

Bill No. CS for SJR 1436

Barcode 684750

CHAMBER ACTION

Senate

House

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Comm: RS
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The Committee on Ways and Means (Atwater) recommended the following amendment:

Senate Amendment

On page 1, line 23, through
page 4, line 21, delete those lines

and insert:

(a) No amendment or revision to this constitution after January 2, 2007, which either reduces an existing tax or fee or imposes a new state tax or fee shall become effective ~~be imposed on or after November 8, 1994 by any amendment to this constitution~~ unless the proposed amendment or revision is approved by not fewer than two-thirds of the voters voting in the election in which such proposed amendment or revision is considered. For purposes of this subsection ~~section~~, the phrase "new state tax or fee" shall mean any tax or fee that ~~which~~ would produce revenue subject to lump sum or other appropriation by the Legislature, either for the state general revenue fund or any trust fund, which tax or fee is not in effect on November 7, 1994. ~~including without limitation such~~

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1 ~~taxes and fees as are the subject of proposed constitutional~~
 2 ~~amendments appearing on the ballot on November 8, 1994. This~~
 3 ~~section shall apply to proposed constitutional amendments~~
 4 ~~relating to State taxes or fees which appear on the November~~
 5 ~~8, 1994 ballot, or later ballots, and Any such proposed~~
 6 amendment or revision that ~~which~~ fails to gain the two-thirds
 7 vote required by this subsection ~~hereby~~ shall be null, void,
 8 and without effect.

9 (b) No amendment or revision to this constitution
 10 after January 2, 2007, which increases or decreases an
 11 existing state tax or fee shall become effective unless the
 12 proposed amendment or revision is approved by not fewer than
 13 two-thirds of the voters voting in the election in which such
 14 proposed amendment or revision is considered. For purposes of
 15 this subsection, the phrase "existing state tax or fee" means
 16 any tax or fee that produces revenue subject to lump sum or
 17 other appropriation by the legislature, either for the state
 18 general revenue fund or any trust fund, which tax or fee is in
 19 effect at the time of the election at which the proposed
 20 amendment or revision is considered. Any such proposed
 21 amendment or revision that fails to gain the two-thirds vote
 22 required by this subsection shall be null, void, and without
 23 effect.

24 (c) No amendment or revision to this constitution
 25 after January 2, 2007, which imposes or removes a significant
 26 financial impact on state government shall become effective
 27 unless the proposed amendment or revision is approved by not
 28 fewer than two-thirds of the voters voting in the election in
 29 which such proposed amendment or revision is considered. For
 30 purposes of this subsection, the phrase "significant financial
 31 impact" means a financial impact to the state in any state

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1 fiscal year prior to and including the first state fiscal year
2 of full implementation, including requiring the legislature to
3 increase or decrease taxes or fees in order to maintain the
4 state budget at existing revenues and expenditures, in an
5 amount greater than two-tenths of one percent of the portion
6 of the state budget appropriated from the state general
7 revenue fund, as established in the general appropriations act
8 approved by the governor, for the state fiscal year ending in
9 the year prior to the election in which such proposed
10 amendment or revision is considered. The determination of
11 whether a proposed amendment or revision imposes or removes a
12 significant financial impact on state government shall be made
13 and certified in accordance with general law. Any such
14 proposed amendment or revision that fails to gain the
15 two-thirds vote required by this subsection shall be null,
16 void, and without effect.

17 BE IT FURTHER RESOLVED that the following statement be
18 placed on the ballot:

19 CONSTITUTIONAL AMENDMENT

20 ARTICLE XI, SECTION 7

21 TWO-THIRDS VOTE FOR AMENDMENT INCREASING OR DECREASING
22 A STATE TAX OR FEE OR IMPOSING A SIGNIFICANT FINANCIAL
23 IMPACT.--Under this measure proposing to amend the State
24 Constitution, a proposed amendment or revision to the State
25 Constitution which increases or decreases an existing state
26 tax or fee would have to be approved by at least two-thirds of
27 those voters voting in the election in which the amendment or
28 revision is considered. For the purposes of this measure,
29 "existing state tax or fee" means any tax or fee that produces
30 revenue subject to lump-sum or other appropriation by the
31 Legislature, either for the state general revenue fund or any

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1 trust fund, if that tax or fee is in effect at the time of the
2 election when the proposed amendment or revision is
3 considered. This measure would also require that a proposed
4 amendment or revision to the State Constitution that would
5 impose or remove a significant financial impact on state
6 government must be approved by at least two-thirds of those
7 voters voting in the election in which the amendment or
8 revision is considered. For the purposes of this measure,
9 "significant financial impact" means a financial impact to the
10 state in any state fiscal year prior to and including the
11 first state fiscal year of full implementation, including
12 requiring the Legislature to increase or decrease taxes or
13 fees in order to maintain the state budget at existing
14 revenues and expenditures, in an amount greater than
15 two-tenths of one percent of the portion of the state budget
16 appropriated from the state general revenue fund, as
17 established in the General Appropriations Act approved by the
18 Governor, for the state fiscal year ending in the year prior
19 to the election in which such proposed amendment or revision
20 is considered. The determination of whether a proposed
21 amendment or revision imposes or removes a significant
22 financial impact on state government

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