

By: Rodriguez of Travis

H.B. No. 1787

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the elimination of the discounts allowed for timely
3 filing and prepayment of sales and use taxes and the allocation of
4 certain revenue from those taxes for certain workforce training
5 programs.

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

7 SECTION 1. Section 303.003, Labor Code, is amended by
8 amending Subsections (a) and (b) and adding Subsection (b-2) to
9 read as follows:

10 (a) To achieve the purposes of this chapter, the skills
11 development fund is created. The fund is composed of:

12 (1) money transferred into the fund under Section
13 204.123; ~~and~~

14 (2) money deposited into the fund under Section
15 151.801(a-1), Tax Code; and

16 (3) any amounts appropriated by the legislature for
17 the purpose of this chapter from the general revenue fund.

18 (b) Except as provided by Subsection (b-2), the ~~The~~ skills
19 development fund may be used by public community and technical
20 colleges, community-based organizations, and the Texas Engineering
21 Extension Service as start-up or emergency funds for the following
22 job-training purposes:

23 (1) developing customized training programs for
24 businesses and trade unions; and

1 (2) sponsoring small and medium-sized business
2 networks and consortiums.

3 (b-2) Money deposited into the fund under Section
4 151.801(a-1), Tax Code, may be used only to fund training and
5 certification programs offered by public community and technical
6 colleges in partnership with public high schools and employers in
7 this state. To be eligible for money under this subsection, a
8 program must provide a high school student with training necessary
9 for the student to be eligible to obtain, at the time the student
10 completes the program, an occupational license or another
11 certification required to obtain skilled employment.

12 SECTION 2. Section 151.419(b), Tax Code, is amended to read
13 as follows:

14 (b) The application must be accompanied with:

15 (1) an agreement that is signed by the applicant or a
16 responsible officer of an applicant corporation, that is in a form
17 prescribed by the comptroller, and that provides that the applicant
18 agrees to:

19 (A) accrue and pay all taxes imposed by
20 Subchapter D [~~of this chapter~~] on the storage and use of all taxable
21 items sold to or leased or rented by the permit holder unless the
22 items are exempted from the taxes imposed by this chapter; and

23 (B) pay the imposed taxes monthly on or before
24 the 20th day of the month following the end of each calendar month;
25 [~~and~~

26 [~~(C) waive the discount permitted by Section~~
27 ~~151.423 of this code on the payment of all taxes under the direct~~

1 ~~payment permit only,]~~

2 (2) a description, in the amount of detail that the
3 comptroller requires, of the accounting method by which the
4 applicant proposes to differentiate between taxable and exempt
5 transactions; and

6 (3) records establishing that the applicant is a
7 responsible person who annually purchases taxable items that have a
8 value when purchased of \$800,000 or more excluding the value of
9 taxable items for which resale certificates were or could have been
10 given.

11 SECTION 3. Section 151.428(c), Tax Code, is amended to read
12 as follows:

13 (c) The reporting, collection, refund, and penalty
14 provisions of this chapter and Subtitle B ~~[of this title]~~ apply to
15 the payments required by this section~~[, except that Sections~~
16 ~~151.423 and 151.424 of this code do not apply to this section].~~

17 SECTION 4. Section 151.801, Tax Code, is amended by
18 amending Subsection (a) and adding Subsection (a-1) to read as
19 follows:

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

24 (a-1) In each state fiscal year, the comptroller shall
25 determine the difference between the amount of proceeds derived
26 from the collection of the taxes imposed by this chapter and the
27 amount of proceeds that would be derived from the collection of

1 those taxes if Sections 151.423 and 151.424, as those sections
2 existed on September 1, 2012, were still in effect. The comptroller
3 shall deposit an amount equal to that difference to the credit of
4 the skills development fund created under Section 303.003, Labor
5 Code.

6 SECTION 5. Section 152.047(a), Tax Code, is amended to read
7 as follows:

8 (a) Except as inconsistent with this chapter and rules
9 adopted under this chapter, the seller of a motor vehicle shall
10 report and pay the tax imposed on a seller-financed sale to the
11 comptroller on the seller's receipts from seller-financed sales in
12 the same manner as the sales tax is reported and paid by a retailer
13 under Sections 151.401, 151.402, 151.405, 151.406, and 151.409[
14 ~~151.423, 151.424, and 151.425~~].

15 SECTION 6. Sections 151.423, 151.424, and 151.425, Tax
16 Code, are repealed.

17 SECTION 7. The change in law made by this Act does not
18 affect tax liability accruing before the effective date of this
19 Act. That liability continues in effect as if this Act had not been
20 enacted, and the former law is continued in effect for the
21 collection of taxes due and for civil and criminal enforcement of
22 the liability for those taxes.

23 SECTION 8. This Act takes effect September 1, 2013.