

By: Eiland

H.B. No. 3852

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain counties to implement a pilot program to provide certain health care services and to the funding of the program.

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

SECTION 1. Subchapter A, Chapter 324, Tax Code, is amended by adding Section 324.002 to read as follows:

Sec. 324.002. APPLICATION OF CERTAIN PROVISIONS TO CERTAIN COUNTIES. Sections 324.021, 324.022, 324.061, and 324.081 do not apply to a county that implements a health care pilot program and adopts a sales and use tax under Subchapter E.

SECTION 2. Chapter 324, Tax Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. HEALTH CARE PILOT PROGRAM

Sec. 324.101. APPLICATION. This subchapter applies only to a county:

(1) with a population of more than 240,000 that borders the Gulf of Mexico;

(2) in which a countywide hospital district is not located; and

(3) in which a public medical school or health science center is located or that contracts or has previously contracted with a public medical school or health science center for health care services the county is required to provide under state law.

1 Sec. 324.102. PILOT PROGRAM FOR HEALTH CARE. (a) The
2 commissioners court of a county may implement a pilot program in the
3 county to provide:

4 (1) secondary and tertiary level services for
5 residents of the county whose family income is not greater than 100
6 percent of the federal poverty level; and

7 (2) primary level services for residents of the county
8 whose family income is not greater than 200 percent of the federal
9 poverty level.

10 (b) The services the county provides must include:

11 (1) primary and preventive medical services a county
12 is required or authorized to provide under Chapter 61, Health and
13 Safety Code; and

14 (2) secondary or tertiary services the state provides
15 as part of the medical assistance program under Chapter 32, Human
16 Resources Code.

17 (c) As part of the pilot program, the county may provide for
18 case management services, utilization review, patient outreach
19 services, patient education, and patient transportation.

20 (d) The county shall prescribe appropriate goals and
21 performance measures for the program.

22 (e) The county may implement the pilot program only if the
23 voters of the county approve imposition of a sales and use tax under
24 Section 324.103.

25 Sec. 324.103. SALES AND USE TAX. (a) A county may adopt or
26 abolish a sales and use tax authorized by this subchapter to provide
27 funding for a health care pilot program if imposition of the tax is

1 approved at an election called and held for that purpose as provided
2 by Section 324.104.

3 (b) The tax authorized by this subchapter may be imposed in
4 increments of one-eighth of one percent, with a minimum tax rate of
5 one-eighth of one percent and a maximum tax rate of one percent.

6 (c) Sections 323.101(b), (d), and (e) do not apply to the
7 tax imposed under this subchapter.

8 Sec. 324.104. ELECTION PROCEDURE. (a) The commissioners
9 court of the county may call an election to adopt or abolish the tax
10 under this subchapter. The commissioners court shall call an
11 election to adopt or abolish the tax if it receives a petition
12 signed by a number of petitioners equal to at least five percent of
13 the number of registered voters in the county.

14 (b) At the election to adopt the tax, the ballot shall be
15 prepared to permit voting for or against the proposition: "The
16 adoption of a local sales and use tax in (name of county) at the rate
17 of _____ (insert rate) to provide revenue for a health care pilot
18 program."

19 (c) At the election to abolish the tax, the ballot shall be
20 prepared to permit voting for or against the proposition: "The
21 abolishment of the local health care pilot program sales and use tax
22 in (name of county)."

23 Sec. 324.105. REAUTHORIZATION OF PILOT PROGRAM AND TAX.

24 (a) Unless the imposition of the sales and use tax authorized by
25 this subchapter is reauthorized as provided by this section, the
26 tax and the pilot program expire on the 10th anniversary of the date
27 the tax originally took effect.

1 (b) An election to reauthorize the tax is called and held in
2 the same manner as an election to adopt the tax under Section
3 324.104, except the ballot proposition shall be prepared to permit
4 voting for or against the proposition: "The reauthorization of the
5 local sales and use tax in (name of county) at the rate of _____
6 (insert rate) to continue providing revenue for health care."

7 (c) If an election to reauthorize the tax is not held before
8 the tax expires as provided by Subsection (a), or if a majority of
9 the votes cast in an election to reauthorize the tax do not favor
10 reauthorization, the county may not call an election on the
11 question of authorizing a new tax under this subchapter before the
12 first anniversary of the date on which the tax expired.

13 (d) Not later than the 10th day after the date the county
14 determines that the tax will expire as provided by Subsection (a),
15 the county shall notify the comptroller of the scheduled
16 expiration. The comptroller may delay the scheduled expiration date
17 if the comptroller notifies the county that more time is required.
18 The comptroller must provide a new expiration date that is not
19 later than the last day of the first calendar quarter occurring
20 after the notification to the comptroller.

21 Sec. 324.106. EFFECT OF STATE TAX RATE INCREASE.
22 Notwithstanding any other provision of this subchapter, if the rate
23 of the state sales and use tax imposed under Chapter 151 is
24 increased over the rate of the tax on January 1, 2009, the rate of a
25 tax imposed under this subchapter is automatically decreased on the
26 date the state rate increase takes effect to the highest rate that
27 will not result in a tax rate of more than eight percent when the

1 state sales and use tax and a tax imposed under this subchapter are
2 combined.

3 Sec. 324.107. STATE AUDITOR REVIEW. The state auditor
4 shall review a pilot program created under this subchapter and
5 report the auditor's findings to the legislature.

6 Sec. 324.108. USE OF TAX REVENUE. Revenue from the tax
7 imposed under this subchapter may be used only to provide funding
8 for a health care pilot program created by the county as provided by
9 this subchapter.

10 Sec. 324.109. EXPIRATION. This subchapter expires
11 September 2, 2019.

12 SECTION 3. This Act takes effect immediately if it receives
13 a vote of two-thirds of all the members elected to each house, as
14 provided by Section 39, Article III, Texas Constitution. If this
15 Act does not receive the vote necessary for immediate effect, this
16 Act takes effect September 1, 2009.