

BILL ANALYSIS

Senate Research Center

S.B. 1462
By: Lindsay
Infrastructure Development and Security
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As Filed

DIGEST AND PURPOSE

As proposed, S.B. 1462 adds a new chapter to the Transportation Code to authorize transportation enhancement districts in certain counties, which may impose local option motor fuel taxes and local option vehicle registration fees, subject to voter approval, and which may issue bonds and other obligations.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

[S.B. 1462, as drafted, purports to propose a new Chapter 368 to be added to the Transportation Code. However, the majority of the text is not underlined in the manner in which new text is usually drafted. A small portion of the text is underlined, and a small portion is stricken through even though it is stated to be new text.]

SECTION 1. Amends the Transportation Code by adding a new Chapter 368, as follows:

CHAPTER 368. TRANSPORTATION ENHANCEMENT DISTRICTS
SUBCHAPTER A. GENERAL PROVISIONS

Sec. 368.001. SHORT TITLE.

Sec. 368.002. PURPOSES.

Sec. 368.003. DEFINITIONS.

Sec. 368.004. CHAPTER LIBERALLY CONSTRUED.

Sec. 368.005. CONTRACTS WITH GOVERNMENTAL ENTITIES.

Sec. 368.006. POLITICAL SUBDIVISION; OPEN MEETINGS; OPEN RECORDS.

SUBCHAPTER B. CREATION, EXPANSION AND DISSOLUTION

Sec. 368.101. CREATION.

Sec. 368.102. ORDER OR CONCURRENT ORDER CREATING DISTRICT.

Sec. 368.103. EXPANSION

Sec. 368.104. DISSOLUTION.

SUBCHAPTER C. GOVERNANCE

- Sec. 368.201. BOARD OF DIRECTORS.
- Sec. 368.203. OFFICERS.
- Sec. 368.204. BYLAWS.
- Sec. 368.205. QUORUM.
- Sec. 368.206. COMPENSATION.
- Sec. 368.207. MEETINGS BY TELEPHONE CONFERENCE CALL.
- Sec. 368.208. EVIDENCE OF DISTRICT ACTIONS.
- Sec. 368.209. STRATEGIC PLAN.
- Sec. 368.210. AUDIT.
- Sec. 368.211. CONFLICT OF INTEREST.
- Sec. 368.212. PURCHASE OF LIABILITY INSURANCE.

SUBCHAPTER D. PROCEDURAL REQUIREMENTS

- Sec. 368.301. TRANSPORTATION ENHANCEMENT FUND
- Sec. 368.302. VOTER APPROVAL REQUIRED.

SUBCHAPTER E. LOCAL OPTION MOTOR FUELS TAXES

- Sec. 368.401. TAX AUTHORIZED.
- Sec. 368.402. GASOLINE TAX RATE.
- Sec. 368.403. DIESEL FUEL TAX RATE.
- Sec. 368.404. LIQUEFIED GAS TAX RATE.
- Sec. 368.405. TAX CODE APPLICABLE.
- Sec. 368.406. EXEMPTIONS APPLICABLE.
- Sec. 368.407. EFFECTIVE DATE OF TAX.
- Sec. 368.408. TAX COLLECTION; PENALTY.
- Sec. 368.409. DEPOSIT IN TRANSPORTATION ENHANCEMENT FUND.
- Sec. 368.410. HIGHWAY FUNDS.
- Sec. 368.411. COUNTY AND OTHER LOCAL FUNDS.

SUBCHAPTER F. VEHICLE REGISTRATION FEES

- Sec. 368.501. OPTIONAL VEHICLE REGISTRATION FEE.

SUBCHAPTER G. POWERS AND DUTIES

Sec. 368.601. GENERAL POWERS OF A DISTRICT.

Sec. 368.602. PUBLIC PURPOSE OF TRANSPORTATION ENHANCEMENT PROJECT.

Sec. 368.603. PROJECTS EXTENDING INTO OTHER COUNTIES

Sec. 368.604. BONDS AND OTHER OBLIGATIONS.

Sec. 368.605. TAX EXEMPTION.

Sec. 368.606. COMPETITIVE BIDDING.

Sec. 368.607. INVESTMENTS AND DEPOSITORIES.

SUBCHAPTER H. WITHDRAWAL OF TERRITORY FROM AUTHORITY

Sec. 368.701. WITHDRAWAL OF COUNTY

Sec. 368.702. PETITION FOR WITHDRAWAL ELECTION.

Sec. 368.703. REVIEW OF PETITION.

Sec. 368.704. INVALID PETITION.

Sec. 368.705. ELECTION.

Sec. 368.706. RESULT OF WITHDRAWAL ELECTION.

Sec. 368.707. EFFECT OF WITHDRAWAL.

Sec. 368.708. DETERMINATION OF TOTAL AMOUNT OF FINANCIAL OBLIGATIONS OF WITHDRAWN UNIT.

Sec. 368.709. CERTIFICATION OF NET FINANCIAL OBLIGATION OF COUNTY.

Sec. 368.710. COLLECTION OF MOTOR FUEL TAXES AND VEHICLE REGISTRATION FEES AFTER WITHDRAWAL.

Sec. 368.711. REFUNDS OF EXCESS REVENUES FROM MOTOR FUEL TAXES AND VEHICLE REGISTRATION FEES.

Sec. 368.712. USE OF REFUNDED REVENUE.

SECTION 2. Amends Section 153.015, Tax Code, to provide an exception.

SECTION 3. Amends Section 502.003(a), Transportation Code, to provide an exception.

SECTION 4. Provides that this Act takes effect January 1, 2004, but only if the constitutional amendment proposed by the 78th Legislature, Regular Session, 2003, to authorize transportation enhancement authorities imposes [sic] taxes and vehicle registration fees is held in the state and approved by the voters. Provides that if that amendment is not approved by the voters, this Act has no effect.