

By: Davis of Harris

H.B. No. 1894

A BILL TO BE ENTITLED

AN ACT

relating to the deadline for reallocating local sales and use taxes.

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

SECTION 1. Subchapter F, Chapter 321, Tax Code, is amended by adding Section 321.511 to read as follows:

Sec. 321.511. REALLOCATION OF MUNICIPAL TAX REVENUE. If the comptroller determines that tax revenue collected by the comptroller has been sent incorrectly to a municipality under Section 321.502, the comptroller may reallocate the tax revenue to the appropriate municipality only if the municipality that originally received the revenue receives notification of the reallocation not later than the first anniversary of the date the municipality originally received the revenue.

SECTION 2. Section 322.108(a), Tax Code, is amended to read as follows:

(a) Except as provided by Subsection (b), the following apply to the taxes imposed by this chapter in the same manner as applicable to a municipality under Chapter 321:

(1) Section 321.002(a)(3);

(2) Section 321.003;

(3) Section 321.203;

(4) Section 321.205(d);

(5) Section 321.208;

- 1           (6) Section 321.209;
- 2           (7) Section 321.303;
- 3           (8) Section 321.304; [~~and~~]
- 4           (9) Section 321.305; and
- 5           (10) Section 321.511.

6           SECTION 3. Subchapter F, Chapter 323, Tax Code, is amended  
7 by adding Section 323.511 to read as follows:

8           Sec. 323.511. REALLOCATION OF COUNTY TAX REVENUE. If the  
9 comptroller determines that tax revenue collected by the  
10 comptroller has been sent incorrectly to a county under Section  
11 323.502, the comptroller may reallocate the tax revenue to the  
12 appropriate county only if the county that originally received the  
13 revenue receives notification of the reallocation not later than  
14 the first anniversary of the date the county originally received  
15 the revenue.

16           SECTION 4. This Act takes effect July 1, 2009, if it  
17 receives a vote of two-thirds of all the members elected to each  
18 house, as provided by Section 39, Article III, Texas Constitution.  
19 If this Act does not receive the vote necessary for effect on that  
20 date, this Act takes effect September 1, 2009.