

By: Rodriguez

H.J.R. No. 17

A JOINT RESOLUTION

1 proposing a constitutional amendment that provides for the approval  
2 of an income tax adopted by the legislature, requires that a  
3 deduction or exemption to the tax that redistributes the combined  
4 tax liability be approved in a statewide referendum, and allows  
5 revenue from the tax to be spent on education and any other purpose.

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

7 SECTION 1. Section 24, Article VIII, Texas Constitution, is  
8 amended by adding Subsections (b-1), (b-2), (b-3), and (k) to read  
9 as follows:

10 (b-1) A general law enacted by the legislature that  
11 establishes an exemption or deduction to the tax in a manner that  
12 results in a redistribution of the combined income tax liability  
13 among all persons subject to the tax may not take effect until  
14 approved by a majority of the registered voters voting in a  
15 statewide referendum held on the question of establishing the  
16 exemption or deduction. A determination of whether an exemption or  
17 deduction to the tax would result in a redistribution of the  
18 combined income tax liability among all persons subject to the tax  
19 must be made by comparing the provisions of the proposed change in  
20 law with the provisions of the law for the most recent year in which  
21 actual tax collections have been made. A referendum held under this  
22 subsection must specify the manner in which the proposed exemption  
23 or deduction would result in a redistribution of the combined  
24 income tax liability among all persons subject to the tax.

1       (b-2) If the legislature in a bill enacts a general law that  
2 imposes a tax on the net incomes of natural persons as described by  
3 Subsection (a) of this section, and, in the same bill, repeals  
4 another tax or fee, the legislature may not reenact the other tax or  
5 fee unless the legislature repeals the tax that was imposed on the  
6 net incomes of natural persons. If the legislature in a bill enacts  
7 a general law that imposes a tax on the net incomes of natural  
8 persons as described by Subsection (a) of this section, and, in the  
9 same bill, reduces the rate or base of another tax or fee, the  
10 legislature may not increase the rate or base of the other tax or  
11 fee unless the legislature repeals the tax that was imposed on the  
12 net incomes of natural persons.

13       (b-3) If the legislature in a bill enacts a general law that  
14 increases the rate of the income tax or changes the income tax as  
15 described by Subsection (b) of this section, and, in the same bill,  
16 repeals another tax or fee, the legislature may not reenact the  
17 other tax or fee unless the legislature repeals the increase in the  
18 rate of the income tax or repeals the changes to the income tax. If  
19 the legislature in a bill enacts a general law that increases the  
20 rate of the income tax or changes the income tax as described by  
21 Subsection (b) of this section, and, in the same bill, reduces the  
22 rate or base of another tax or fee, the legislature may not increase  
23 the rate or base of the other tax or fee unless the legislature  
24 repeals the increase in the rate of the income tax or repeals the  
25 changes to the income tax.

26       (k) This subsection is a temporary provision that expires  
27 January 1, 2006. The approval of this subsection by the voters at

1 an election held November 8, 2005, constitutes approval of the  
2 imposition of an income tax adopted by the legislature during a  
3 regular or special session before that date.

4 SECTION 2. Sections 24(f), (g), (h), and (i), Article VIII,  
5 Texas Constitution, are repealed.

6 SECTION 3. This proposed constitutional amendment shall be  
7 submitted to the voters at an election to be held November 8, 2005.  
8 The ballot shall be printed to permit voting for or against the  
9 proposition: "The constitutional amendment that approves the  
10 income tax adopted by the legislature, requires a deduction or  
11 exemption to the tax that redistributes the combined tax liability  
12 be approved in a statewide referendum, and allows revenue from the  
13 tax to be spent on education and any other purpose."