

## **BILL ANALYSIS**

Senate Research Center  
82R390 MAW-D

S.J.R. 12  
By: Patrick et al.  
Finance  
3/11/2011  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

S.J.R. 12 seeks to amend the Texas Constitution by requiring an affirmative vote of two-thirds of both chambers before a bill that imposes a new tax or increases the rate of an existing tax can be enrolled. Similar measures have been adopted in California and Wisconsin.

Current law prohibits the implementation of a state income tax or a statewide property tax. These constitutional prohibitions already require a two-thirds vote to overturn. S.J.R. 12 would extend the two-thirds protection to increases in existing tax systems as well as the creation of new taxes.

As proposed, S.J.R. 12 proposes a constitutional amendment requiring certain tax bills to be approved by two-thirds of all members elected to each house of the legislature.

### **RULEMAKING AUTHORITY**

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Article VIII, Texas Constitution, by adding Section 25, as follows:

Sec. 25. (a) Provides that an affirmative record vote of two-thirds of all members elected to each house of the legislature on final consideration in each house is required for passage of a bill that imposes a new state tax, or increases the rate of an existing state tax above the rate in effect on the date the bill was filed.

(b) Provides that this section does not apply to a bill that amends the manner in which a state tax is computed, the manner in which a state tax is administered or enforced, or the applicability of a state tax.

(c) Provides that, in this section, "state tax" does not include a tax or other levy imposed by a political subdivision of this state, a fine, penalty, or interest charge, a charge for a specific service, property, or other item in an amount that reasonably relates to the value of the service, property, or item, or a fee, including a filing fee, license or registration fee, or application fee.

SECTION 2. Requires that the proposed constitutional amendment be submitted to the voters at an election to be held November 8, 2011. Sets forth the required language of the ballot.