

By: Craddick

H.B. No. 279

A BILL TO BE ENTITLED

AN ACT

relating to authorizing the Midland County Hospital District of Midland County, Texas, to impose a sales and use tax.

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

SECTION 1. Chapter 1061, Special District Local Laws Code, is amended by adding Subchapter G to read as follows:

SUBCHAPTER G. SALES AND USE TAX

Sec. 1061.301. TAX AUTHORIZED. (a) The district may adopt, change the rate of, or abolish a sales and use tax at an election held in the district.

(b) The district may not adopt a tax under this subchapter or increase the rate of the tax if as a result of the adoption of the tax or the tax increase the combined rate of all sales and use taxes imposed by the district and all other political subdivisions of this state having territory in the district would exceed two percent in any location in the district.

Sec. 1061.302. APPLICABILITY OF OTHER LAW. Except to the extent that a provision of this subchapter applies, Chapter 323, Tax Code, applies to a tax authorized by this subchapter in the same manner as that chapter applies to the tax authorized by that chapter.

Sec. 1061.303. TAX RATE; CHANGE IN RATE. (a) The district may impose a tax authorized by this subchapter in increments of one-eighth of one percent, with a minimum rate of one-eighth of one

1 percent and a maximum rate of two percent.

2 (b) The district may increase the rate of a tax authorized
3 by this subchapter to a maximum of two percent or decrease the rate
4 of the tax to a minimum of one-eighth of one percent if the change is
5 approved by a majority of the voters of the district at an election
6 called for that purpose.

7 Sec. 1061.304. ELECTION PROCEDURE. An election to adopt,
8 change the rate of, or abolish a tax authorized by this subchapter
9 is called by the adoption of an order of the board. The board may
10 call an election on its own motion and shall call an election if a
11 number of qualified voters in the district equal to at least five
12 percent of the number of registered voters in the district
13 petitions the board to call the election.

14 Sec. 1061.305. ELECTION IN OTHER TAXING AUTHORITY. (a) In
15 this section, "taxing authority" means any entity authorized to
16 impose a local sales and use tax.

17 (b) If the district is included within the boundaries of
18 another taxing authority and the adoption or increase in the rate of
19 a tax under this subchapter would result in a combined tax rate by
20 the district and other political subdivisions of this state of more
21 than two percent at any location in the district, an election to
22 approve or increase the rate of the tax has no effect unless:

23 (1) one or more of the other taxing authorities holds
24 an election in accordance with the law governing that authority on
25 the same date as the election under this subchapter to reduce the
26 tax rate of that authority to a rate that will result in a combined
27 tax rate by the district and other political subdivisions of not

1 more than two percent at any location in the district; and

2 (2) the combined tax rate is reduced to not more than
3 two percent as a result of that election.

4 (c) This section does not permit a taxing authority to
5 impose taxes at differential tax rates within the territory of the
6 authority.

7 Sec. 1061.306. TAX EFFECTIVE DATE. (a) The adoption,
8 change in the rate of, or abolition of a tax under this subchapter
9 takes effect on the first day of the first calendar quarter
10 occurring after the expiration of the first complete calendar
11 quarter occurring after the date on which the comptroller receives
12 notice of the results of an election to adopt, change the rate of,
13 or abolish the tax.

14 (b) If the comptroller determines that an effective date
15 provided by Subsection (a) will occur before the comptroller can
16 reasonably take the action required to begin collecting the tax or
17 to implement the change in the rate of the tax or the abolition of
18 the tax, the effective date may be extended by the comptroller until
19 the first day of the next calendar quarter.

20 Sec. 1061.307. USE OF TAX REVENUE. Revenue from a tax
21 imposed under this subchapter may be used by the district for any
22 purpose of the district authorized by law.

23 SECTION 2. Section [1061.151\(b\)](#), Special District Local Laws
24 Code, is amended to read as follows:

25 (b) The proposed budget must contain a complete financial
26 statement of:

27 (1) the outstanding obligations of the district;

- 1 (2) the cash on hand in each district fund;
- 2 (3) the money received by the district from all
- 3 sources during the previous year;
- 4 (4) the money available to the district from all
- 5 sources during the ensuing year;
- 6 (5) the balances expected at the end of the year in
- 7 which the budget is being prepared;
- 8 (6) the estimated revenue and balances available to
- 9 cover the proposed budget;
- 10 (7) the estimated ad valorem tax rate required; and
- 11 (8) the proposed expenditures and disbursements and
- 12 the estimated receipts and collections for the following fiscal
- 13 year.

14 SECTION 3. The heading to Subchapter F, Chapter 1061,

15 Special District Local Laws Code, is amended to read as follows:

16 SUBCHAPTER F. AD VALOREM TAXES

17 SECTION 4. Section 26.012(1), Tax Code, is amended to read

18 as follows:

- 19 (1) "Additional sales and use tax" means an additional
- 20 sales and use tax imposed by:
 - 21 (A) a city under Section 321.101(b);
 - 22 (B) a county under Chapter 323; or
 - 23 (C) a hospital district, other than a hospital
 - 24 district:

25 (i) created on or after September 1, 2001,

26 that:

- 27 (a) [~~(i)~~] imposes the sales and use

1 tax under Subchapter I, Chapter 286, Health and Safety Code; or

2 (b) [~~(ii)~~] imposes the sales and use
3 tax under Subchapter L, Chapter 285, Health and Safety Code; or

4 (ii) that imposes the sales and use tax
5 under Subchapter G, Chapter 1061, Special District Local Laws Code.

6 SECTION 5. This Act takes effect immediately if it receives
7 a vote of two-thirds of all the members elected to each house, as
8 provided by Section 39, Article III, Texas Constitution. If this
9 Act does not receive the vote necessary for immediate effect, this
10 Act takes effect September 1, 2019.