



Bethany Boyd

Bill Analysis
Legislative Service Commission

S.J.R. 2
123rd General Assembly
(As Introduced)

Sens. Hottinger, Wachtmann, Latta

BILL SUMMARY

Proposes an amendment to the Ohio Constitution that:

- Requires the affirmative vote of not less than three-fifths of the members elected to each house of the General Assembly to pass a bill that imposes or increases a tax.
- Authorizes the General Assembly, in lieu of passing a bill to impose or increase a tax, to adopt a resolution, by a majority vote of each house, proposing to submit the question of a new or increased tax to a referendum of the electors.

CONTENT AND OPERATION

New or increased taxes

(Section 3a, Article XII, Ohio Constitution)

The resolution provides for a constitutional amendment to limit the authority of the General Assembly to impose or increase taxes. The limitations apply to legislation that:

--Imposes any tax after November 2, 1999 (the date of the general election at which the amendment must be submitted to the electors of the state); or

--Increases a tax that is in effect on November 2, 1999, whether by increasing its rate or amount, repealing an existing exclusion or exemption, or otherwise applying the tax to subjects upon which it is not already in effect on that date.

Under the amendment, a bill that provides for a new or increased tax may be passed only by the affirmative vote of not less than three-fifths of the members elected to each house of the General Assembly (notwithstanding existing constitutional law that requires concurrence of only a majority of the members elected to each house to pass a bill). Alternatively, the amendment authorizes the General Assembly to adopt a resolution proposing to submit the question of a new or increased tax to a referendum of the electors. The resolution must be adopted by the affirmative vote of a majority of the members elected to each house of the General Assembly, and the question proposed by the resolution must be approved by a majority of the electors voting on it at a primary or general election.

The amendment does not apply to a law proposed by initiative petition and passed by the General Assembly, either as petitioned for or in an amended form, under the existing constitutional law regarding electors' initiative to propose a law.

Effective date of the amendment

The resolution provides that if the constitutional amendment is adopted by a majority of the electors voting on it at the general election held November 2, 1999, it takes effect immediately.

COMMENT

The Ohio Constitution currently requires supermajority votes of the General Assembly under the following circumstances:

--A three-fifths vote of each house is necessary to:

- (1) Propose amendments to the state Constitution (Article XVI, Section 1);
- (2) Override a gubernatorial veto (Article II, Section 16).

--A two-thirds vote of each house is necessary to:

- (1) Pass emergency laws (Article II, Section 1d);
- (2) Pass laws to increase or diminish the number of Supreme Court judges, to increase beyond one or diminish to one the number of judges of the Court of Common Pleas in any county, or to establish other courts (Article IV, Section 15);
- (3) Remove judges from office (Article IV, Section 17);

(4) Pay extra compensation to any officer, public agent, or contractor after a service has been rendered or contract entered into, or to pay any claim the subject matter of which was not provided for by existing law (Article II, Section 29);

(5) Declare by resolution presented to the Supreme Court that the Governor is unable to discharge the duties of office due to disability (Article III, Section 22);

(6) Call a Constitutional convention (Article XVI, Section 2).

HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	01-20-99	p. 74

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