

Chapter 1420

AN ACT

1
2 relating to the time for dissolution of crime control and
3 prevention districts and to certain taxes imposed by such districts
4 or by fire control, prevention, and emergency medical services
5 districts.

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

7 SECTION 1. Subsections (a) and (b), Section 363.301, Local
8 Government Code, are amended to read as follows:

9 (a) The district is dissolved on the first uniform election
10 date that occurs after the fifth anniversary of the date the
11 district began to levy taxes for district purposes if the district
12 has not held a continuation or dissolution referendum.

13 (b) The district is dissolved on the first uniform election
14 date that occurs after the fifth anniversary of the date of the most
15 recent continuation or dissolution referendum.

16 SECTION 2. Subchapter B, Chapter 321, Tax Code, is amended
17 by adding Section 321.1055 to read as follows:

18 Sec. 321.1055. IMPOSITION OF FIRE CONTROL OR CRIME CONTROL
19 DISTRICT TAX ON THE RESIDENTIAL USE OF GAS AND ELECTRICITY.

20 (a) This section applies to a fire control, prevention, and
21 emergency medical services district or crime control and prevention
22 district located in all or part of a municipality that imposes a tax
23 on the residential use of gas and electricity under Section
24 321.105.

1 (b) The board of directors of a district to which this
2 section applies may, by order or resolution adopted in a public
3 hearing by a vote of a majority of the membership of the board and
4 recorded in the district's minutes:

5 (1) impose a tax adopted under Section 321.106 or
6 321.108, as applicable, on receipts from the sale, production,
7 distribution, lease, or rental of, and the use, storage, or other
8 consumption within the district of, gas and electricity for
9 residential use;

10 (2) exempt from taxation the items described by
11 Subdivision (1); or

12 (3) reimpose the tax under Subdivision (1).

13 (c) A district that adopts an order or resolution under
14 Subsection (b) shall:

15 (1) send a copy of the order or resolution to the
16 comptroller by United States certified or registered mail;

17 (2) send a copy of the order or resolution and a copy
18 of the district's boundaries to each gas and electric company whose
19 customers are subject to the tax by United States certified or
20 registered mail; and

21 (3) publish notice of the order or resolution in a
22 newspaper of general circulation in the district.

23 (d) If the residential use of gas and electricity ceases to
24 be taxable in the municipality in which a district is located, then
25 the residential use of gas and electricity is not taxable by the
26 district.

27 (e) The provisions of Sections 321.201 and 321.204 that

S.B. No. 575

1 govern the computation of municipal taxes on gas and electricity
2 for residential use apply to the computation of district taxes on
3 gas and electricity for residential use under this section.

4 SECTION 3. Subsection (b), Section 321.3022, Tax Code, is
5 amended to read as follows:

6 (b) The comptroller on request shall provide to a
7 municipality that has adopted a tax under this chapter information
8 relating to the amount of tax paid to the municipality under this
9 chapter during the preceding or current calendar year by each
10 person doing business in an area, as defined by the municipality,
11 that is part of:

- 12 (1) an interlocal agreement;
- 13 (2) a tax abatement agreement;
- 14 (3) a reinvestment zone;
- 15 (4) a tax increment financing district;
- 16 (5) a revenue sharing agreement;
- 17 (6) an enterprise zone;
- 18 (7) a neighborhood empowerment zone;
- 19 (8) a crime control and prevention district;
- 20 (9) a fire control, prevention, and emergency medical
21 services district;

22 (10) any other agreement, zone, or district similar to
23 those listed in Subdivisions (1)-(9) [~~(1)-(7)~~]; or

24 (11) [~~(9)~~] any area defined by the municipality for
25 the purpose of economic forecasting.

26 SECTION 4. The changes in law made by this Act by the
27 addition of Section 321.1055, Tax Code, and the amendment of

2009

S.B. No. 575

1 Subsection (b), Section 321.3022, Tax Code, take effect January 1,
2 2010.

3 SECTION 5. Except as provided by Section 4 of this Act, this
4 Act takes effect immediately if it receives a vote of two-thirds of
5 all the members elected to each house, as provided by Section 39,
6 Article III, Texas Constitution. If this Act does not receive the
7 vote necessary for immediate effect, this Act takes effect
8 September 1, 2009, except as provided by Section 4 of this Act.

2111
1222

S.B. No. 575

David Dewhurst
President of the Senate

Jim Strawn
Speaker of the House

I hereby certify that S.B. No. 575 passed the Senate on April 9, 2009, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendment on May 28, 2009, by the following vote: Yeas 31, Nays 0.

Patsy Spaw
Secretary of the Senate

I hereby certify that S.B. No. 575 passed the House, with amendment, on May 25, 2009, by the following vote: Yeas 141, Nays 0, one present not voting.

Robert Henery
Chief Clerk of the House

Approved:

Date

Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
2:04 O'CLOCK

JUN 19 2009

Colby Shuster III