By:  Dutton (Senate Sponsor - Miles) H.B. No. 4748

(In the Senate - Received from the House May 13, 2019; May 14, 2019, read first time and referred to Committee on Intergovernmental Relations; May 20, 2019, reported adversely, with favorable Committee Substitute by the following vote: Yeas 7, Nays 0; May 20, 2019, sent to printer.)

COMMITTEE VOTE

                    Yea Nay Absent  PNV

Lucio                X

Schwertner           X

Alvarado             X

Campbell             X

Fallon               X

Menéndez             X

Nichols              X

COMMITTEE SUBSTITUTE FOR H.B. No. 4748 By:  Alvarado

A BILL TO BE ENTITLED

AN ACT

relating to the authority of the Near Northside Management District to impose a sales and use tax and finance a project or service.

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

SECTION 1.  Section 3905.151, Special District Local Laws Code, is amended to read as follows:

Sec. 3905.151.  PETITION REQUIRED FOR FINANCING SERVICES AND IMPROVEMENTS. (a) The board may not finance a service or an improvement project under this chapter unless a written petition requesting that service or improvement is filed with the board.

(b)  The petition must be signed by[~~:~~

[~~(1)~~]  the owners of at least 60 percent [~~a majority~~] of the assessed value of real property in the district according to the most recent certified tax appraisal roll for the county[~~; or~~

[~~(2)  at least 25 owners of land in the district, if more than 25 persons own property in the district according to the most recent certified tax appraisal roll for the county~~].

SECTION 2.  Chapter 3905, Special District Local Laws Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. SALES AND USE TAX

Sec. 3905.251.  APPLICABILITY OF CERTAIN TAX CODE PROVISIONS. (a) Chapter 321, Tax Code, governs the imposition, computation, administration, enforcement, and collection of the sales and use tax authorized by this subchapter except to the extent Chapter 321, Tax Code, is inconsistent with this chapter.

(b)  For the purposes of this subchapter, a reference in Chapter 321, Tax Code, to a municipality or the governing body of a municipality is a reference to the district or the board, respectively.

Sec. 3905.252.  ELECTION; ADOPTION OF TAX. (a) The district may adopt a sales and use tax if authorized by a majority of the voters of the district voting at an election held for that purpose.

(b)  The board by order may call an election to authorize the adoption of the sales and use tax. The election may be held on any uniform election date and in conjunction with any other district election.

(c)  The district shall provide notice of the election and shall hold the election in the manner prescribed by Chapter 49, Water Code, for district elections.

(d)  The ballot shall be printed to provide for voting for or against the proposition: "Authorization of a sales and use tax in the Near Northside Management District at a rate not to exceed \_\_\_\_ percent" (insert rate of one or more increments of one-eighth of one percent).

Sec. 3905.253.  SALES AND USE TAX RATE. (a) After the date the results are declared of an election held under Section 3905.252 at which the voters authorized imposition of a tax, the board shall provide by resolution or order the initial rate of the tax, which must be in one or more increments of one-eighth of one percent and may not exceed the maximum rate authorized at the election.

(b)  After the authorization of a tax under Section 3905.252, the board may decrease the rate of the tax by one or more increments of one-eighth of one percent.

(c)  The board may not decrease the rate of the tax if the decrease would impair the repayment of any outstanding debt or obligation payable from the tax.

(d)  The board may by resolution or order increase the rate of the tax if the increase is approved at an election held in the manner prescribed by Section 3905.252. The board may increase the rate of the tax by one or more increments of one-eighth of one percent.

Sec. 3905.254.  ADDITIONAL RATE REQUIREMENTS. (a) Except as provided by Subsection (c), the rate of a sales and use tax imposed under this subchapter may not result in a combined rate of all sales and use taxes imposed by political subdivisions having territory in the district exceeding two percent at any location in the district.

(b)  In determining whether the combined sales and use tax rate would exceed two percent at any location in the district, the board shall include:

(1)  any sales and use tax imposed by a political subdivision whose territory overlaps all or part of the district;

(2)  any sales and use tax to be imposed by the city or the county as a result of an election held on the same date as the election held under Section 3905.252; and

(3)  any increase to an existing sales and use tax imposed by the city or the county as a result of an election held on the same date as the election held under Section 3905.252.

(c)  If the adoption or increase of a tax under this subchapter would result in a combined tax rate of more than two percent in any location in the district that is also in the territory of a metropolitan rapid transit authority that imposes a sales and use tax under Chapter 451, Transportation Code, the election to approve or increase the tax under this subchapter is to be treated for all purposes as an election to reduce the tax rate of the metropolitan rapid transit authority in the district to the highest rate that will not result in a combined tax rate of more than two percent in any location in the district. The ballot at an election to impose or increase the tax must clearly state that the adoption or increase of the tax will result in a reduction of the tax rate of the metropolitan rapid transit authority in the district. The district may not adopt a tax rate under this subchapter that results in the reduction of the tax rate of the metropolitan rapid transit authority to zero.

(d)  After an election described by Subsection (c) at which the tax rate of the metropolitan rapid transit authority is decreased, the metropolitan rapid transit authority may designate the territory of the authority in the district as a subregion in which the authority provides services according to the proportion of sales and use tax revenue collected by the authority in the subregion compared to revenue collected in the rest of the territory of the authority.

(e)  The rate of the sales and use tax imposed by the metropolitan rapid transit authority in the district is increased without further action of the board of the authority, the voters of the authority, or the district on the date on which the tax imposed by the district under this subchapter is decreased or expires, but only to the extent that:

(1)  any tax imposed by the authority was reduced under this section when the tax imposed by the district was adopted or increased; and

(2)  the increased rate complies with other law applicable to the authority's tax rate.

Sec. 3905.255.  NOTIFICATION OF RATE CHANGE. The board shall notify the comptroller of any changes made to the tax rate under this subchapter in the same manner the municipal secretary provides notice to the comptroller under Section 321.405(b), Tax Code.

Sec. 3905.256.  USE OF REVENUE. Revenue from the sales and use tax imposed under this subchapter is for the use and benefit of the district and may be used for any district purpose. The district may pledge all or part of the revenue to the payment of bonds, notes, or other obligations, and that pledge of revenue may be in combination with other revenue, including tax revenue, available to the district.

Sec. 3905.257.  ABOLITION OF TAX. (a) Except as provided by Subsection (b), the board may abolish the tax imposed under this subchapter without an election.

(b)  The board may not abolish the tax imposed under this subchapter if the district has any outstanding debt or obligation secured by the tax, and repayment of the debt or obligation would be impaired by the abolition of the tax.

(c)  If the board abolishes the tax, the board shall notify the comptroller of that action in the same manner the municipal secretary provides notice to the comptroller under Section 321.405(b), Tax Code.

(d)  If the board abolishes the tax or decreases the tax rate to zero, a new election to authorize a sales and use tax must be held under Section 3905.252 before the district may subsequently impose the tax.

SECTION 3.  (a) The legal notice of the intention to introduce this Act, setting forth the general substance of this Act, has been published as provided by law, and the notice and a copy of this Act have been furnished to all persons, agencies, officials, or entities to which they are required to be furnished under Section 59, Article XVI, Texas Constitution, and Chapter 313, Government Code.

(b)  The governor, one of the required recipients, has submitted the notice and Act to the Texas Commission on Environmental Quality.

(c)  The Texas Commission on Environmental Quality has filed its recommendations relating to this Act with the governor, lieutenant governor, and speaker of the house of representatives within the required time.

(d)  All requirements of the constitution and laws of this state and the rules and procedures of the legislature with respect to the notice, introduction, and passage of this Act have been fulfilled and accomplished.

SECTION 4.  This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2019.

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