

**PROPOSAL TO AMEND UTAH CONSTITUTION -
EDUCATION FUNDING**

2016 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Jim Dabakis

House Sponsor: _____

LONG TITLE

General Description:

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

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 public education system only.

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, 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:



28 Section 1. It is proposed to amend Utah Constitution, Article XIII, Section 5, to read:

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

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

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

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

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

39 (a) the annual interest; and

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

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

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

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

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

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

54 (c) driver education;

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

56 (e) the payment of the principal of and interest on any obligation of the State or a city
57 or county, issued for any of the purposes set forth in Subsection (6)(b) and to which any of the
58 fees, taxes, or other charges described in this Subsection (6) have been pledged, including any

59 paid to the State or a city or county, as provided by statute.

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

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

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

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

73 **Section 2. Submittal to voters.**

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

76 **Section 3. Contingent effective date.**

77 If the amendment proposed by this joint resolution is approved by a majority of those
78 voting on it at the next regular general election, the amendment shall take effect on January 1,
79 2018.

Legislative Review Note
Office of Legislative Research and General Counsel