

PROPOSAL TO AMEND UTAH CONSTITUTION - INCOME TAX

2023 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

House Sponsor: Karen M. Peterson

LONG TITLE

General Description:

This joint resolution of the Legislature proposes to amend the Utah Constitution to modify provisions related to the use of intangible property tax and income tax.

Highlighted Provisions:

This resolution proposes to amend the Utah Constitution to:

- ▶ removes restrictions on the use of intangible property tax and income tax.

Special Clauses:

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

This resolution provides a contingent effective date of January 1, 2025 for this proposal.

Utah Constitution Sections Affected:

AMENDS:

Article XIII, Section 5

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) (a) 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.



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

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

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

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

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

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

41 (a) the annual interest; and

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

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

46 [~~(5) All revenue from taxes on intangible property or from a tax on income shall be
47 used:~~]

48 [~~(a) to support the systems of public education and higher education as defined in
49 Article X, Section 2; and]~~

50 [~~(b) to support children and to support individuals with a disability.]~~

51 [~~(6)~~] (5) Proceeds from fees, taxes, and other charges related to the operation of motor
52 vehicles on public highways and proceeds from an excise tax on liquid motor fuel used to
53 propel those motor vehicles shall be used for:

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

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

58 (c) driver education;

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

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

64 [~~(7)~~] (6) Fees and taxes on tangible personal property imposed under Section 2,
65 Subsection (6) of this article are not subject to Subsection [~~(6)~~] (5) of this Section 5 and shall
66 be distributed to the taxing districts in which the property is located in the same proportion as
67 that in which the revenue collected from real property tax is distributed.

68 [~~(8)~~] (7) A political subdivision of the State may share its tax and other revenues with
69 another political subdivision of the State as provided by statute.

70 [~~(9)~~] (8) Beginning July 1, 2016, the aggregate annual revenue from all severance
71 taxes, as those taxes are defined by statute, except revenue that by statute is used for purposes
72 related to any federally recognized Indian tribe, shall be deposited annually into the permanent
73 State trust fund under Article XXII, Section 4, as follows:

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

77 Section 2. **Submittal to voters.**

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

80 Section 3. **Contingent effective date.**

81 If the amendment proposed by this joint resolution is approved by a majority of those
82 voting on it at the next regular general election, the amendment shall take effect on January 1,
83 2025.