

By: Ellis

S.B. No. 837

A BILL TO BE ENTITLED

AN ACT

relating to certain reimbursements provided for the collection of sales and use taxes.

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

SECTION 1. Section 151.423, Tax Code, is amended to read as follows:

Sec. 151.423. REIMBURSEMENT TO TAXPAYER FOR TAX COLLECTIONS. Subject to Section 151.4241, a [A] taxpayer may deduct and withhold three-fourths [~~one-half~~] of one percent of the amount of taxes due from the taxpayer on a timely return as reimbursement for the cost of collecting the taxes imposed by this chapter. [~~The comptroller shall provide a card with each form distributed for the collection of taxes under this chapter. The card may be inserted by the taxpayer with the tax payment to provide for contribution of all or part of the reimbursement provided by this section for use as grants under Subchapter M, Chapter 56, Education Code. If the taxpayer chooses to contribute the reimbursement for the grants, the taxpayer shall include the amount of the reimbursement contribution with the tax payment. The comptroller shall transfer money contributed under this section for grants under Subchapter M, Chapter 56, Education Code, to the appropriate fund.~~]

SECTION 2. Subchapter I, Chapter 151, Tax Code, is amended by adding Section 151.4241 to read as follows:

1 Sec. 151.4241. LIMITATION ON AMOUNT OF REIMBURSEMENT. (a)

2 The amount deducted and withheld by a taxpayer under Section
3 151.423 may not exceed:

4 (1) \$312.50 each month if the taxpayer files monthly;

5 (2) \$937.50 each quarter if the taxpayer files
6 quarterly under Section 151.401(b); and

7 (3) \$3,750 each state fiscal year.

8 (b) The comptroller shall adopt rules for determining to
9 which state fiscal month, quarter, and year amounts deducted and
10 withheld by a taxpayer under Section 151.423 will be allocated for
11 purposes of this section.

12 SECTION 3. Section 151.801, Tax Code, is amended by
13 amending Subsection (a) and adding Subsection (a-1) to read as
14 follows:

15 (a) Except for the amounts allocated under Subsections
16 (a-1), (b), and (c), all proceeds from the collection of the taxes
17 imposed by this chapter shall be deposited to the credit of the
18 general revenue fund.

19 (a-1) The comptroller shall calculate the difference
20 between the amount of the proceeds from the collection of the taxes
21 imposed by this chapter that, in the absence of the limitation on
22 reimbursements specified by Section 151.4241, taxpayers would
23 deduct and withhold under Section 151.423 at the percentage in
24 effect under that section on January 1, 2011, and the amount that
25 taxpayers actually deduct and withhold under Section 151.423 after
26 applying the limitation specified by Section 151.4241. The
27 comptroller shall deposit an amount equal to that difference to an

1 account in the general revenue fund. Money in the account may be
2 appropriated only to provide grants under Subchapter M, Chapter 56,
3 Education Code.

4 SECTION 4. Section 151.423, Tax Code, as amended by this
5 Act, applies to a tax report due on or after the effective date of
6 this Act. A tax report due before the effective date of this Act is
7 governed by the law in effect on the date the tax report was due, and
8 the former law is continued in effect for that purpose.

9 SECTION 5. The change in law made by this Act does not
10 affect tax liability accruing before the effective date of this
11 Act. That liability continues in effect as if this Act had not been
12 enacted, and the former law is continued in effect for the
13 collection of taxes due and for civil and criminal enforcement of
14 the liability for those taxes.

15 SECTION 6. This Act takes effect September 1, 2011.