

By: Geren

H.B. No. 705

A BILL TO BE ENTITLED

AN ACT

relating to the substitution of a county sales and use tax for all or a portion of property taxes imposed by the county; authorizing the imposition of a tax.

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

SECTION 1. Subtitle C, Title 3, Tax Code, is amended by adding Chapter 328 to read as follows:

CHAPTER 328. COUNTY SALES AND USE TAX FOR PROPERTY TAX RELIEF

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 328.0001. APPLICABLE LAW. (a) Except as otherwise provided by this chapter, Chapter 323 applies to the tax authorized by this chapter in the same manner as that chapter applies to the tax authorized by that chapter.

(b) The following provisions do not apply to the tax authorized by this chapter:

(1) Section 323.101; and

(2) Subchapter E, Chapter 323, and the other provisions of Chapter 323 relating to an election.

Sec. 328.0002. EFFECT ON COMBINED LOCAL TAX RATE. The rate of a county sales and use tax imposed under this chapter may not be considered in determining the combined or overlapping rate in any area of local sales and use taxes under this subtitle or another law.

1 SUBCHAPTER B. IMPOSITION OF TAX

2 Sec. 328.0051. TAX AUTHORIZED. A county may adopt or
3 abolish the sales and use tax authorized by this chapter at an
4 election held in the county.

5 Sec. 328.0052. TAX RATE. The rate of the tax authorized by
6 this chapter is one percent.

7 Sec. 328.0053. SALES AND USE TAX EFFECTIVE DATE. The
8 adoption or abolition of the tax authorized by this chapter takes
9 effect on the next January 1 that is at least six months after the
10 date the comptroller receives notice of the results of the election
11 from the county.

12 SUBCHAPTER C. TAX ELECTION PROCEDURES

13 Sec. 328.0101. CALLING ELECTION. An election authorized by
14 this chapter is called by the adoption of an order by the
15 commissioners court.

16 Sec. 328.0102. ELECTION DATE. An election under this
17 chapter must be held on the next uniform election date that occurs
18 after the date of the election order and that allows sufficient time
19 to comply with the requirements of other law.

20 Sec. 328.0103. BALLOT. (a) At an election to adopt the
21 tax, the ballot shall be prepared to permit voting for or against
22 the proposition: "The adoption of a local sales and use tax in
23 (name of county) at the rate of one percent to reduce the county
24 property tax rate."

25 (b) At an election to abolish the tax, the ballot shall be
26 prepared to permit voting for or against the proposition: "The
27 abolition of the one percent sales and use tax in (name of county)

1 used to reduce the county property tax rate."

2 SUBCHAPTER D. USE OF TAX REVENUE

3 Sec. 328.0151. USE OF REVENUE. Any amount derived by a
4 county from the sales and use tax under this chapter is additional
5 sales and use tax revenue for purposes of Section 26.041.

6 SECTION 2. Section 26.012(1), Tax Code, is amended to read
7 as follows:

8 (1) "Additional sales and use tax" means an additional
9 sales and use tax imposed by:

10 (A) a municipality [~~city~~] under Section
11 321.101(b);

12 (B) a county under Chapter 323 or 328; or

13 (C) a hospital district, other than a hospital
14 district created on or after September 1, 2001, that:

15 (i) imposes the sales and use tax under
16 Subchapter I, Chapter 286, Health and Safety Code; or

17 (ii) imposes the sales and use tax under
18 Subchapter L, Chapter 285, Health and Safety Code.

19 SECTION 3. Section 31.01(i), Tax Code, is amended to read as
20 follows:

21 (i) For a municipality [~~city or town~~] that imposes an
22 additional sales and use tax under Section 321.101(b) [~~of this~~
23 ~~code~~], or a county that imposes a sales and use tax under Chapter
24 323 or 328 [~~of this code~~], the tax bill shall indicate the amount of
25 additional ad valorem taxes, if any, that would have been imposed on
26 the property if additional ad valorem taxes had been imposed in an
27 amount equal to the amount of revenue estimated to be collected from

1 the additional municipal [~~city~~] sales and use tax or from the county
2 sales and use tax, as applicable, for the year determined as
3 provided by Section 26.041 [~~of this code~~].

4 SECTION 4. Sections 26.012(1) and 31.01(i), Tax Code, as
5 amended by this Act, apply only to ad valorem taxes that are imposed
6 for an ad valorem tax year that begins on or after January 1, 2020.

7 SECTION 5. (a) Except as provided by Subsection (b) of this
8 section, this Act takes effect September 1, 2019.

9 (b) Sections 26.012(1) and 31.01(i), Tax Code, as amended by
10 this Act, take effect January 1, 2020.