

UTAH CONSTITUTION

Article 3 Section 2. [Right to public domain disclaimed -- Taxation of lands -- Exemption.]

Second: -- The people inhabiting this State do affirm and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries hereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes, and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States. The lands belonging to citizens of the United States, residing without this State shall never be taxed at a higher rate than the lands belonging to residents of this State; but nothing in this ordinance shall preclude this state from taxing, as other lands are taxed, any lands owned or held by any Indian who has severed his tribal relations, and has obtained from the United States or from any person, by patent or other grant, a title thereto, save and except such lands as have been or may be granted to any Indian or Indians under any act of Congress, containing a provision exempting the lands thus granted from taxation, which last mentioned lands shall be exempt from taxation so long, and to such extent, as is or may be provided in the act of Congress granting the same..

Article 3 Section 4. [Free, nonsectarian schools.]

Fourth: -- The Legislative shall make laws for the establishment and maintenance of a system of public schools, which shall be open to all the children of the State and be free from sectarian control..

Article VII, Section 15. [Duties of State Auditor and State Treasurer.]

- (1) The State Auditor shall perform financial post audits of public accounts except as otherwise provided by this Constitution.
- (2) The State Treasurer shall be the custodian of public moneys.
- (3) Each shall perform other duties as provided by statute.

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

The Legislature shall provide for the establishment and maintenance of the state's education systems including: (a) a public education system, which shall be open to all children of the state; and (b) a higher education system. Both systems shall be free from sectarian control.

Article X, Section 2. [Defining what shall constitute the public school system.]

The public education system shall include all public elementary and secondary schools and such other schools and programs as the Legislature may designate. The higher education system shall include all public universities and colleges and such other institutions and programs as the Legislature may designate. Public elementary and secondary schools shall be free, except the Legislature may authorize the imposition of fees in the secondary schools.

Article X, Section 3. [State Board of Education.]

The general control and supervision of the public education system shall be vested in a State Board of Education. The membership of the board shall be established and elected as provided by statute. The State Board of Education shall appoint a State Superintendent of Public Instruction who shall be the executive officer of the board.

Article X, Section 5. [State School Fund and Uniform School Fund -- Establishment and use -- Debt guaranty.]

- (1) There is established a permanent State School Fund which shall consist of revenue from the following sources:
 - (a) proceeds from the sales of all lands granted by the United States to this state for the support of the public elementary and secondary schools;
 - (b) 5% of the net proceeds from the sales of United States public lands lying within this state;
 - (c) all revenues derived from nonrenewable resources on state lands, other than sovereign lands and lands granted for other specific purposes;
 - (d) all revenues derived from the use of school trust lands;
 - (e) revenues appropriated by the Legislature; and
 - (f) other revenues and assets received by the fund under any other provision of law or by bequest or donation.

- (2)
 - (a) The State School Fund principal shall be safely invested and held by the state in perpetuity.
 - (b) Only the interest and dividends received from investment of the State School Fund may be expended for the support of the public education system as defined in Article X, Section 2 of this constitution.
 - (c) The Legislature may make appropriations from school trust land revenues to provide funding necessary for the proper administration and management of those lands consistent with the state's fiduciary responsibilities towards the beneficiaries of the school land trust. Unexpended balances remaining from the appropriation at the end of each fiscal year shall be deposited in the State School Fund.
 - (d) The State School Fund shall be guaranteed by the state against loss or diversion.
- (3) There is established a Uniform School Fund which shall consist of revenue from the following sources:
 - (a) interest and dividends from the State School Fund;
 - (b) revenues appropriated by the Legislature; and
 - (c) other revenues received by the fund under any other provision of law or by donation.
- (4) The Uniform School Fund shall be maintained and used for the support of the state's public education system as defined in Article X, Section 2 of this constitution and apportioned as the Legislature shall provide.
- (5)
 - (a) Notwithstanding Article VI, Section 29, the State may guarantee the debt of school districts created in accordance with Article XIV, Section 3, and may guarantee debt incurred to refund the school district debt. Any debt guaranty, the school district debt guaranteed thereby, or any borrowing of the state undertaken to facilitate the payment of the state's obligation under any debt guaranty shall not be included as a debt of the state for purposes of the 1.5% limitation of Article XIV, Section 1.
 - (b) The Legislature may provide that reimbursement to the state shall be obtained from monies which otherwise would be used for the support of the educational programs of the school district which incurred the debt with respect to which a payment under the state's guaranty was made.
 - (1) The following are exempt from property tax:
 - (a) property owned by the State;
 - (b) property owned by a public library;
 - (c) property owned by a school district;
 - (d) property owned by a political subdivision of the State, other than a school district, and located within the political subdivision;
 - (e) property owned by a political subdivision of the State, other than a school district, and located outside the political subdivision unless the Legislature by statute authorizes the property tax on that property;
 - (f) property owned by a nonprofit entity used exclusively for religious, charitable, or educational purposes;
 - (g) places of burial not held or used for private or corporate benefit;
 - (h) farm equipment and farm machinery as defined by statute; and
 - (i) water rights, reservoirs, pumping plants, ditches, canals, pipes, flumes, power plants, and transmission lines to the extent owned and used by an individual or corporation to irrigate land that is:
 - i. within the State; and
 - ii. owned by the individual or corporation, or by an individual member of the corporation.
 - (2) (a) The Legislature may by statute exempt the following from property tax:
 - i. tangible personal property constituting inventory present in the State on January 1 and held for sale in the ordinary course of business;
 - ii. tangible personal property present in the State on January 1 and held for sale or processing and shipped to a final destination outside the State within 12 months;
 - iii. subject to Subsection (2)(b), property to the extent used to generate and deliver electrical power for pumping water to irrigate lands in the State;
 - iv. up to 45% of the fair market value of residential property, as defined by statute; and

- v. household furnishings, furniture, and equipment used exclusively by the owner of that property in maintaining the owner's home.
- (b) The exemption under Subsection (2)(a)(iii) shall accrue to the benefit of the users of pumped water as provided by statute.
- (2) The following may be exempted from property tax as provided by statute:
 - (a) property owned by a disabled person who, during military training or a military conflict, was disabled in the line of duty in the military service of the United States or the State; and
 - (b) property owned by the unmarried surviving spouse or the minor orphan of a person who:
 - ii. is described in Subsection (3)(a); or
 - iii. during military training or a military conflict, was killed in action or died in the line of duty in the military service of the United States or the State.
- (4) The Legislature may by statute provide for the remission or abatement of the taxes of the poor.

Article XIV, Section 3. [Certain debt of counties, cities, towns, school districts, and other political subdivisions not to exceed taxes -- Exception -- Debt may be incurred only for specified purposes.]

- (1) No debt issued by a county, city, town, school district, or other political subdivision of the State and directly payable from and secured by ad valorem property taxes levied by the issuer of the debt may be created in excess of the taxes for the current year unless the proposition to create the debt has been submitted to a vote of qualified voters at the time and in the manner provided by statute, and a majority of those voting thereon has voted in favor of incurring the debt.
- (2) No part of the indebtedness allowed in this section may be incurred for other than strictly county, city, town, school district, or other political subdivision purposes respectively.

Article XIV, Section 4. [Limit of indebtedness of counties, cities, towns, and school districts -- Larger indebtedness may be allowed.]

- (1) (a) If authorized to create indebtedness as provided in Section 3 of this Article, no county may become indebted to an amount, including existing indebtedness, exceeding two per centum of the value of taxable property in the county.
 - (b) No city, town, school district, or other municipal corporation, may become indebted to an amount, including existing indebtedness, exceeding four per centum of the value of the taxable property therein.
- (2) For purposes of Subsection (1), the value of taxable property shall be ascertained by the last assessment for State and County purposes previous to the incurring of the indebtedness, except that in incorporated cities the assessment shall be taken from the last assessment for city purposes.
- (3) A city of the first or second class, if authorized as provided in Section 3 of this Article, may be allowed to incur a larger indebtedness, not to exceed four per centum, and any other city or town, not to exceed eight per centum additional, for supplying such city or town with water, artificial lights or sewers, if the works for supplying the water, light, and sewers are owned and controlled by the municipality.

Article XIV, Section 6. [State not to assume county, city, town or school district debts -- Exception.]

The State shall not assume the debt, or any part thereof, of any county, city, town or school district except as provided in Article X, Section 5.

Article XX, Section 1. [Land grants accepted on terms of trust.]

All lands of the State that have been, or may hereafter be granted to the State by Congress, and all lands acquired by gift, grant or devise, from any person or corporation, or that may otherwise be acquired, are hereby accepted, and, except as provided in Section 2 of this Article, are declared to be the public lands of the State; and shall be held in trust for the people, to be disposed of as may be provided by law, for the respective purposes for which they have been or may be granted, donated, devised or otherwise acquired.

Article XX, Section 2. [School and institutional trust lands.]

Lands granted to the State under Sections 6, 8, and 12 of the Utah Enabling Act, and other lands which may be added to those lands pursuant to those sections through purchase, exchange, or other means, are declared to be school and institutional trust lands, held in trust by the State for the respective beneficiaries and purposes stated in the Enabling Act grants.