

By: Jackson

H.B. No. 2398

A BILL TO BE ENTITLED

AN ACT

relating to the state sales tax rate and creation of the education equalization fund to equalize funding among school districts.

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

SECTION 1. Section 151.051(b), Tax Code, is amended to read as follows:

(b) The sales tax rate is seven [~~6-1/4~~] percent of the sales price of the taxable item sold.

SECTION 2. Sections 151.801(a) and (c), Tax Code, are amended to read as follows:

(a) Except for the amounts allocated under Subsections (b) and (c) and Section 151.803, all proceeds from the collection of the taxes imposed by this chapter shall be deposited to the credit of the general revenue fund.

(c) Except for the amount allocated under Section 151.803 and subject [~~Subject~~] to Subsection (c-1), the proceeds from the collection of the taxes imposed by this chapter on the sale, storage, or use of sporting goods shall be deposited as follows:

(1) an amount equal to 94 percent of the proceeds shall be credited to the Parks and Wildlife Department and deposited as specified in the Parks and Wildlife Code; and

(2) an amount equal to six percent of the proceeds shall be credited to the Texas Historical Commission and deposited as specified in Section 442.073, Government Code.

1 SECTION 3. Subchapter M, Chapter 151, Tax Code, is amended
2 by adding Section 151.803 to read as follows:

3 Sec. 151.803. ALLOCATION OF CERTAIN REVENUE TO EDUCATION
4 EQUALIZATION FUND OR PROPERTY TAX RELIEF FUND. All proceeds, other
5 than the amount of the proceeds allocated under Section 151.801(b),
6 from the collection of taxes imposed by this chapter attributable
7 to the portion of the tax rate in excess of 6.25 percent shall be
8 deposited, as determined by the legislature, to the credit of the
9 education equalization fund under Chapter 47, Education Code, or
10 the property tax relief fund under Section 403.109, Government
11 Code.

12 SECTION 4. Subtitle I, Title 2, Education Code, is amended
13 by adding Chapter 47 to read as follows:

14 CHAPTER 47. EDUCATION EQUALIZATION

15 Sec. 47.001. EDUCATION EQUALIZATION FUND. (a) The
16 education equalization fund is a special fund in the state treasury
17 outside the general revenue fund. The fund is exempt from the
18 application of Sections 403.095 and 404.071, Government Code.
19 Interest and income from the deposit and investment of money in the
20 fund must be allocated monthly to the fund.

21 (b) Money in the fund may be used only to equalize
22 maintenance and operations funding among school districts as
23 determined by appropriation.

24 SECTION 5. The change in law made by this Act does not
25 affect tax liability accruing before the effective date of this
26 Act. That liability continues in effect as if this Act had not been
27 enacted, and the former law is continued in effect for the

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1 collection of taxes due and for civil and criminal enforcement of
2 the liability for those taxes.

3 SECTION 6. This Act takes effect September 1, 2009.