

1-1 By: Nelson S.B. No. 792  
1-2 (In the Senate - Filed February 11, 2009; March 4, 2009,  
1-3 read first time and referred to Committee on Finance;  
1-4 March 31, 2009, reported adversely, with favorable Committee  
1-5 Substitute by the following vote: Yeas 14, Nays 0; March 31, 2009,  
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 792 By: Nelson

1-8 A BILL TO BE ENTITLED  
1-9 AN ACT

1-10 relating to the imposition of the sales and use tax by certain crime  
1-11 control and prevention districts and fire control, prevention, and  
1-12 emergency medical services districts.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Subchapter B, Chapter 321, Tax Code, is amended  
1-15 by adding Section 321.1055 to read as follows:

1-16 Sec. 321.1055. IMPOSITION OF FIRE CONTROL OR CRIME CONTROL  
1-17 DISTRICT TAX ON THE RESIDENTIAL USE OF GAS AND ELECTRICITY.

1-18 (a) This section applies to a fire control, prevention, and  
1-19 emergency medical services district or crime control and prevention  
1-20 district located in all or part of a municipality that imposes a tax  
1-21 on the residential use of gas and electricity under Section  
1-22 321.105.

1-23 (b) The board of directors of a district to which this  
1-24 section applies may, by order or resolution adopted in a public  
1-25 hearing by a vote of a majority of the membership of the board and  
1-26 recorded in the district's minutes:

1-27 (1) impose a tax adopted under Section 321.106 or  
1-28 321.108, as applicable, on receipts from the sale, production,  
1-29 distribution, lease, or rental of, and the use, storage, or other  
1-30 consumption within the district of, gas and electricity for  
1-31 residential use;

1-32 (2) exempt from taxation the items described by  
1-33 Subdivision (1); or

1-34 (3) reimpose the tax under Subdivision (1).

1-35 (c) A district that adopts an order or resolution under  
1-36 Subsection (b) shall:

1-37 (1) send a copy of the order or resolution to the  
1-38 comptroller by United States certified or registered mail;

1-39 (2) send a copy of the order or resolution and a copy  
1-40 of the district's boundaries to each gas and electric company whose  
1-41 customers are subject to the tax by United States certified or  
1-42 registered mail; and

1-43 (3) publish notice of the order or resolution in a  
1-44 newspaper of general circulation in the district.

1-45 (d) If the residential use of gas and electricity ceases to  
1-46 be taxable in the municipality in which a district is located, then  
1-47 the residential use of gas and electricity is not taxable by the  
1-48 district.

1-49 (e) The provisions of Sections 321.201 and 321.204 that  
1-50 govern the computation of municipal taxes on gas and electricity  
1-51 for residential use apply to the computation of district taxes on  
1-52 gas and electricity for residential use under this section.

1-53 SECTION 2. Subsection (b), Section 321.3022, Tax Code, is  
1-54 amended to read as follows:

1-55 (b) The comptroller on request shall provide to a  
1-56 municipality that has adopted a tax under this chapter information  
1-57 relating to the amount of tax paid to the municipality under this  
1-58 chapter during the preceding or current calendar year by each  
1-59 person doing business in an area, as defined by the municipality,  
1-60 that is part of:

1-61 (1) an interlocal agreement;

1-62 (2) a tax abatement agreement;

1-63 (3) a reinvestment zone;

- 2-1 (4) a tax increment financing district;
- 2-2 (5) a revenue sharing agreement;
- 2-3 (6) an enterprise zone;
- 2-4 (7) a neighborhood empowerment zone;
- 2-5 (8) a crime control and prevention district;
- 2-6 (9) a fire control, prevention, and emergency medical
- 2-7 services district;
- 2-8 (10) any other agreement, zone, or district similar to
- 2-9 those listed in Subdivisions (1)-(9) [~~(1)-(7)~~]; or
- 2-10 (11) [~~(9)~~] any area defined by the municipality for
- 2-11 the purpose of economic forecasting.
- 2-12 SECTION 3. This Act takes effect immediately if it receives
- 2-13 a vote of two-thirds of all the members elected to each house, as
- 2-14 provided by Section 39, Article III, Texas Constitution. If this
- 2-15 Act does not receive the vote necessary for immediate effect, this
- 2-16 Act takes effect September 1, 2009.

2-17 \* \* \* \* \*