

By: Edwards

H.R. No. 307

R E S O L U T I O N

1           WHEREAS, The laws of the State of Texas require consumers to  
2 pay a state sales tax on certain retail items at the time of  
3 purchase, while other items are exempt from such a tax; for example,  
4 most foods are exempt from the state sales tax, but certain prepared  
5 foods served or sold ready for immediate consumption are not;  
6 similarly, newspapers are tax-exempt, but magazines are not; and

7           WHEREAS, Grocery and convenience stores typically sell both  
8 taxable and nontaxable items and must determine at the time of  
9 purchase which items are taxable and which are exempt; while most  
10 supermarkets have computerized cash register systems that can be  
11 programmed to differentiate between such items, many convenience  
12 stores rely on the knowledge of store employees regarding an item's  
13 taxability and may inadvertently charge a state sales tax on items  
14 that by law are not taxable; and

15           WHEREAS, The taxation of nontaxable items is an unfair  
16 business practice that penalizes consumers, overcharging them  
17 because the store owners, managers, and employees have failed to  
18 ensure the accurate application of the state sales tax; and

19           WHEREAS, Uncertainty on the part of store employees and  
20 consumers alike about the taxability of various items would be  
21 greatly reduced by publicly displaying in each store a list of items  
22 that are exempt from the state sales tax; such information has been  
23 compiled by the Texas comptroller of public accounts in the  
24 publication "What is Taxable at Grocery and Convenience Stores,"

1 available on the comptroller's Internet website; now, therefore, be  
2 it

3       RESOLVED, That the House of Representatives of the 79th  
4 Legislature, 1st Called Session, hereby request the comptroller to  
5 notify convenience stores throughout the state of the availability  
6 of this publication along with the recommendation that each store  
7 publicly display the information it contains; and, be it further

8       RESOLVED, That the chief clerk of the Texas House of  
9 Representatives forward an official copy of this resolution to the  
10 Texas comptroller of public accounts.