LEGISLATIVE GENERAL COUNSEL
₡ Approved for Filing: A.V. Arthur ₡
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PROPOSAL TO AMEND UTAH CONSTITUTION - PROHIBITION ON REAL ESTATE TRANSFER TAX

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Daniel McCay

House Sponsor: Steve Eliason

LONG TITLE

Committee Note:

The Revenue and Taxation Interim Committee recommended this bill.

Legislative Vote: 12 voting for 0 voting against 6 absent

General Description:

This joint resolution of the Legislature proposes to amend the Utah Constitution related to taxes and fees.

Highlighted Provisions:

This resolution proposes to amend the Utah Constitution to:

- prohibit the State, or a political subdivision of the State, from imposing or authorizing a new tax or fee on the transfer of real property.

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 4**,

ENACTS:

Article **XIII, Section 9**, Utah Code Annotated 1953

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 4, to read:

Article XIII, Section 4. [Other taxes.]

(1) Nothing in this Constitution may be construed to prevent the Legislature from providing by statute for taxes other than the property tax and for deductions, exemptions, and offsets from those other taxes.

(2) In a statute imposing an income tax, the Legislature may:

(a) define the amount on which the tax is imposed by reference to a provision of the laws of the United States as from time to time amended; and

(b) modify or provide exemptions to a provision referred to in Subsection (2)(a).

(3) Notwithstanding Subsection (1), the Legislature may not provide for a tax on the transfer of real property as described in Article XIII, Section 9.

Section 2. It is proposed to enact Utah Constitution Article XIII, Section 9, to read:

Article XIII, Section 9. Prohibition on tax or fee on transfer of real property.

(1) The Legislature may not impose or authorize a tax or fee on the transfer of real property if the tax or fee is not imposed or authorized before January 1, 2025.

(2) A political subdivision of the State may not impose a tax or fee on the transfer of real property if the tax or fee is not imposed before January 1, 2025.

Section 3. **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 4. **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.