

By: Burnam

H.J.R. No. 57

A JOINT RESOLUTION

1 proposing a constitutional amendment to reserve to the people the
2 powers of initiative for the sole purpose of adopting and imposing a
3 state income tax.

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

5 SECTION 1. Article III, Texas Constitution, is amended by
6 amending Section 1 and adding Section 1A to read as follows:

7 Sec. 1. Subject to Section 1A of this article, the ~~[The]~~
8 Legislative power of this State shall be vested in a Senate and
9 House of Representatives, which together shall be styled "The
10 Legislature of the State of Texas."

11 Sec. 1A. (a) The people reserve to themselves the power to
12 propose statutory and constitutional measures as provided by
13 Subsection (b) of this section by petition for submission to the
14 electorate and to have those measures enacted as provided by this
15 section. This power is known as the initiative.

16 (b) A proposed measure may only relate to the imposition of
17 a tax on the net incomes of natural persons, including a person's
18 share of partnership and unincorporated association income, and may
19 not contain any other subject.

20 (c) A proposed statutory or constitutional measure and a
21 good faith filing fee in an amount set by general law must be
22 submitted to the attorney general. The attorney general shall
23 advise the petitioner as to proper form and language and, with the
24 consent of the petitioner, may redraft the text of the measure as

1 necessary or desirable to achieve its purposes. If the attorney
2 general determines that any provision of a proposed statutory
3 measure would be invalid under this constitution, including because
4 the measure contains a subject other than that authorized under
5 Subsection (b) of this section, the attorney general shall return
6 the measure to the petitioner accompanied by written reasons for
7 the determination of unconstitutionality. A measure determined to
8 be unconstitutional may not be forwarded to other state officers
9 under Subsection (d) of this section.

10 (d) If the attorney general determines that the proposed
11 measure authorizes or requires the expenditure or diversion of any
12 state funds, the attorney general shall forward the measure to the
13 comptroller of public accounts for the preparation of a fiscal
14 note. Otherwise, the attorney general shall forward the measure to
15 the secretary of state.

16 (e) After receipt of a proposed measure from the attorney
17 general, the comptroller shall prepare and sign the fiscal note,
18 attach it to the measure, and forward the measure to the secretary
19 of state. In the fiscal note, the comptroller shall outline the
20 fiscal implications and probable cost of the measure each year for
21 the first five years after its effective date and a statement as to
22 whether there will be costs involved after the first five years.

23 (f) After receipt of a proposed measure from the attorney
24 general or comptroller, the secretary of state shall issue to the
25 petitioner approved copies of an initiative petition proposing the
26 measure in the number requested. The secretary may charge for each
27 copy a reasonable fee to cover the cost of reproduction. The

1 secretary shall prescribe standards of form and design for a
2 petition. Each part of a petition must include the full text of the
3 proposed measure.

4 (g) An initiative petition that proposes a statutory
5 measure imposing an income tax must be signed by a number of
6 registered voters equal to at least four percent of the total number
7 of votes received statewide by all candidates for governor in the
8 most recent gubernatorial general election. In addition, in at
9 least two-thirds of the congressional districts in this state, the
10 petition must be signed by a number of registered voters equal to at
11 least four percent of the votes received in that district by all
12 candidates for governor in the most recent gubernatorial general
13 election.

14 (h) An initiative petition that proposes a constitutional
15 measure imposing an income tax must be signed by a number of
16 registered voters equal to at least six percent of the total number
17 of votes received statewide by all candidates for governor in the
18 most recent gubernatorial general election. In addition, in at
19 least two-thirds of the congressional districts in this state, the
20 petition must be signed by a number of registered voters equal to at
21 least six percent of the votes received in that district by all
22 candidates for governor in the most recent gubernatorial general
23 election.

24 (i) To be certified as valid, the petition containing the
25 required number of signatures must be filed with the secretary of
26 state not later than the 365th day after the date the approved
27 copies are issued by the secretary. The secretary shall review the

1 petition to determine whether it is valid. The secretary may use
2 any reasonable statistical sampling method as the basis for
3 verification. If the secretary determines that the petition does
4 not contain the required number of signatures, the petitioners have
5 30 days after the date of that determination to obtain additional
6 signatures. On determining that the petition complies with this
7 section, the secretary shall certify it as valid.

8 (j) If a certified petition proposes a statutory measure
9 imposing an income tax, the secretary of state shall submit the
10 question of approval or disapproval of the measure to the voters of
11 this state at an election to be held on the first Tuesday after the
12 first Monday in November that occurs on or after the 150th day after
13 the date the petition is submitted to the secretary of state for
14 certification. If the measure is approved by a majority of those
15 voting on the question, the statutory change proposed by the
16 measure takes effect according to its terms.

17 (k) If a statutory measure imposing an income tax proposed
18 by petition becomes law, the tax may be amended or repealed within
19 five years after it takes effect only on the record vote of
20 two-thirds of the members elected to each house.

21 (l) If a certified petition proposes a constitutional
22 measure imposing an income tax, the secretary of state shall submit
23 the question of approval or disapproval of the measure to the voters
24 of this state at an election to be held on the first Tuesday after
25 the first Monday in November that occurs on or after the 150th day
26 after the date the petition is submitted to the secretary of state
27 for certification. If the measure is approved by a 60 percent

1 majority of those voting on the question, the amendment proposed by
2 the measure becomes a part of the constitution.

3 (m) The secretary of state shall prepare the ballot
4 proposition for a measure proposed by initiative. The proposition
5 must be descriptive but not argumentative or prejudicial. The
6 provisions of this constitution and of law that apply to
7 publication of constitutional amendments proposed under Section 1,
8 Article XVII, of this constitution apply to the publication of
9 measures proposed under this section.

10 (n) This section is self-executing, but laws may be enacted
11 to facilitate its operation. However, no law may be enacted to
12 hamper, restrict, or impair the exercise of the power of
13 initiative.

14 SECTION 2. Article XVII, Texas Constitution, is amended by
15 adding Section 2 to read as follows:

16 Sec. 2. In addition to the mode of amendment provided by
17 Section 1 of this article, the constitution may be amended by the
18 initiative procedure authorized by Section 1A, Article III, of this
19 constitution.

20 SECTION 3. This proposed constitutional amendment shall be
21 submitted to the voters at an election to be held November 5, 2013.
22 The ballot shall be printed to permit voting for or against the
23 proposition: "The constitutional amendment reserving to the people
24 the powers of initiative for the sole purpose of adopting and
25 imposing a state income tax."