

By: Phillips

H.B. No. 3308

Substitute the following for H.B. No. 3308:

By: Callegari

C.S.H.B. No. 3308

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the revenue sources for and administration of the Texas  
3 Mobility Fund.

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

5 SECTION 1. Subchapter B, Chapter 2302, Occupations Code, is  
6 amended by adding Section 2302.054 to read as follows:

7 Sec. 2302.054. DISPOSITION OF FEES. Each fee collected by  
8 the department under this chapter shall be deposited to the credit  
9 of the Texas Mobility Fund.

10 SECTION 2. Subchapter B, Chapter 2303, Occupations Code, is  
11 amended by adding Section 2303.055 to read as follows:

12 Sec. 2303.055. DISPOSITION OF FUNDS. Each fee and penalty  
13 collected by the department under this chapter shall be deposited  
14 to the credit of the Texas Mobility Fund.

15 SECTION 3. Section 151.801, Tax Code, is amended by  
16 amending Subsections (a) and (d) and adding Subsection (c-1) to  
17 read as follows:

18 (a) Except for the amounts allocated under Subsections (b),  
19 ~~and~~ (c), and (c-1), all proceeds from the collection of the taxes  
20 imposed by this chapter shall be deposited to the credit of the  
21 general revenue fund.

22 (c-1) The amount of the proceeds from the collection of the  
23 taxes imposed by this chapter on the following shall be deposited to  
24 the credit of the Texas Mobility Fund:

1           (1) the sale, storage, or use of aircraft and aircraft  
2 component parts;

3           (2) repair, remodeling, and maintenance services to  
4 aircraft, aircraft engines, or aircraft component parts; and

5           (3) machinery, tools, supplies, and equipment used or  
6 consumed in the repair, remodeling, or maintenance of aircraft,  
7 aircraft engines, or aircraft component parts.

8           (d) The comptroller shall determine the amount to be  
9 deposited to the highway fund under Subsection (b) according to  
10 available statistical data indicating the estimated average or  
11 actual consumption or sales of lubricants used to propel motor  
12 vehicles over the public roadways. The comptroller shall determine  
13 the amounts to be deposited to the funds or accounts under  
14 Subsection (c) according to available statistical data indicating  
15 the estimated or actual total receipts in this state from taxable  
16 sales of sporting goods. The comptroller shall determine the  
17 amounts to be deposited to the Texas Mobility Fund under Subsection  
18 (c-1) according to available statistical data indicating the  
19 estimated or actual total receipts in this state from taxable  
20 sales, services, and consumption of aircraft, aircraft engines, or  
21 aircraft component parts. If satisfactory data are not available,  
22 the comptroller may require taxpayers who make taxable sales or  
23 uses of those lubricants, [~~or~~] of sporting goods, or of aircraft,  
24 aircraft engines, or aircraft component parts, or machinery, tools,  
25 supplies, and equipment used to repair aircraft, aircraft engines,  
26 or aircraft component parts, to report to the comptroller as  
27 necessary to make the allocation required by Subsection (b), [~~or~~]

1 (c), or (c-1).

2 SECTION 4. Section 152.122, Tax Code, is amended to read as  
3 follows:

4 Sec. 152.122. ALLOCATION OF TAX. (a) Except as provided by  
5 Subsection (b), the [The] comptroller shall deposit the funds  
6 received under Section 152.121 of this code as follows:

7 (1) 1/4 to the credit of the foundation school fund;  
8 and

9 (2) the remaining funds to the credit of the general  
10 revenue fund.

11 (b) The comptroller shall deposit the money collected from  
12 the taxes imposed by Section 152.026 to the credit of the Texas  
13 Mobility Fund.

14 SECTION 5. Section 171.401, Tax Code, is amended to read as  
15 follows:

16 Sec. 171.401. DISPOSITION OF REVENUE [~~DEPOSITED IN GENERAL~~  
17 ~~REVENUE FUND~~]. (a) Except as provided by Subsection (b), the [The]  
18 revenue from the tax imposed by this chapter on corporations shall  
19 be deposited to the credit of the general revenue fund.

20 (b) The revenue from the tax imposed by this chapter on  
21 corporations engaged in the sale or use of aircraft, aircraft  
22 engines, or aircraft component parts, or the repair, remodeling, or  
23 maintenance of aircraft, aircraft engines, or aircraft component  
24 parts, shall be deposited to the credit of the Texas Mobility Fund.

25 (c) The comptroller shall determine the amounts to be  
26 deposited to the Texas Mobility Fund under Subsection (b) according  
27 to available statistical data indicating the estimated or actual

1 total receipts in this state from taxes on corporations engaged in  
2 the sale or use of aircraft, aircraft engines, or aircraft  
3 component parts, or the repair, remodeling, or maintenance of  
4 aircraft, aircraft engines, or aircraft component parts. If  
5 satisfactory data are not available, the comptroller may require  
6 corporations engaged in the sale or use of aircraft, aircraft  
7 engines, or aircraft component parts, or the repair, remodeling, or  
8 maintenance of aircraft, aircraft engines, or aircraft component  
9 parts, to report to the comptroller as necessary to make the  
10 allocation required by Subsection (b).

11 SECTION 6. Sections 201.943(b), (c), (f), and (j),  
12 Transportation Code, are amended to read as follows:

13 (b) Obligations must be secured by and payable from a pledge  
14 of and lien on all or part of the money in the fund, including the  
15 revenues of the state dedicated or appropriated for deposit to the  
16 fund. Obligations may be additionally secured by and payable from  
17 credit agreements. The commission may pay amounts due on the  
18 obligations from discretionary money available to it that is not  
19 dedicated to or appropriated for other specific purposes.

20 (c) The commission may create within the fund accounts,  
21 reserves, and subfunds for purposes the commission finds  
22 appropriate and necessary [~~in connection with the issuance of~~  
23 ~~obligations~~].

24 (f) Short-term obligations in the amount proposed by the  
25 commission may not be issued unless the comptroller, in a  
26 comptroller's certification:

27 (1) assumes that the short-term obligations will be

1 refunded and refinanced to mature over a 20-year period with level  
2 debt service [~~principal~~] requirements and bearing interest at then  
3 current market rates, as determined by the comptroller; and

4 (2) projects that the amount of money dedicated to the  
5 fund pursuant to Section 49-k(e), Article III, Texas Constitution,  
6 and required to be on deposit in the fund pursuant to Section  
7 49-k(f), Article III, Texas Constitution, and the investment  
8 earnings on that money, during each year of the assumed 20-year  
9 period will be equal to at least 110 percent of the requirements to  
10 pay the principal of and interest on the proposed refunding  
11 obligations during that year.

12 (j) A comptroller's certification under this section must  
13 be based on economic data, forecasting methods, and projections  
14 that the comptroller determines are reliable. In determining the  
15 principal and interest requirements on outstanding and proposed  
16 obligations, and subject to the express limitations of this  
17 subchapter and Section 49-k, Article III, Texas Constitution, the  
18 comptroller shall rely on the assumptions included in the  
19 resolution authorizing the obligations for the calculation of debt  
20 service.

21 SECTION 7. Section 501.138(c), Transportation Code, is  
22 amended to read as follows:

23 (c) Of the amount received under Subsection (b)(2), the  
24 department shall deposit:

25 (1) \$5 in the Texas Mobility Fund [~~general revenue~~  
26 ~~fund~~]; and

27 (2) \$3 to the credit of the state highway fund to

1 recover the expenses necessary to administer this chapter.

2 SECTION 8. Section 504.101(e), Transportation Code, is  
3 amended to read as follows:

4 (e) Of each fee collected by the department under this  
5 section:

6 (1) \$1.25 shall be used to defray the cost of  
7 administering this section; and

8 (2) the remainder shall be deposited to the credit of  
9 the Texas Mobility Fund [~~general revenue fund~~].

10 SECTION 9. Section 542.402, Transportation Code, is amended  
11 by adding Subsection (f) to read as follows:

12 (f) The comptroller shall deposit money received under  
13 Subsection (b) to the credit of the Texas Mobility Fund.

14 SECTION 10. Section 542.4031(g), Transportation Code, is  
15 amended to read as follows:

16 (g) Of the money received by the comptroller under this  
17 section, the comptroller shall deposit:

18 (1) 67 percent to the credit of the Texas Mobility Fund  
19 [~~undicated portion of the general revenue fund~~]; and

20 (2) 33 percent to the credit of the designated trauma  
21 facility and emergency medical services account under Section  
22 780.003, Health and Safety Code.

23 SECTION 11. Section 623.011(b), Transportation Code, is  
24 amended to read as follows:

25 (b) To qualify for a permit under this section:

26 (1) the vehicle must be registered under Chapter 502  
27 for the maximum gross weight applicable to the vehicle under

1 Section 621.101, not to exceed 80,000 pounds;

2 (2) the security requirement of Section 623.012 must  
3 be satisfied; and

4 (3) a base permit fee of \$200 [~~\$75~~], any additional fee  
5 required by Section 623.0111, and any additional fee set by the  
6 department under Section 623.0112 must be paid.

7 SECTION 12. Subchapter B, Chapter 623, Transportation Code,  
8 is amended by adding Section 623.020 to read as follows:

9 Sec. 623.020. DISPOSITION OF FEES. Except as provided by  
10 Section 621.353, each fee collected by the department for a permit  
11 issued under this subchapter shall be deposited to the credit of the  
12 Texas Mobility Fund.

13 SECTION 13. Section 623.076, Transportation Code, is  
14 amended by amending Subsection (c) and adding Subsection (d) to  
15 read as follows:

16 (c) An application for a permit under Section 623.071(c)(3)  
17 or (d) must be accompanied by the permit fee established by the  
18 commission for the permit, not to exceed \$3,500. Of each fee  
19 collected under this subsection, the department shall send:

20 (1) the first \$1,000 to the comptroller for deposit to  
21 the credit of the Texas Mobility Fund [~~general revenue fund~~]; and

22 (2) any amount in excess of \$1,000 to the comptroller  
23 for deposit to the credit of the state highway fund.

24 (d) Except as provided in Subsection (c)(2), each fee  
25 collected under this section shall be deposited to the credit of the  
26 Texas Mobility Fund.

27 SECTION 14. Subchapter A, Chapter 643, Transportation Code,

1 is amended by adding Section 643.005 to read as follows:

2 Sec. 643.005. DEPOSIT OF FUNDS. Except as provided by  
3 Section 643.004(b), all fees and penalties collected by the  
4 department under this chapter shall be deposited to the credit of  
5 the Texas Mobility Fund.

6 SECTION 15. Chapter 645, Transportation Code, is amended by  
7 adding Section 645.005 to read as follows:

8 Sec. 645.005. DEPOSIT OF FUNDS. Except as provided by  
9 Section 645.002(c), all fees and penalties collected under this  
10 chapter shall be deposited to the credit of the Texas Mobility Fund.

11 SECTION 16. Section 542.4031(h), Transportation Code, is  
12 repealed.

13 SECTION 17. This Act applies only to the distribution of  
14 revenue collected on or after the effective date of this Act. The  
15 distribution of revenue collected before the effective date of this  
16 Act is governed by the law in effect at the time the revenue was  
17 collected, and that law is continued in effect for the purpose of  
18 the distribution of that revenue.

19 SECTION 18. (a) Except as provided by Subsection (b) of  
20 this section, this Act takes effect September 1, 2005.

21 (b) Section 6 of this Act takes effect immediately if this  
22 Act receives a vote of two-thirds of all the members elected to each  
23 house, as provided by Section 39, Article III, Texas Constitution.  
24 If this Act does not receive the vote necessary for immediate  
25 effect, Section 6 takes effect September 1, 2005.