

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

Date: April 14, 1998 Revised: \_\_\_\_\_

Subject: Legislative Authority Limits/Taxes

	<u>Analyst</u>	<u>Staff Director</u>	<u>Reference</u>	<u>Action</u>
1.	<u>Krasovsky</u>	<u>Krasovsky</u>	<u>RC</u>	<u>Favorable</u>
2.	_____	_____	<u>WM</u>	_____
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____

**I. Summary:**

This joint resolution would require a law enacted after January 1, 1999, which basically imposes, expands, increases, or repeals an exemption to, a tax to be enacted in a separate bill passed by a two-thirds vote of the membership of each house of the legislature.

This bill substantially amends section (1)(d), Article VII, of the State Constitution.

**II. Present Situation:**

Under the general provision of the State Constitution relating to the Legislature, passage of a bill requires only a majority vote in each house (s. 7, Art. III, State Constitution). Over time, however, constitutional amendments have been adopted which require a so called "super majority" vote for passage of particular types of bill. For example, a two-thirds vote of the membership of each house is required to pass a law reducing the authority of counties or municipalities to raise aggregate revenues above a certain level (s. 18(b), Art. VII, State Constitution). A three-fifths vote is required to authorize interest above 5 percent on certain school bonds (s. 9(d)(5), Art. XII, State Constitution).

**III. Effect of Proposed Changes:**

A law enacted after January 1, 1999, may not impose a new tax, expand the base of an existing tax, increase the rate of an existing tax, or repeal an exemption to a tax unless the law is enacted in a separate bill by a two-thirds membership of each house of the Legislature.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Economic Impact and Fiscal Note:**

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Amendments:**

None.