

By: Raymond

H.J.R. No. 36

A JOINT RESOLUTION

1 proposing a constitutional amendment providing honesty in state
2 taxation.

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

4 SECTION 1. Article VIII, Texas Constitution, is amended by
5 adding Section 2-a to read as follows:

6 Sec. 2-a. (a) A "regulatory tax" is a fee, levy, surcharge,
7 assessment, fine, penalty, or other charge of any kind imposed by
8 this state, regardless of the date the law imposing the charge was
9 enacted or whether the revenue from the charge is dedicated for a
10 primary purpose other than to raise revenue for general purposes,
11 including:

12 (1) a charge imposed for a specific benefit conferred
13 or privilege granted directly to the taxpayer that is not provided
14 to a person who did not pay the charge and that does not exceed the
15 reasonable cost to this state of conferring the benefit or granting
16 the privilege;

17 (2) a charge imposed for a specific state service or
18 product provided directly to the taxpayer that is not provided to a
19 person who did not pay the charge and that does not exceed the
20 reasonable cost to this state of providing the service or product;

21 (3) a charge imposed for the reasonable regulatory
22 cost to this state related to the issuance of a license or permit,
23 the performance of an investigation, inspection, or audit, or the
24 enforcement of a state law or order;

1 (4) a charge imposed for the purchase, rental, lease,
2 or other use of state property; and

3 (5) a fine, penalty, or other monetary charge imposed
4 by this state for or in connection with a violation of a state law or
5 order.

6 (b) The intent of this section is to protect the taxpayers
7 of this state from hidden tax increases by appropriately
8 identifying state-imposed charges as state taxes.

9 (c) After November 2, 2021, the legislature may not enact a
10 general law that imposes a state tax, including a regulatory tax, or
11 amends the provisions relating to a state tax, including a
12 regulatory tax, if the enacted or amended provisions relating to
13 the tax identify the tax as another type of charge such as a "fee,"
14 "levy," "surcharge," "assessment," "fine," or "penalty."

15 (d) Not later than January 1, 2024, the legislature shall
16 revise every reference in state statute to a fee, levy, surcharge,
17 assessment, fine, penalty, or other charge of any kind imposed by
18 this state for a primary purpose other than to raise revenue for
19 general purposes to refer to the charge as a "regulatory tax."
20 Beginning January 1, 2024, a regulatory tax identified in statute
21 as another type of charge such as a "fee," "levy," "surcharge,"
22 "assessment," "fine," or "penalty" is void and may not be
23 collected.

24 SECTION 2. This proposed constitutional amendment shall be
25 submitted to the voters at an election to be held November 2, 2021.
26 The ballot shall be printed to permit voting for or against the
27 proposition: "The constitutional amendment providing honesty in

1 state taxation."