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et al.

H.J.R. No. 4

A JOINT RESOLUTION

1 proposing a constitutional amendment prohibiting the enactment of a
2 law imposing an occupation tax on certain entities that enter into
3 transactions conveying securities or imposing a tax on certain
4 securities transactions.

5 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF TEXAS:

6 SECTION 1. Article VIII, Texas Constitution, is amended by
7 adding Section 30 to read as follows:

8 Sec. 30. (a) In this section:

9 (1) "Registered securities market operator" means any
10 of the following entities, to the extent the entity is subject to
11 registration with and regulation by the United States Securities
12 and Exchange Commission or the United States Commodity Futures
13 Trading Commission, or the successor in function to either
14 commission:

15 (A) a self-regulatory organization, financial
16 institution, broker, dealer, clearing agency, or transfer agent, as
17 those terms are defined by the Securities Exchange Act of 1934 (15
18 U.S.C. Section 78a et seq.) in effect on January 1, 2025;

19 (B) an exchange that is registered as a national
20 securities exchange under Section 6 of the Securities Exchange Act
21 of 1934 (15 U.S.C. Section 78f);

22 (C) an alternative trading system, board of
23 trade, commodity pool operator, derivatives clearing organization,
24 electronic trading facility, or organized exchange, as those terms

1 are defined by the Commodity Exchange Act (7 U.S.C. Section 1 et
2 seq.) in effect on January 1, 2025;

3 (D) an affiliate, subsidiary, or facility of an
4 entity described by Paragraph (A), (B), or (C); or

5 (E) a trade reporting facility regulated under
6 rules promulgated by the Financial Industry Regulatory Authority
7 and in effect on January 1, 2025.

8 (2) "Securities transaction" means the purchase or
9 sale of a security, a contract or agreement to purchase or sell a
10 security, or a service to facilitate, match parties to, process,
11 report, clear, or settle the purchase or sale of a security on
12 behalf of a customer.

13 (3) "Security" has the meaning assigned by the
14 Securities Exchange Act of 1934 (15 U.S.C. Section 78a et seq.) in
15 effect on January 1, 2025.

16 (b) The legislature may not enact a law that imposes:

17 (1) an occupation tax on a registered securities
18 market operator; or

19 (2) a tax on a securities transaction conducted by a
20 registered securities market operator.

21 (c) This section does not prohibit:

22 (1) the imposition of:

23 (A) a general business tax measured by business
24 activity;

25 (B) a tax on the production of minerals;

26 (C) a tax on insurance premiums;

27 (D) sales and use taxes on tangible personal

1 property or services; or

2 (E) a fee based on the cost of processing or
3 creating documents; or

4 (2) a change in the rate of a tax in existence on
5 January 1, 2026.

6 SECTION 2. This proposed constitutional amendment shall be
7 submitted to the voters at an election to be held November 4, 2025.
8 The ballot shall be printed to provide for voting for or against the
9 proposition: "The constitutional amendment prohibiting the
10 legislature from enacting a law imposing an occupation tax on
11 certain entities that enter into transactions conveying securities
12 or imposing a tax on certain securities transactions."