

By: Dutton

H.B. No. 1335

A BILL TO BE ENTITLED

AN ACT

relating to a periodic review and expiration dates of state and local tax preferences.

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

SECTION 1. Subtitle B, Title 3, Government Code, is amended by adding Chapter 320A to read as follows:

CHAPTER 320A. REVIEW OF STATE AND LOCAL TAX PREFERENCES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 320A.001. DEFINITIONS. In this chapter:

(1) "Commission" means the select commission on periodic tax preference review.

(2) "Tax preference" means an abatement, credit, discount, exclusion, exemption, limitation on appraised value, refund, special valuation, special accounting treatment, special appraisal method or provision, special rate, or special method of reporting authorized by state law or the state constitution that relates to a state or local tax imposed in this state.

SUBCHAPTER B. SELECT COMMISSION ON PERIODIC TAX PREFERENCE REVIEW

Sec. 320A.051. COMPOSITION OF COMMISSION. The select commission on periodic tax preference review is composed of:

(1) five members of the house of representatives, appointed by the speaker of the house of representatives;

(2) five members of the senate, appointed by the lieutenant governor; and

1 (3) the comptroller.

2 Sec. 320A.052. TERMS. The members of the commission serve
3 two-year terms that expire December 31 of each even-numbered year.

4 Sec. 320A.053. VACANCY. If a vacancy occurs, the
5 individual who originally appointed the vacating member or the
6 individual's successor shall appoint an individual to fill the
7 vacancy for the remainder of the unexpired term.

8 Sec. 320A.054. OFFICERS. (a) The speaker of the house of
9 representatives shall select one member of the commission appointed
10 under Section 320A.051(1) to serve as chair of the commission.

11 (b) The lieutenant governor shall select one member of the
12 commission appointed under Section 320A.051(2) to serve as vice
13 chair of the commission.

14 Sec. 320A.055. MEETINGS. The commission shall meet at the
15 call of the chair.

16 Sec. 320A.056. STAFF. On the commission's request, the
17 Legislative Budget Board, the Texas Legislative Council, the office
18 of the governor, the comptroller, the senate, and the house of
19 representatives shall provide staff to assist the commission in
20 performing the commission's duties.

21 Sec. 320A.057. COOPERATION BY OTHER STATE ENTITIES. The
22 commission may request the assistance of any state agency,
23 department, or office if the commission needs assistance to perform
24 the commission's duties. The agency, department, or office shall
25 provide the requested assistance.

26 Sec. 320A.058. EXPENSES. The operating expenses of the
27 commission shall be paid from available funds of the office of the

1 governor and the contingent expense funds of the senate and the
2 house of representatives, as agreed by those entities. The
3 commission members are entitled to reimbursement from those funds
4 for expenses incurred by the members in implementing this chapter.

5 SUBCHAPTER C. POWERS AND DUTIES OF COMMISSION

6 Sec. 320A.101. DEVELOPMENT AND BIENNIAL MODIFICATION OF
7 STATE AND LOCAL TAX PREFERENCE REVIEW SCHEDULE. (a) The commission
8 shall:

9 (1) identify each state tax preference and each type
10 of local tax preference;

11 (2) develop a state and local tax preference review
12 schedule under which each identified tax preference is reviewed
13 once during each six-year period; and

14 (3) specifically identify on the schedule:

15 (A) each of the tax preferences the commission
16 must review for purposes of the next report due under Section
17 320A.153;

18 (B) any tax preference described by Paragraph (A)
19 that reduces by less than one-fourth of one percent the total
20 revenue derived from the tax to which the tax preference applies and
21 that the commission recommends for an abbreviated review; and

22 (C) the components of the review specified by
23 Section 320A.104 that the commission recommends are unnecessary
24 with respect to a tax preference recommended for an abbreviated
25 review.

26 (b) In developing the schedule, the commission shall
27 schedule the tax preferences for review in the order in which the

1 tax preferences were enacted or authorized, except that the
2 commission may schedule the initial review of a tax preference that
3 has an expiration date for any date the commission determines is
4 appropriate.

5 (c) The commission shall revise the schedule biennially
6 only to:

7 (1) add to the schedule a tax preference that was
8 enacted or authorized after the commission developed the most
9 recent schedule;

10 (2) delete from the schedule a tax preference that was
11 repealed after the commission developed the most recent schedule;

12 (3) update the review dates of the tax preferences for
13 which reviews were conducted after the commission developed the
14 most recent schedule; and

15 (4) update the tax preferences identified under
16 Subsection (a)(3).

17 Sec. 320A.102. PUBLIC COMMENT. The commission shall
18 provide a process by which the public may comment on the state and
19 local tax preference review schedule under Section 320A.101. The
20 commission shall consider those comments in developing or revising
21 the schedule.

22 Sec. 320A.103. COMPLETION OF SCHEDULE. The state and local
23 tax preference review schedule must be completed not later than
24 December 1 of each odd-numbered year.

25 Sec. 320A.104. PERIODIC REVIEW OF STATE AND LOCAL TAX
26 PREFERENCES. The commission shall review each state tax preference
27 and each type of local tax preference according to the state and

1 local tax preference review schedule developed under Section
2 320A.101. In reviewing a tax preference, the commission shall:

3 (1) determine the intended purpose of the tax
4 preference; and

5 (2) evaluate:

6 (A) whether the tax preference accomplishes its
7 intended purpose;

8 (B) whether the intended purpose of the tax
9 preference could be accomplished through a more cost-effective
10 method; and

11 (C) the effect of the tax preference on economic
12 development in this state.

13 SUBCHAPTER D. RECOMMENDATIONS REGARDING REVIEWED TAX PREFERENCES

14 Sec. 320A.151. PRELIMINARY REPORT. Not later than
15 September 1 of each even-numbered year, the commission shall file a
16 preliminary report on the reviews of tax preferences identified
17 under Section 320A.101(a)(3)(A) with the Senate Committee on
18 Finance or its successor and the House Committee on Ways and Means
19 or its successor. The report must include drafts of any proposed
20 legislation needed to implement the commission's recommendations.

21 Sec. 320A.152. REVIEW AND COMMENT. The Senate Committee on
22 Finance or its successor and the House Committee on Ways and Means
23 or its successor may review the preliminary report and proposed
24 legislation and submit comments to the commission. Comments must
25 be submitted not later than October 15 of each even-numbered year.

26 Sec. 320A.153. FINAL REPORT. (a) The commission may modify
27 the preliminary report and proposed legislation in response to the

1 comments received under Section 320A.152.

2 (b) Not later than December 1 of each even-numbered year,
3 the commission shall provide to the governor and the presiding
4 officers of the Senate Committee on Finance or its successor and the
5 House Committee on Ways and Means or its successor a final report on
6 the reviews of tax preferences identified under Section
7 320A.101(a)(3)(A) and proposed legislation necessary to implement
8 the commission's recommendations.

9 Sec. 320A.154. PUBLIC HEARING ON FINAL REPORT. The Senate
10 Committee on Finance or its successor and the House Committee on
11 Ways and Means or its successor shall hold a joint public hearing on
12 the final report and proposed legislation provided under Section
13 320A.153.

14 SUBCHAPTER E. EXPIRATION OF TAX PREFERENCES

15 Sec. 320A.201. EXPIRATION; REQUIRED STATEMENT. (a) A tax
16 preference included in a final report expires on the second
17 anniversary of the date the final report is submitted under Section
18 320A.153(b) unless reauthorized by law.

19 (b) Each tax preference enacted or reauthorized by an act of
20 the legislature that becomes law on or after September 1, 2022, must
21 state the expiration date of the preference and provide that the
22 preference expires on that date. The expiration date may not be
23 later than the sixth anniversary of the effective date of the law
24 enacting or most recently reauthorizing the tax preference.

25 (c) A tax preference to which Subsection (b) applies that
26 does not include the provision required by that subsection expires
27 on the sixth anniversary of the effective date of the law enacting

1 or most recently reauthorizing the preference.

2 SECTION 2. The lieutenant governor and the speaker of the
3 house of representatives shall appoint the initial members of the
4 select commission on periodic tax preference review not later than
5 January 5, 2022. Notwithstanding Section 320A.052, Government
6 Code, as added by this Act, the terms of the initial members of the
7 commission expire December 31, 2022.

8 SECTION 3. Notwithstanding Section 320A.103, Government
9 Code, as added by this Act, the select commission on periodic tax
10 preference review shall submit:

11 (1) the initial state and local tax preference review
12 schedule required by that section not later than January 15, 2022;

13 (2) the initial preliminary report required by Section
14 320A.151, Government Code, as added by this Act, not later than
15 September 1, 2022; and

16 (3) the initial final report required by Section
17 320A.153, Government Code, as added by this Act, not later than
18 December 1, 2022.

19 SECTION 4. This Act takes effect January 1, 2022, but only
20 if the constitutional amendment proposed by the 87th Legislature,
21 Regular Session, 2021, requiring the legislature to provide for a
22 periodic review of state and local tax preferences and providing
23 for the expiration of certain tax preferences after six years, or at
24 another time prescribed by the legislature, unless reauthorized by
25 law is approved by the voters. If that amendment is not approved by
26 the voters, this Act has no effect.