H.J.R. No. 4

A JOINT RESOLUTION

proposing a constitutional amendment prohibiting the enactment of a law imposing an occupation tax on certain entities that enter into transactions conveying securities or imposing a tax on certain securities transactions.

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

SECTION 1.  Article VIII, Texas Constitution, is amended by adding Section 30 to read as follows:

Sec. 30.  (a)  In this section:

(1)  "Registered securities market operator" means any of the following entities, to the extent the entity is subject to registration with and regulation by the United States Securities and Exchange Commission or the United States Commodity Futures Trading Commission, or the successor in function to either commission:

(A)  a self-regulatory organization, financial institution, broker, dealer, clearing agency, or transfer agent, as those terms are defined by the Securities Exchange Act of 1934 (15 U.S.C. Section 78a et seq.) in effect on January 1, 2025;

(B)  an exchange that is registered as a national securities exchange under Section 6 of the Securities Exchange Act of 1934 (15 U.S.C. Section 78f);

(C)  an alternative trading system, board of trade, commodity pool operator, derivatives clearing organization, electronic trading facility, or organized exchange, as those terms are defined by the Commodity Exchange Act (7 U.S.C. Section 1 et seq.) in effect on January 1, 2025;

(D)  an affiliate, subsidiary, or facility of an entity described by Paragraph (A), (B), or (C); or

(E)  a trade reporting facility regulated under rules promulgated by the Financial Industry Regulatory Authority and in effect on January 1, 2025.

(2)  "Securities transaction" means the purchase or sale of a security, a contract or agreement to purchase or sell a security, or a service to facilitate, match parties to, process, report, clear, or settle the purchase or sale of a security on behalf of a customer.

(3)  "Security" has the meaning assigned by the Securities Exchange Act of 1934 (15 U.S.C. Section 78a et seq.) in effect on January 1, 2025.

(b)  The legislature may not enact a law that imposes:

(1)  an occupation tax on a registered securities market operator; or

(2)  a tax on a securities transaction conducted by a registered securities market operator.

(c)  This section does not prohibit:

(1)  the imposition of:

(A)  a general business tax measured by business activity;

(B)  a tax on the production of minerals;

(C)  a tax on insurance premiums;

(D)  sales and use taxes on tangible personal property or services; or

(E)  a fee based on the cost of processing or creating documents; or

(2)  a change in the rate of a tax in existence on January 1, 2026.

SECTION 2.  This proposed constitutional amendment shall be submitted to the voters at an election to be held November 4, 2025. The ballot shall be printed to provide for voting for or against the proposition: "The constitutional amendment prohibiting the legislature from enacting a law imposing an occupation tax on certain entities that enter into transactions conveying securities or imposing a tax on certain securities transactions."

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

    President of the Senate Speaker of the House

I certify that H.J.R. No. 4 was passed by the House on April 1, 2025, by the following vote:  Yeas 111, Nays 31, 1 present, not voting.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Chief Clerk of the House

I certify that H.J.R. No. 4 was passed by the Senate on April 29, 2025, by the following vote:  Yeas 28, Nays 3.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Secretary of the Senate

RECEIVED:  \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

                    Date

           \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

             Secretary of State