

Taxation and Budget Reform Commission Resolution

A resolution proposing an amendment to Section 3 of Article VII and the creation of a new section in Article XII of the State Constitution to require the Legislature to provide by law for an ad valorem tax exemption for real property used for conservation purposes in perpetuity.

Be It Resolved by the Taxation and Budget Reform Commission:

That the following amendment to Section 3 of Article VII and the creation of a new section in Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VII

FINANCE AND TAXATION

SECTION 3. Taxes; exemptions.--

(a) All property owned by a municipality and used exclusively by it for municipal or public purposes shall be exempt from taxation. A municipality, owning property outside the municipality, may be required by general law to make payment to the taxing unit in which the property is located. Such portions of property as are used predominantly for educational, literary, scientific, religious or charitable purposes may be exempted by general law from taxation.

(b) There shall be exempt from taxation, cumulatively, to every head of a family residing in this state, household goods and personal effects to the value fixed by general law, not less

30 than one thousand dollars, and to every widow or widower or
31 person who is blind or totally and permanently disabled,
32 property to the value fixed by general law not less than five
33 hundred dollars.

34 (c) Any county or municipality may, for the purpose of its
35 respective tax levy and subject to the provisions of this
36 subsection and general law, grant community and economic
37 development ad valorem tax exemptions to new businesses and
38 expansions of existing businesses, as defined by general law.
39 Such an exemption may be granted only by ordinance of the county
40 or municipality, and only after the electors of the county or
41 municipality voting on such question in a referendum authorize
42 the county or municipality to adopt such ordinances. An
43 exemption so granted shall apply to improvements to real
44 property made by or for the use of a new business and
45 improvements to real property related to the expansion of an
46 existing business and shall also apply to tangible personal
47 property of such new business and tangible personal property
48 related to the expansion of an existing business. The amount or
49 limits of the amount of such exemption shall be specified by
50 general law. The period of time for which such exemption may be
51 granted to a new business or expansion of an existing business
52 shall be determined by general law. The authority to grant such
53 exemption shall expire ten years from the date of approval by
54 the electors of the county or municipality, and may be renewable
55 by referendum as provided by general law.

56 (d) By general law and subject to conditions specified
57 therein, there may be granted an ad valorem tax exemption to a
58 renewable energy source device and to real property on which

such device is installed and operated, to the value fixed by general law not to exceed the original cost of the device, and for the period of time fixed by general law not to exceed ten years.

(e) Any county or municipality may, for the purpose of its respective tax levy and subject to the provisions of this subsection and general law, grant historic preservation ad valorem tax exemptions to owners of historic properties. This exemption may be granted only by ordinance of the county or municipality. The amount or limits of the amount of this exemption and the requirements for eligible properties must be specified by general law. The period of time for which this exemption may be granted to a property owner shall be determined by general law.

(f) By general law and subject to conditions specified therein, twenty-five thousand dollars of the assessed value of property subject to tangible personal property tax shall be exempt from ad valorem taxation.

(g) By general law, there shall be granted an ad valorem tax exemption for real property that is used for conservation purposes in perpetuity. This exemption shall include real property encumbered by perpetual conservation easements and real property encumbered by other perpetual conservation protections as defined by general law.

ARTICLE XII

SCHEDULE

The amendment to Section 3 of Article VII, requiring the creation of an ad valorem tax exemption for real property that is used for conservation purposes in perpetuity, and this

88 section shall take effect upon approval by the electors and
89 shall be implemented by January 1, 2010.

90 BE IT FURTHER RESOLVED that the following statement be
91 placed on the ballot:

92 CONSTITUTIONAL AMENDMENT

93 ARTICLE VII, SECTION 3

94 ARTICLE XII, NEW SECTION

95 AD VALOREM TAX EXEMPTION FOR REAL PROPERTY USED FOR
96 CONSERVATION PURPOSES.--This proposed amendment to the State
97 Constitution requires the Legislature to provide an ad valorem
98 tax exemption for real property used for conservation purposes
99 in perpetuity. This exemption will apply to real property
100 encumbered by perpetual conservation easements and real property
101 encumbered by other perpetual conservation protections as
102 defined by general law. Requires implementation of the exemption
103 by January 1, 2010.

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105 Alternate Ballot Title and Summary

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107 AD VALOREM TAX EXEMPTION FOR REAL PROPERTY USED FOR
108 CONSERVATION PURPOSES.--Requires the Legislature to provide by
109 general law for the granting of an ad valorem tax exemption for
110 real property used in perpetuity for conservation purposes. Such
111 tax exemption shall include real property encumbered with
112 perpetual conservation easements and real property encumbered
113 with other conservation protections as defined by general law.
114 Requires implementation of such provisions by January 1, 2010.