

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

SJR 18

February 4, 2011

SUMMARY OF AMENDMENT (001929): Proposes amending Article II, Section 28 of the Tennessee Constitution to prohibit the Legislature from levying a tax on personal income or payroll or any tax measured by personal income or payroll. Retains the authority of the Legislature to levy a tax on incomes derived from stocks and bonds that are not taxed ad valorem. Proposes amending Article XI, Section 9 of the Tennessee Constitution to prohibit the General Assembly from authorizing any county, municipality or other political subdivision to levy a tax on incomes, payrolls, estates, inheritances or any tax not authorized by Article II, Section 28 or 29 of the Tennessee Constitution. Resolves that the proposed amendment be referred to the 108th General Assembly and that this resolution be published by the Secretary of State in accordance with Article XI, Section 3, of the Tennessee Constitution by posting this resolution on the official Web sites of the Secretary of State and the General Assembly.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Unchanged from the original fiscal note.

Assumptions applied to amendment:

- In *American Civil Liberties Union et al. v. Darnell et al.*, 195 S.W.3d 612, 626 n.12 (Tenn. 2006), the Tennessee Supreme Court noted without deciding the issue that: "The General Assembly has the authority to adopt a rule or enact a statute that defines the term 'published' used in Article XI, Section 3 or that specifies the means and manner of publication. When interpreting constitutional provisions, courts carefully consider any interpretation the General Assembly has given the provision." This note assumes that authorization by the General Assembly of electronic publication complies with the constitutional publication requirement.
- Posting this resolution on the official Web sites of the Secretary of State and the General Assembly will not result in a significant increase in state expenditures.

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- Because Article XI, Section 3 of the Constitution requires publication of the resolution before the next legislative election, this publication will occur in the spring of 2012.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



James W. White, Executive Director

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