

**CHAPTER 320**

**H.B. No. 384**

**AN ACT**

relating to the authority of a municipality to adopt an additional sales and use tax.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Section 321.101(b), Tax Code, is amended to read as follows:

(b) A municipality that is not disqualified may, by a majority vote of the qualified voters of the municipality voting at an election held for that purpose, adopt an additional sales and use

tax for the benefit of the municipality in accordance with this chapter. A municipality is disqualified from adopting the additional sales and use tax if the municipality:

(1) is included within the boundaries of a rapid transit authority created under Chapter 141, Acts of the 63rd Legislature, Regular Session, 1973 (Article 1118x, Vernon's Texas Civil Statutes);

(2) is included within the boundaries of a regional transportation authority created under Chapter 683, Acts of the 66th Legislature, Regular Session, 1979 (Article 1118y, Vernon's Texas Civil Statutes), by a principal city having a population of less than 800,000, *unless the city has a population of 400,000 or more and is located in more than one county*;

(3) is wholly or partly located in a county that contains territory within the boundaries of a regional transportation authority created under Chapter 683, Acts of the 66th Legislature, Regular Session, 1979 (Article 1118y, Vernon's Texas Civil Statutes), by a principal city having a population in excess of 800,000, unless:

(A) the city is a contiguous city; or

(B) the municipality is not included within the boundaries of the authority and is located wholly or partly in a county in which fewer than 250 persons are residents of both the county and the authority according to the most recent federal census; or

(C) the municipality is not and on January 1, 1993 [1991], was not included within the boundaries of the authority [~~and the municipality had a population in excess of 67,000 as reported in the 1990 federal census~~]; or

(4) imposes a tax authorized by Article 1118z, Revised Statutes.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed by the House on March 30, 1993: Yeas 142, Nays 0, 1 present, not voting; the House concurred in Senate amendments to H.B. No. 384 on May 18, 1993: Yeas 135, Nays 0, 2 present, not voting; passed by the Senate, with amendments, on May 13, 1993: Yeas 30, Nays 0.

Approved May 28, 1993.

Effective May 28, 1993.