

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



Fiscal Note On: **HB 202** HLS 21RS 152

Bill Text Version: **ENGROSSED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

<b>Date:</b> April 16, 2021	11:50 AM	<b>Author:</b> BISHOP, S.
<b>Dept./Agy.:</b> Revenue		<b>Analyst:</b> Greg Albrecht
<b>Subject:</b> Vote Requirement For Tax Incentives		

LEGISLATIVE POWERS EG SEE FISC NOTE GF RV See Note Page 1 of 1  
(Constitutional Amendment) Provides for an increased vote requirement when enacting certain new tax incentives

Current law requires a majority vote to enact tax exemptions, exclusions, deductions, rebates, or credits.

Proposed law will require a two-thirds vote to enact new tax exemptions, exclusions, deductions, rebates, or credits (Tax incentives) beginning January 1, 2023. Beginning January 1, 2023, new tax incentives shall expire four years from enactment, but their effectiveness can be extended for four-year periods an unlimited number of times with a two-thirds vote. Any existing tax incentives that expire on or after January 1, 2023 are subject to these same renewal provisions.

To be submitted to the electors at the statewide election to be held on November 8, 2022.

<b>EXPENDITURES</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>	<b>2025-26</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b>\$0</b>
<b>Annual Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

  

<b>REVENUES</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>	<b>2024-25</b>	<b>2025-26</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	SEE BELOW	SEE BELOW	SEE BELOW	<b>\$0</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b>\$0</b>
<b>Annual Total</b>	<b>\$0</b>	<b>\$0</b>				<b>\$0</b>

**EXPENDITURE EXPLANATION**

There is no anticipated direct material effect on governmental expenditures as a result of this measure.

**REVENUE EXPLANATION**

The bill provides a higher vote threshold for enacting and renewing tax incentives that are enacted after January 1, 2023 or that are currently scheduled to expire after January 1, 2023. While this may make it more difficult to enact such measures and, consequently, hinder the erosion of the tax base, the higher threshold may also have little impact. A review of the final passage votes at enactment or a previous renewal of nine tax incentives scheduled to expire in 2021 through 2026 indicates that the favorable vote margin is typically well in excess of the two-thirds threshold being imposed by this bill. In practice, most tax incentive bills do not pass the legislature under the current majority vote requirement. However, those measures that do pass, typically receive well more than two-thirds vote.

Senate

Dual Referral Rules

House

13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}

6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}

13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

**Christopher A. Keaton**  
**Legislative Fiscal Officer**