

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

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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

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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

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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.

104 |  
 105 | Alternate Ballot Title and Summary

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.

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