

BILL ANALYSIS

Senate Research Center
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S.B. 126
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Finance
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

State spending on transportation infrastructure is insufficient to meet rising highway demand and maintenance needs. At the same time, revenue raised from various transportation-related activities is directed to the state's general revenue fund.

As proposed, S.B. 126 requires that certain fees, penalties, and revenue collected by the Texas Department of Transportation (TxDOT), the comptroller of public accounts, and municipal and justice courts that are currently directed to the general revenue fund instead be credited to the Texas Mobility Fund (fund). These fees include fees collected for salvage vehicle dealer licenses, fees collected for vehicle storage facility licenses, a portion of the certificate of title fee, a portion of personalized license plate fees remaining after defraying the cost of that program, an increase in the base permit fee for excess axle or gross weight permits issued under Subchapter B, Chapter 263, Transportation Code, certain fees collected under Subchapter B for oversize or overweight vehicles, fees collected for permits to move certain heavy equipment, fees related to motor carrier registrations collected by TxDOT, and fees and penalties related to motor carrier single state registration with the exception of related administrative and prepaid fees.

This bill also makes the technical revisions that facilitate the issuance of obligations secured by money in the fund and the administration of the fund. S.B. 126 seeks to increase the funds available for transportation expenditures without raising taxes.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter B, Chapter 2302, Occupations Code, by adding Section 2302.054, as follows:

Sec. 2302.054. DISPOSITION OF FEES. Requires each fee collected by the Texas Department of Transportation (TxDOT) under this chapter (Salvage Vehicle Dealers) to be deposited into the Texas mobility fund (fund).

SECTION 2. Amends Subchapter B, Chapter 2303, Occupations Code, by adding Section 2303.055, as follows:

Sec. 2303.055. DISPOSITION OF FUNDS. Requires each fee and penalty collected by TxDOT under this chapter (Vehicle Storage Facilities) to be deposited into the fund.

SECTION 3. Amends Section 151.801, Tax Code, by amending Subsections (a) and (d) and adding Subsection (c-1), as follows:

(a) Provides an exception for the amount collected under Subsection (c-1), added by this bill.

(c-1) Sets forth specific items for which taxes imposed by this chapter (Limited Sales, Excise, And Use Tax) are required to go to the credit of the fund.

(d) Requires the comptroller of public accounts (comptroller) to determine the amount to be deposited into the fund under Subsection (c-1) according to available statistical data. Authorizes the comptroller to require taxpayers who make taxable sales or uses of specific items to report to the comptroller as necessary if satisfactory data is not available. Makes conforming changes.

SECTION 4. Amends Section 152.122, Tax Code, as follows:

Sec. 152.122. ALLOCATION OF TAX. Provides an exception for the requirement that funds received under Section 152.122 should be deposited into certain accounts. Requires the comptroller to deposit money collected under Section 152.026 into the fund.

SECTION 5. Amends Section 171.401, Tax Code, as effective January 1, 2008, as follows:

Sec. 171.401. New heading: DISPOSITION OF REVENUE. Creates Subsection (a) from existing text. Provides an exception for Section 171.4011 and Section 171.401(b) regarding the deposit of taxes into the general revenue fund.

(b) Requires the taxes collected under this chapter (Franchise Tax) to be deposited into the fund.

(c) Requires the comptroller to determine how much should be deposited into the fund according to the available statistical data. Authorizes the comptroller to require certain taxable entities to report as necessary if no data is available.

SECTION 6. Amends Sections 201.943(b), (c), (f), and (j), Transportation Code, as follows:

(b) Makes conforming changes.

(c) Deletes existing text referring to the issuance of bonds, notes, and other public securities by the Texas Transportation Commission (commission).

(f) Prohibits the issuance of short-term obligations proposed by the commission unless the comptroller assumes that it will be refunded and refinanced over a 20-year period with level debt service rather than level principal.

(j) Requires the comptroller to rely on assumptions made in the resolution authorizing obligations to determine the principal and interest requirements on outstanding and proposed obligations.

SECTION 7. Amends Section 501.138(c), Transportation Code, to require certain deposits be made into the fund rather than the general revenue fund.

SECTION 8. Amends Section 504.101(e), Transportation Code, to make a conforming change.

SECTION 9. Amends Section 542.402, Transportation Code, to make a conforming change.

SECTION 10. Amends Section 542.4031(g), Transportation Code, to make a conforming change.

SECTION 11. Amends Section 623.011(b), Transportation Code, to increase the base fee for a permit from \$75 to \$200.

SECTION 12. Amends Subchapter B, Chapter 623, Transportation Code, by adding Section 623.020, as follows:

Sec. 623.020. DISPOSITION OF FEES. Requires each fee collected by TxDOT issued under this subchapter to be deposited into the fund except as provided by Section 621.353.

SECTION 13. Amends Section 623.076, Transportation Code, by amending Subsection (c) and adding Subsection (d), to make conforming changes.

SECTION 14. Amends Subchapter A, Chapter 643, Transportation Code, by adding Section 643.005, as follows:

Sec. 643.005. DEPOSIT OF FUNDS. Requires all fees and penalties collected by TxDOT under this chapter (Motor Carrier Registration) to be deposited into the fund except as provided by Section 643.004(b).

SECTION 15. Amends Chapter 645, Transportation Code, by adding Section 645.005, as follows:

Sec. 645.005. DEPOSIT OF FUNDS. Requires all fees and penalties collected under this chapter (Single State Registration) to be deposited into the fund except as provided by Section 645.002(c).

SECTION 16. Repealer: Section 542.4031(h) (regarding the deposit of excess monies into the fund by the comptroller), Transportation Code.

SECTION 17. Makes the application of this Act prospective. Specifies that SECTION 5 of this Act applies only to a report originally due on or after January 1, 2008.

SECTION 18. (a) Effective date: September 1, 2007, except as provided by Subsection (b).

(b) Effective date, SECTION 6: upon passage or September 1, 2007.