

By: Kolkhorst, et al.
(Davis of Harris, Thompson of Harris)

S.B. No. 748

A BILL TO BE ENTITLED

AN ACT

relating to newborn screening and the newborn screening preservation account.

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

SECTION 1. Section 33.004(f), Health and Safety Code, is amended to read as follows:

(f) The executive commissioner by rule shall ~~may~~ establish the amounts charged for newborn screening fees, including fees assessed for follow-up services, tracking confirmatory testing, and diagnosis. In adopting rules under this subsection, the executive commissioner shall ensure that amounts charged for newborn screening fees are sufficient to cover the costs of performing the screening.

SECTION 2. Chapter 33, Health and Safety Code, is amended by adding Subchapter D to read as follows:

SUBCHAPTER D. NEWBORN SCREENING PRESERVATION ACCOUNT

Sec. 33.051. DEFINITION. In this subchapter, "account" means the newborn screening preservation account established under Section 33.052.

Sec. 33.052. CREATION OF ACCOUNT. (a) The newborn screening preservation account is a dedicated account in the general revenue fund. Money in the account may be appropriated only to the department and only for the purpose of carrying out the newborn screening program established under this chapter.

1 (b) On November 1 of each year, the comptroller shall
2 transfer to the account any unexpended and unencumbered money from
3 Medicaid reimbursements collected by the department for newborn
4 screening services during the preceding state fiscal year.

5 (c) The account is composed of:

6 (1) money transferred to the account under Subsection
7 (b);

8 (2) gifts, grants, donations, and legislative
9 appropriations; and

10 (3) interest earned on the investment of money in the
11 account.

12 (d) Section 403.0956, Government Code, does not apply to the
13 account.

14 (e) The department administers the account. The department
15 may solicit and receive gifts, grants, and donations from any
16 source for the benefit of the account.

17 Sec. 33.053. DEDICATED USE. (a) The department may use
18 any money remaining in the account after paying the costs of
19 operating the newborn screening program established under this
20 chapter only to:

21 (1) pay the costs of offering additional newborn
22 screening tests not offered under this chapter before September 1,
23 2019, including the operational costs incurred during the first
24 year of implementing the additional tests; and

25 (2) pay for capital assets, equipment, and renovations
26 for the laboratory established by the department to ensure the
27 continuous operation of the newborn screening program.

1 (b) The department may not use money from the account for
2 the department's general operating expenses.

3 Sec. 33.054. REPORT. If the department requires an
4 additional newborn screening test under Subchapter B the costs of
5 which are funded with money appropriated from the newborn screening
6 preservation account, the department shall, not later than
7 September 1 of each even-numbered year, prepare and submit to the
8 governor, the lieutenant governor, the speaker of the house of
9 representatives, and each standing committee of the legislature
10 having primary jurisdiction over the department a written report
11 that:

12 (1) summarizes the implementation plan for the test,
13 including anticipated completion dates for implementing the test
14 and potential barriers to conducting the test; and

15 (2) summarizes the actions taken by the department to
16 fund and implement the test during the preceding two years.

17 SECTION 3. Notwithstanding Section 33.054, Health and
18 Safety Code, as added by this Act, the Department of State Health
19 Services shall submit the first report required by that section not
20 later than December 1, 2019.

21 SECTION 4. As soon as practicable after the effective date
22 of this Act, the executive commissioner of the Health and Human
23 Services Commission shall adopt rules as necessary to implement the
24 changes in law made by this Act.

25 SECTION 5. This Act takes effect September 1, 2019.

1 COMMITTEE AMENDMENT NO. 1

2 Amend S.B. No. 748 by adding the following appropriately
3 numbered SECTIONS to the bill and renumbering subsequent SECTIONS
4 of the bill accordingly:

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

7 SUBCHAPTER G. SALES AND USE TAX

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

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

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

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

26 (b) The district may increase the rate of a tax authorized
27 by this subchapter to a maximum of two percent or decrease the rate

1 of the tax to a minimum of one-eighth of one percent if the change is
2 approved by a majority of the voters of the district at an election
3 called for that purpose.

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

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

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

20 (1) one or more of the other taxing authorities holds
21 an election in accordance with the law governing that authority on
22 the same date as the election under this subchapter to reduce the
23 tax rate of that authority to a rate that will result in a combined
24 tax rate by the district and other political subdivisions of not
25 more than two percent at any location in the district; and

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

1 (c) This section does not permit a taxing authority to
2 impose taxes at differential tax rates within the territory of the
3 authority.

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

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

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

20 SECTION _____. Section 1061.151(b), Special District Local
21 Laws Code, is amended to read as follows:

22 (b) The proposed budget must contain a complete financial
23 statement of:

- 24 (1) the outstanding obligations of the district;
25 (2) the cash on hand in each district fund;
26 (3) the money received by the district from all
27 sources during the previous year;

1 (4) the money available to the district from all
2 sources during the ensuing year;

3 (5) the balances expected at the end of the year in
4 which the budget is being prepared;

5 (6) the estimated revenue and balances available to
6 cover the proposed budget;

7 (7) the estimated ad valorem tax rate required; and

8 (8) the proposed expenditures and disbursements and
9 the estimated receipts and collections for the following fiscal
10 year.

11 SECTION _____. The heading to Subchapter F, Chapter 1061,
12 Special District Local Laws Code, is amended to read as follows:

13 SUBCHAPTER F. AD VALOREM TAXES

14 SECTION _____. Section 26.012(1), Tax Code, is amended to
15 read as follows:

16 (1) "Additional sales and use tax" means an additional
17 sales and use tax imposed by:

18 (A) a city under Section 321.101(b);

19 (B) a county under Chapter 323; or

20 (C) a hospital district, other than a hospital
21 district:

22 (i) created on or after September 1, 2001,
23 that:

24 (a) [~~(i)~~] imposes the sales and use
25 tax under Subchapter I, Chapter 286, Health and Safety Code; or

26 (b) [~~(i)~~] imposes the sales and use
27 tax under Subchapter L, Chapter 285, Health and Safety Code; or

1 (ii) that imposes the sales and use tax
2 under Subchapter G, Chapter [1061](#), Special District Local Laws Code.

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