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The Honorable Steve Antone
Chairman, Revenue and Taxation Committee

STATEHOUSE MAIL

THIS IS NOT AN OFFICIAL ATTORNEY GENERAL OPINION
AND IS SUBMITTED SOLELY TO PROVIDE LEGAL GUIDANCE

RE: Amending Revenue Bills

Dear Representative Antone:

This is in reponse to your question whether the Senate can amend revenue bills to impose additional taxes not included in a house bill, and whether different revenue measures can be included in one bill.

Idaho Constitution, art. 3, § 14 provides:

> Bills may originate in either house, but may be amended or rejected in the other, except that bills for raising revenue shall originate in the house of representatives.

The question of the Senate's ability to amend revenue bills to add additional taxes was decided by the Idaho Supreme Court in Worthen v. State, 96 Idaho 175, 525 P.2d 957 (1974). In that case, the House Bill had changed the date of references to the Internal Revenue Code from January 1, 1971, to January 1, 1972, had made various reductions in individual income tax rates, and made other minor changes. Senate amendments eliminated the provision allowing individuals to deduct federal income tax liability from Idaho taxable income and added a provision increasing the tax rate applied to corporations.

The Court upheld the Senate amendments which increased taxes stating:

> To prohibit the Senate from amending House originated revenue bills would be an obstruction to the legislative process. Article 3, § 14 must be read to require that revenue bills originate in the House, and that the Senate is permitted to amend such bills. [96 Idaho at 179].

Thus, is it now clear that the Senate may amend House revenue bills to add additional taxes. The House, in turn, can review the Senate amendments when the bill returns to the House.

You have also asked whether one bill could contain more than one local option tax provision. Such a bill would not violate Idaho Constitution, art. 3, § 16, as interpreted by the Idaho Supreme Court. Idaho Constitution, art. 3, § 16 provides:

> Every act shall embrace but one subject and matters properly connected therewith, which subject shall be expressed in the title; but if any subject shall be embraced in an act which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be embraced in the title.

The "one subject" requirement has been considered by the Idaho Supreme Court in a number of early cases, the most recent of which is ALF v. Langley, 66 Idaho 763, 168 P.2d 831 (1946). Therein, the Court defined the "one subject" requirement as follows:

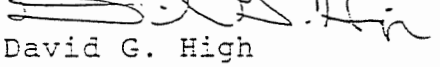
> To comply with Article 3, Section 16, the statute must disclose, either by express declaration or by clear intendment, or at least portend the common object in order that it may be determined whether all parts are congruous and mutually supporting, and reasonably designed to accomplish the common aim.

> "It is said that if the provisions of an act all relate directly or indirectly to the same subject, having a natural connection therewith and are not foreign to the subject expressed in the title, they may be united in one act; that however numerous the provisions of an act may be, if they can be by fair intendment considered as falling within the subject matter legislated upon in such act or necessary as ends and means to the attainment of such subject, the act will not be in conflict with this constitutional provision; that if an act has but one general subject, object or purpose, and all of its provisions are germane to the general subject and have a necessary connection therewith, it is not in violation of this constitutional provisions; *** [66 Idaho at 768-769]

Thus, numerous provisions may be included in one act provided they are all germane to the general subject. The general subject of a bill might be providing local option taxing authority to cities and counties. So long as the various provisions of the bill are germane to that subject, the various provisions of the bill could be included in one bill.

If you have any questions regarding this letter, please let me know.

Sincerely,



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DGH/jas