

By: McReynolds

H.B. No. 1468

A BILL TO BE ENTITLED

AN ACT

relating to the counties eligible to create a county assistance district that may impose a sales and use tax.

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

SECTION 1. Section 387.002, Local Government Code, is amended to read as follows:

Sec. 387.002. APPLICABILITY. This chapter applies only to a county that has a population of less than 50,000 [~~45,000 and any portion of which is included in an authority governed by Chapter 451 or 452, Transportation Code~~].

SECTION 2. Section 387.003, Local Government Code, is amended by amending Subsections (b) and (f) and adding Subsection (g) to read as follows:

(b) The order calling the election must:

(1) define the boundaries of the district to include any portion of the county in which the combined tax rate of all local sales and use taxes imposed, including the rate to be imposed by the district if approved at the election, would not exceed two percent [~~that is not located in an authority governed by Chapter 451 or 452, Transportation Code~~]; and

(2) call for the election to be held within those boundaries.

(f) The commissioners court may call an election to be held in an area of the county that is not located in a district created

1 under this section to determine whether the area should be included
2 in the district and whether the district's sales and use tax should
3 be imposed in the area. An election may not be held in an area in
4 which the combined tax rate of all local sales and use taxes
5 imposed, including the rate to be imposed by the district if
6 approved at the election, would exceed two percent [~~that is~~
7 ~~included in an authority governed by Chapter 451 or 452,~~
8 ~~Transportation Code~~].

9 (g) The area in which an election is held under Subsection
10 (f) is included in the district and the sales and use tax is imposed
11 if a majority of the votes received at the election favor inclusion
12 in the district and imposition of the sales and use tax.

13 SECTION 3. This Act takes effect immediately if it receives
14 a vote of two-thirds of all the members elected to each house, as
15 provided by Section 39, Article III, Texas Constitution. If this
16 Act does not receive the vote necessary for immediate effect, this
17 Act takes effect September 1, 2005.