

REFERENCE TITLE: tax expenditures; rates; supermajority vote

State of Arizona
House of Representatives
Fifty-fourth Legislature
First Regular Session
2019

HCR 2036

Introduced by
Representatives Fernandez: Andrade, Blanc, Bolding, Cano, Chávez,
DeGrazia, Epstein, Espinoza, Friese, Gabaldón, Jermaine, Lieberman,
Longdon, Meza, Pawlik, Peten, Powers Hannley, Rodriguez, Salman, Sierra,
Teller, Terán, Tsosie

A CONCURRENT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF ARIZONA; AMENDING ARTICLE IX, CONSTITUTION OF ARIZONA, BY ADDING SECTION 22.1; RELATING TO TAX LEGISLATION.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona,
2 the Senate concurring:

3 1. Article IX, Constitution of Arizona, is proposed to be amended
4 by adding section 22.1 as follows if approved by the voters and on
5 proclamation of the Governor:

6 22.1. Vote required to enact or increase tax
7 expenditures; reduction in tax rate;
8 application; definition

9 SECTION 22.1. A. A MEASURE THAT PROVIDES FOR A NET
10 DECREASE IN STATE REVENUES, AS DESCRIBED IN SUBSECTION B OF
11 THIS SECTION, IS EFFECTIVE ON THE AFFIRMATIVE VOTE OF AT LEAST
12 TWO-THIRDS OF THE MEMBERS OF EACH HOUSE OF THE LEGISLATURE.
13 IF THE MEASURE RECEIVES SUCH AN AFFIRMATIVE VOTE, IT BECOMES
14 EFFECTIVE IMMEDIATELY ON THE SIGNATURE OF THE GOVERNOR AS
15 PROVIDED BY ARTICLE IV, PART 1, SECTION 1. IF THE GOVERNOR
16 VETOES THE MEASURE, THE MEASURE DOES NOT BECOME EFFECTIVE
17 UNLESS IT IS SUBSEQUENTLY APPROVED BY AN AFFIRMATIVE VOTE OF
18 AT LEAST THREE-FOURTHS OF THE MEMBERS OF EACH HOUSE OF THE
19 LEGISLATURE.

20 B. THIS SECTION APPLIES TO ANY MEASURE THAT PROVIDES
21 FOR A NET DECREASE IN STATE REVENUES IN THE FORM OF:

22 1. AN ENACTMENT OF A NEW TAX EXPENDITURE.

23 2. AN INCREASE IN THE ALLOWABLE AMOUNT OF AN EXISTING
24 TAX EXPENDITURE.

25 3. AN INCREASE IN THE NUMBER OF TAXPAYERS THAT
26 POTENTIALLY QUALIFY FOR A TAX EXPENDITURE.

27 4. A REDUCTION IN ANY TAX RATE.

28 C. EACH MEASURE TO WHICH THIS SECTION APPLIES SHALL
29 INCLUDE A SEPARATE PROVISION DESCRIBING THE REQUIREMENTS FOR
30 ENACTMENT PRESCRIBED BY THIS SECTION.

31 D. FOR THE PURPOSES OF THIS SECTION, "TAX EXPENDITURE":

32 1. MEANS ANY TAX PROVISION IN STATE LAW THAT EXEMPTS,
33 IN WHOLE OR IN PART, ANY PERSON, INCOME, GOOD, SERVICE OR
34 PROPERTY FROM THE IMPACT OF ESTABLISHED TAXES AND TAX
35 CLASSIFICATIONS, INCLUDING DEDUCTIONS, SUBTRACTIONS,
36 EXCLUSIONS, EXEMPTIONS, ALLOWANCES AND CREDITS.

37 2. DOES NOT INCLUDE A PROVISION OF LAW THAT EITHER:

38 (a) PREVENTS OR AVOIDS UNINTENDED CONSEQUENCES FROM THE
39 APPLICATION OF ACCOUNTING, LEGAL OR OTHER TECHNICAL
40 REQUIREMENTS.

41 (b) REFLECTS THE REQUIREMENTS OF THE CONSTITUTION OF
42 THE UNITED STATES OR THE CONSTITUTION OF ARIZONA.

43 2. The Secretary of State shall submit this proposition to the
44 voters at the next general election as provided by article XXI,
45 Constitution of Arizona.