

By: Hopson

H.B. No. 2413

A BILL TO BE ENTITLED

AN ACT

relating to the tax on gasoline sold to volunteer fire departments for their exclusive use.

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

SECTION 1. Section 153.102, Tax Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a) The gasoline tax rate is 20 cents for each gross or volumetric gallon or fractional part sold or used in this state except as provided by this section [~~Subsection (b)~~].

(c) The gasoline tax rate for gasoline sold to a volunteer fire department for its exclusive use is 5 cents for each gallon.

SECTION 2. Section 153.503, Tax Code, is amended to read as follows:

Sec. 153.503. ALLOCATION OF GASOLINE TAX. (a) On or before the fifth workday after the end of each month, the comptroller, after making all deductions for refund purposes and for the amounts allocated under Sections 153.502 and 153.5025, shall allocate the net remainder of the taxes collected under Subchapter B, except for the tax collected for gasoline sold to a volunteer fire department, as follows:

(1) one-fourth of the tax shall be deposited to the credit of the available school fund;

(2) one-half of the tax shall be deposited to the

1 credit of the state highway fund for the construction and
2 maintenance of the state road system under existing law; and

3 (3) from the remaining one-fourth of the tax the
4 comptroller shall:

5 (A) deposit to the credit of the county and road
6 district highway fund all the remaining tax receipts until a total
7 of \$7,300,000 has been credited to the fund each fiscal year; and

8 (B) after the amount required to be deposited to
9 the county and road district highway funds has been deposited,
10 deposit to the credit of the state highway fund the remainder of the
11 one-fourth of the tax, the amount to be provided on the basis of
12 allocations made each month of the fiscal year, which sum shall be
13 used by the Texas Department of Transportation for the
14 construction, improvement, and maintenance of farm-to-market
15 roads.

16 (b) On or before the fifth workday after the end of each
17 month, the comptroller, after making all deductions for refund
18 purposes and for the amounts allocated under Sections 153.502 and
19 153.5025, shall allocate the net remainder of the taxes collected
20 for gasoline sold to a volunteer fire department to the credit of
21 the available school fund.

22 SECTION 3. (a) This Act takes effect January 1, 2004, but
23 only if the constitutional amendment proposed by the 78th
24 Legislature, Regular Session, 2003, authorizing the legislature to
25 allocate an amount greater than one-fourth of the net revenue from
26 the tax on motor fuels sold to volunteer fire departments to the
27 available school fund is approved by the voters. If that amendment

1 is not approved by the voters, this Act has no effect.

2 (b) The change in law made by this Act does not affect taxes
3 imposed before the effective date of this Act, and the law in effect
4 before the effective date of this Act is continued in effect for
5 purposes of the liability for and collection of those taxes.