

1                   **PROPOSAL TO AMEND UTAH CONSTITUTION -**  
2                                   **EDUCATION AMENDMENTS**

3   2020 GENERAL SESSION

4   STATE OF UTAH

5                           **Chief Sponsor: Raymond P. Ward**

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

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8 **LONG TITLE**

9 **General Description:**

10           This joint resolution of the Legislature proposes to amend the Utah Constitution to  
11 modify provisions relating to education.

12 **Highlighted Provisions:**

13           This resolution proposes to amend the Utah Constitution to:

- 14           ▶ repeal a provision requiring taxes on intangible property and income to be used to
- 15 support public and higher education;
- 16           ▶ require the Legislature to provide sufficient funding for the establishment and
- 17 maintenance of the state's education systems; and
- 18           ▶ modify a provision requiring the public education system to be open to all children
- 19 of the state to require instead that the public education system provide an adequate
- 20 education to all children of the state.

21 **Special Clauses:**

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

23           This resolution provides a contingent effective date of January 1, 2021 for this proposal.

24 **Utah Constitution Sections Affected:**

25 AMENDS:

26           **ARTICLE X, SECTION 1**

27           **ARTICLE XIII, SECTION 5**



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

31 Section 1. It is proposed to amend Utah Constitution, Article X, Section 1, to read:

32 **Article X, Section 1. [Free nonsectarian schools.]**

33 The Legislature shall provide sufficient funding for the establishment and maintenance  
34 of the state's education systems including: (a) a public education system, which shall [~~be open~~]  
35 provide an adequate education to all children of the state; and (b) a higher education system.

36 Both systems shall be free from sectarian control.

37 Section 2. It is proposed to amend Utah Constitution, Article XIII, Section 5, to read:

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

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

41 (b) If the ordinary expenses of the State will exceed revenues for a fiscal year, the  
42 Governor shall:

43 (i) reduce all State expenditures on a pro rata basis, except for expenditures for debt of  
44 the State; or

45 (ii) convene the Legislature into session under Article VII, Section 6 to address the  
46 deficiency.

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

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

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

54 (a) the annual interest; and

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

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

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

62 ~~[(6)] (5)~~ Proceeds from fees, taxes, and other charges related to the operation of motor  
 63 vehicles on public highways and proceeds from an excise tax on liquid motor fuel used to  
 64 propel those motor vehicles shall be used for:

65 (a) statutory refunds and adjustments and costs of collection and administration;

66 (b) the construction, maintenance, and repair of State and local roads, including  
 67 payment for property taken for or damaged by rights-of-way and for associated administrative  
 68 costs;

69 (c) driver education;

70 (d) enforcement of state motor vehicle and traffic laws; and

71 (e) the payment of the principal of and interest on any obligation of the State or a city  
 72 or county, issued for any of the purposes set forth in Subsection ~~[(6)] (5)~~(b) and to which any of  
 73 the fees, taxes, or other charges described in this Subsection ~~[(6)] (5)~~ have been pledged,  
 74 including any paid to the State or a city or county, as provided by statute.

75 ~~[(7)] (6)~~ Fees and taxes on tangible personal property imposed under Section 2,  
 76 Subsection (6) of this article are not subject to Subsection ~~[(6)] (5)~~ of this Section 5 and shall  
 77 be distributed to the taxing districts in which the property is located in the same proportion as  
 78 that in which the revenue collected from real property tax is distributed.

79 ~~[(8)] (7)~~ A political subdivision of the State may share its tax and other revenues with  
 80 another political subdivision of the State as provided by statute.

81 ~~[(9)] (8)~~ Beginning July 1, 2016, the aggregate annual revenue from all severance  
 82 taxes, as those taxes are defined by statute, except revenue that by statute is used for purposes  
 83 related to any federally recognized Indian tribe, shall be deposited annually into the permanent  
 84 State trust fund under Article XXII, Section 4, as follows:

85 (a) 25% of the first \$50,000,000 of aggregate annual revenue;

86 (b) 50% of the next \$50,000,000 of aggregate annual revenue; and

87 (c) 75% of the aggregate annual revenue that exceeds \$100,000,000.

88 Section 3. **Submittal to voters.**

89 The lieutenant governor is directed to submit this proposed amendment to the voters of

90 the state at the next regular general election in the manner provided by law.

91           Section 4. **Contingent effective date.**

92           If the amendment proposed by this joint resolution is approved by a majority of those  
93 voting on it at the next regular general election, the amendment shall take effect on January 1,  
94 2021.