

By: Guillen

H.B. No. 105

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the authority of certain volunteer firefighter and
3 emergency services organizations to hold tax-free sales or
4 auctions.

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

6 SECTION 1. Section 151.310, Tax Code, is amended by adding
7 Subsection (c-1) to read as follows:

8 (c-1) Notwithstanding Subsection (c), an organization that
9 qualifies for an exemption under Subsection (a)(4) may hold 10
10 tax-free sales or auctions during a calendar year. Each tax-free
11 sale or auction may continue for not more than 72 hours. The
12 storage, use, or consumption of a taxable item that is acquired from
13 a qualified organization at a tax-free sale or auction and that is
14 exempted under this subsection from the taxes imposed by Subchapter
15 C is exempted from the use tax imposed by Subchapter D until the
16 item is resold or subsequently transferred. If an organization
17 that qualifies for an exemption under Subsection (a)(4) jointly
18 holds a tax-free sale or auction with one or more other exempt
19 organizations, the tax-free sale or auction is considered to be one
20 of the organization's 10 tax-free sales or auctions authorized by
21 this subsection during that calendar year.

22 SECTION 2. The change in law made by this Act does not
23 affect tax liability accruing before the effective date of this
24 Act. That liability continues in effect as if this Act had not been

1 enacted, and the former law is continued in effect for the
2 collection of taxes due and for civil and criminal enforcement of
3 the liability for those taxes.

4 SECTION 3. This Act takes effect immediately if it receives
5 a vote of two-thirds of all the members elected to each house, as
6 provided by Section 39, Article III, Texas Constitution. If this
7 Act does not receive the vote necessary for immediate effect, this
8 Act takes effect September 1, 2015.