

By: Nelson, Hinojosa

S.B. No. 792

A BILL TO BE ENTITLED

AN ACT

relating to the imposition of the sales and use tax by certain crime control and prevention districts and fire control, prevention, and emergency medical services districts.

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

SECTION 1. Subchapter B, Chapter 321, Tax Code, is amended by adding Section 321.1055 to read as follows:

Sec. 321.1055. IMPOSITION OF FIRE CONTROL OR CRIME CONTROL DISTRICT TAX ON THE RESIDENTIAL USE OF GAS AND ELECTRICITY.

(a) This section applies to a fire control, prevention, and emergency medical services district or crime control and prevention district located in all or part of a municipality that imposes a tax on the residential use of gas and electricity under Section 321.105.

(b) The board of directors of a district to which this section applies may, by order or resolution adopted in a public hearing by a vote of a majority of the membership of the board and recorded in the district's minutes:

(1) impose a tax adopted under Section 321.106 or 321.108, as applicable, on receipts from the sale, production, distribution, lease, or rental of, and the use, storage, or other consumption within the district of, gas and electricity for residential use;

(2) exempt from taxation the items described by

1 Subdivision (1); or

2 (3) reimpose the tax under Subdivision (1).

3 (c) A district that adopts an order or resolution under
4 Subsection (b) shall:

5 (1) send a copy of the order or resolution to the
6 comptroller by United States certified or registered mail;

7 (2) send a copy of the order or resolution and a copy
8 of the district's boundaries to each gas and electric company whose
9 customers are subject to the tax by United States certified or
10 registered mail; and

11 (3) publish notice of the order or resolution in a
12 newspaper of general circulation in the district.

13 (d) If the residential use of gas and electricity ceases to
14 be taxable in the municipality in which a district is located, then
15 the residential use of gas and electricity is not taxable by the
16 district.

17 (e) The provisions of Sections 321.201 and 321.204 that
18 govern the computation of municipal taxes on gas and electricity
19 for residential use apply to the computation of district taxes on
20 gas and electricity for residential use under this section.

21 SECTION 2. Subsection (b), Section 321.3022, Tax Code, is
22 amended to read as follows:

23 (b) The comptroller on request shall provide to a
24 municipality that has adopted a tax under this chapter information
25 relating to the amount of tax paid to the municipality under this
26 chapter during the preceding or current calendar year by each
27 person doing business in an area, as defined by the municipality,

1 that is part of:

- 2 (1) an interlocal agreement;
- 3 (2) a tax abatement agreement;
- 4 (3) a reinvestment zone;
- 5 (4) a tax increment financing district;
- 6 (5) a revenue sharing agreement;
- 7 (6) an enterprise zone;
- 8 (7) a neighborhood empowerment zone;
- 9 (8) a crime control and prevention district;
- 10 (9) a fire control, prevention, and emergency medical
- 11 services district;
- 12 (10) any other agreement, zone, or district similar to
- 13 those listed in Subdivisions (1)-(9) [~~(1)-(7)~~]; or
- 14 (11) [~~(9)~~] any area defined by the municipality for
- 15 the purpose of economic forecasting.

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