim Dabakis**

House Sponsor: \_\_\_\_\_

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#### LONG TITLE

##### General Description:

This joint resolution of the Legislature proposes to amend the Utah Constitution to modify ~~{a provision}~~ provisions relating to ~~{the use of revenue from taxes on intangible property or income}~~ education funding.

##### Highlighted Provisions:

This resolution proposes to amend the Utah Constitution to:

- ▶ ~~{exclude the higher education system from a provision limiting how revenue from taxes on intangible property or income is to be used, so that the revenue may be used to support the}~~ require the state to impose a 1% sales and use tax and to use the revenue from the tax to support public education ~~{system only}~~.

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### Special Clauses:

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

This resolution provides a contingent effective date of January 1, ~~{2018}~~2017, for this proposal.

### Utah Constitution Sections Affected:

AMENDS:

#### ARTICLE XIII, SECTION 5

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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 5, to read:

#### **Article XIII, Section 5. [Use and amount of taxes and expenditures.]**

(1) The Legislature shall provide by statute for an annual tax sufficient, with other revenues, to defray the estimated ordinary expenses of the State for each fiscal year.

(2) (a) For any fiscal year, the Legislature may not make an appropriation or authorize an expenditure if the State's expenditure exceeds the total tax provided for by statute and applicable to the particular appropriation or expenditure.

(b) Subsection (2)(a) does not apply to an appropriation or expenditure to suppress insurrection, defend the State, or assist in defending the United States in time of war.

(3) For any debt of the State, the Legislature shall provide by statute for an annual tax sufficient to pay:

(a) the annual interest; and

(b) the principal within 20 years after the final passage of the statute creating the debt.

(4) Except as provided in Article X, Section 5, Subsection (5)(a), the Legislature may not impose a tax for the purpose of a political subdivision of the State, but may by statute authorize political subdivisions of the State to assess and collect taxes for their own purposes.

(5) (a) All revenue from taxes on intangible property or from a tax on income shall be used to support the ~~{}~~systems of~~{}~~ public education ~~{}~~and higher education ~~{}~~system,~~}~~ as defined in Article X, Section 2.

(b) The State shall impose a 1% statewide sales and use tax, as provided by statute, and shall use all revenue from that tax to support the public education system, as defined in Article

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### **X, Section 2.**

(6) Proceeds from fees, taxes, and other charges related to the operation of motor vehicles on public highways and proceeds from an excise tax on liquid motor fuel used to propel those motor vehicles shall be used for:

- (a) statutory refunds and adjustments and costs of collection and administration;
- (b) the construction, maintenance, and repair of State and local roads, including payment for property taken for or damaged by rights-of-way and for associated administrative costs;
- (c) driver education;
- (d) enforcement of state motor vehicle and traffic laws; and
- (e) the payment of the principal of and interest on any obligation of the State or a city or county, issued for any of the purposes set forth in Subsection (6)(b) and to which any of the fees, taxes, or other charges described in this Subsection (6) have been pledged, including any paid to the State or a city or county, as provided by statute.

(7) Fees and taxes on tangible personal property imposed under Section 2, Subsection (6) of this article are not subject to Subsection (6) of this Section 5 and shall be distributed to the taxing districts in which the property is located in the same proportion as that in which the revenue collected from real property tax is distributed.

(8) A political subdivision of the State may share its tax and other revenues with another political subdivision of the State as provided by statute.

(9) Beginning July 1, 2016, the aggregate annual revenue from all severance taxes, as those taxes are defined by statute, except revenue that by statute is used for purposes related to any federally recognized Indian tribe, shall be deposited annually into the permanent State trust fund under Article XXII, Section 4, as follows:

- (a) 25% of the first \$50,000,000 of aggregate annual revenue;
- (b) 50% of the next \$50,000,000 of aggregate annual revenue; and
- (c) 75% of the aggregate annual revenue that exceeds \$100,000,000.

#### **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. Contingent effective date.**

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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, ~~2018~~2017.

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**Legislative Review Note**

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