

SJR010S01 compared with SJR010

~~text~~ shows text that was in SJR010 but was deleted in SJR010S01.

text shows text that was not in SJR010 but was inserted into SJR010S01.

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.

Representative Karen M. Peterson proposes the following substitute bill:

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 taxes on intangible property ~~tax~~ and income ~~tax~~.

Highlighted Provisions:

This resolution proposes to amend the Utah Constitution to:

- ▶ ~~removes restrictions~~ require taxes on ~~the use of~~ intangible property ~~tax and income tax~~ and income to be used to:
 - maintain a statutory public education funding framework; and
 - fund a budgetary stabilization account; and

SJR010S01 compared with SJR010

- ▶ permit tax on intangible property and income to be used to support state needs in addition to other permitted uses.

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.

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

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

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

(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

SJR010S01 compared with SJR010

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) All revenue from taxes on intangible property or from a tax on income shall be used:~~§§~~

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

— ~~§(b)~~ ~~and~~

(b) to maintain a statutory public education funding framework that:

(i) uses a portion of revenue growth for expenditures from the Uniform School Fund for changes in student enrollment and long-term inflation; and

(ii) provides a budgetary stabilization account;

~~§(b)~~ (c) to support children and to support individuals with a disability~~§~~

— ~~§(6)~~ ~~§(5)~~ ~~;~~ and

(d) to support other state needs after the fulfillment of the requirements in Subsection (5)(b).

(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)~~ ~~§(5)(b)~~ and to which any of the fees, taxes, or other charges described in this Subsection ~~§(6)~~ ~~§(5)~~ have been pledged, including any paid to the State or a city or county, as provided by statute.

~~§(7)~~ ~~§(6)~~ Fees and taxes on tangible personal property imposed under Section 2, Subsection (6) of this article are not subject to Subsection ~~§(6)~~ ~~§(5)~~ of this Section 5 and shall be distributed to the taxing districts in which the property is located in the same

SJR010S01 compared with SJR010

proportion as that in which the revenue collected from real property tax is distributed.

~~(8)~~ ~~(7)~~ 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)~~ ~~(8)~~ 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.**

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, 2025.