

By: McClendon

H.B. No. 1208

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the dedication of certain sales and use tax and
3 franchise tax revenue to the Texas rail relocation and improvement
4 fund.

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

6 SECTION 1. Section 151.801, Tax Code, is amended by
7 amending Subsection (a) and adding Subsection (d-1) to read as
8 follows:

9 (a) Except for the amounts allocated under Subsections (b),
10 ~~and~~ (c), and (d-1), all proceeds from the collection of the taxes
11 imposed by this chapter shall be deposited to the credit of the
12 general revenue fund.

13 (d-1) The amount of the proceeds from the collection of taxes
14 imposed by this chapter on the purchase of taxable items by a rail
15 carrier shall be deposited to the credit of the Texas rail
16 relocation and improvement fund. The comptroller may determine the
17 amount to be deposited to the Texas rail relocation and improvement
18 fund using any appropriate method, including available statistical
19 data. In addition, the comptroller may require taxpayers to report
20 to the comptroller as necessary to make the allocation. In this
21 subsection, "rail carrier" means a rail carrier classified as a
22 Class I, Class II, or Class III carrier under 49 C.F.R. Section
23 1201.1-1(a).

24 SECTION 2. Section 171.401, Tax Code, is amended to read as

1 follows:

2 Sec. 171.401. REVENUE DEPOSITED IN GENERAL REVENUE FUND AND
3 TEXAS RAIL RELOCATION AND IMPROVEMENT FUND. (a) Except as provided
4 by Subsection (b) and Section 171.4011, the [~~The~~] revenue from the
5 tax imposed by this chapter shall be deposited to the credit of the
6 general revenue fund.

7 (b) The amount of the taxes paid under this chapter by a rail
8 carrier shall be deposited to the credit of the Texas rail
9 relocation and improvement fund. The comptroller may require
10 taxpayers to submit information to the comptroller as necessary to
11 make the allocation. This subsection does not affect the amount
12 required to be deposited to the property tax relief fund under
13 Section 171.4011. In this subsection, "rail carrier" means a rail
14 carrier classified as a Class I, Class II, or Class III carrier
15 under 49 C.F.R. Section 1201.1-1(a).

16 SECTION 3. (a) Sections 151.801(a) and (d-1), Tax Code, as
17 amended and added by this Act, take effect September 1, 2009.

18 (b) Section 171.401, Tax Code, as amended by this Act, takes
19 effect January 1, 2010.