

By: Phillips

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. Articles 45.0511(f) and (h), Code of Criminal  
6 Procedure, are amended to read as follows:

7 (f) In addition to court costs and fees authorized or  
8 imposed by a law of this state and applicable to the offense, the  
9 court may:

10 (1) require a defendant requesting a course under  
11 Subsection (b) to pay a an administrative fee set by the court ~~to~~  
12 ~~cover the cost of administering this article~~ at an amount of not  
13 more than \$40 but not less than \$30 ~~[\$10]~~; or

14 (2) require a defendant requesting a course under  
15 Subsection (d) to pay a fee set by the court at an amount not to  
16 exceed the maximum amount of the fine for the offense committed by  
17 the defendant.

18 (h) Fees collected by a municipal court shall be deposited  
19 in the municipal treasury. Fees collected by another court shall be  
20 deposited in the county treasury of the county in which the court is  
21 located. A municipality or county shall send \$30 of each fee  
22 collected under Subsection (f)(1) to the comptroller for deposit to  
23 the credit of the Texas Mobility Fund.

24 SECTION 2. Subchapter B, Chapter 2302, Occupations Code, is

1 amended by adding Section 2302.054 to read as follows:

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

5 SECTION 3. Subchapter B, Chapter 2303, Occupations Code, is  
6 amended by adding Section 2303.055 to read as follows:

7 Sec. 2303.055. DISPOSITION OF FEES. Each fee and penalty  
8 collected by the department under this chapter shall be deposited  
9 to the credit of the Texas Mobility Fund.

10 SECTION 4. Section 151.801, Tax Code, is amended by  
11 amending Subsections (a) and (d) and adding Subsection (c-1) to  
12 read as follows:

13 (a) Except for the amounts allocated under Subsections (b),  
14 [~~and~~] (c), and (c-1), all proceeds from the collection of the taxes  
15 imposed by this chapter shall be deposited to the credit of the  
16 general revenue fund.

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

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

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

24 (3) machinery, tools, supplies, and equipment used or  
25 consumed in the repair, remodeling, or maintenance of aircraft,  
26 aircraft engines, or aircraft component parts.

27 (d) The comptroller shall determine the amount to be

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

21 SECTION 5. Section 152.122, Tax Code, is amended to read as  
 22 follows:

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

26 (1) 1/4 to the credit of the foundation school fund;  
 27 and

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

3           (b) The comptroller shall deposit the money collected from  
4 the taxes imposed by Section 152.026 to the credit of the Texas  
5 Mobility Fund.

6           SECTION 6. Section 171.401, Tax Code, is amended to read as  
7 follows:

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

12           (b) The revenue from the tax imposed by this chapter on  
13 corporations engaged in the sale or use of aircraft, aircraft  
14 engines, or aircraft component parts, or the repair, remodeling, or  
15 maintenance of aircraft, aircraft engines, or aircraft component  
16 parts, shall be deposited to the credit of the Texas Mobility Fund.

17           (c) The comptroller shall determine the amounts to be  
18 deposited to the Texas Mobility Fund under Subsection (b) according  
19 to available statistical data indicating the estimated or actual  
20 total receipts in this state from taxes on corporations engaged in  
21 the sale or use of aircraft, aircraft engines, or aircraft  
22 component parts, or the repair, remodeling, or maintenance of  
23 aircraft, aircraft engines, or aircraft component parts. If  
24 satisfactory data are not available, the comptroller may require  
25 corporations engaged in the sale or use of aircraft, aircraft  
26 engines, or aircraft component parts, or the repair, remodeling, or  
27 maintenance of aircraft, aircraft engines, or aircraft component

1 parts, to report to the comptroller as necessary to make the  
2 allocation required by Subsection (b).

3 SECTION 7. Sections 201.943(b), (c), (f), and (j),  
4 Transportation Code, are amended to read as follows:

5 (b) Obligations must be secured by and payable from a pledge  
6 of and lien on all or part of the money in the fund, including the  
7 revenues of the state dedicated or appropriated for deposit to the  
8 fund. Obligations may be additionally secured by and payable from  
9 credit agreements. The commission may pay amounts due on the  
10 obligations from discretionary money available to it that is not  
11 dedicated to or appropriated for other specific purposes.

12 (c) The commission may create within the fund accounts,  
13 reserves, and subfunds for purposes the commission finds  
14 appropriate and necessary [~~in connection with the issuance of~~  
15 ~~obligations~~].

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

19 (1) assumes that the short-term obligations will be  
20 refunded and refinanced to mature over a 20-year period with level  
21 debt service [~~principal~~] requirements and bearing interest at then  
22 current market rates, as determined by the comptroller; and

23 (2) projects that the amount of money dedicated to the  
24 fund pursuant to Section 49-k(e), Article III, Texas Constitution,  
25 and required to be on deposit in the fund pursuant to Section  
26 49-k(f), Article III, Texas Constitution, and the investment  
27 earnings on that money, during each year of the assumed 20-year

1 period will be equal to at least 110 percent of the requirements to  
2 pay the principal of and interest on the proposed refunding  
3 obligations during that year.

4 (j) A comptroller's certification under this section must  
5 be based on economic data, forecasting methods, and projections  
6 that the comptroller determines are reliable. In determining the  
7 principal and interest requirements on outstanding and proposed  
8 obligations, and subject to the express limitations of this  
9 subchapter and Section 49-k, Article III, Texas Constitution, the  
10 comptroller shall rely on the assumptions included in the  
11 resolution authorizing the obligations for the calculation of debt  
12 service.

13 SECTION 8. Section 501.138(c), Transportation Code, is  
14 amended to read as follows:

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

17 (1) \$5 in the Texas Mobility Fund [~~general revenue~~  
18 ~~fund~~]; and

19 (2) \$3 to the credit of the state highway fund to  
20 recover the expenses necessary to administer this chapter.

21 SECTION 9. Section 504.101(e), Transportation Code, is  
22 amended to read as follows:

23 (e) Of each fee collected by the department under this  
24 section:

25 (1) \$1.25 shall be used to defray the cost of  
26 administering this section; and

27 (2) the remainder shall be deposited to the credit of

1 the Texas Mobility Fund [~~general revenue fund~~].

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

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

6 SECTION 11. Section 542.4031(g), Transportation Code, is  
7 amended to read as follows:

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

10 (1) 67 percent to the credit of the Texas Mobility Fund  
11 [~~undicated portion of the general revenue fund~~]; and

12 (2) 33 percent to the credit of the designated trauma  
13 facility and emergency medical services account under Section  
14 780.003, Health and Safety Code.

15 SECTION 12. Section 623.011(b), Transportation Code, is  
16 amended to read as follows:

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

18 (1) the vehicle must be registered under Chapter 502  
19 for the maximum gross weight applicable to the vehicle under  
20 Section 621.101, not to exceed 80,000 pounds;

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

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

26 SECTION 13. Subchapter B, Chapter 623, Transportation Code,  
27 is amended by adding Section 623.020 to read as follows:

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

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

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

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

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

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

19       SECTION 15. Chapter 643, Transportation Code, is amended by  
20 adding Section 643.005 to read as follows:

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

25       SECTION 16. Chapter 645, Transportation Code, is amended by  
26 adding Section 645.005 to read as follows:

27       Sec. 645.005. DEPOSIT OF FUNDS. Except as provided by



1 Section 645.002(c), all fees and penalties collected under this  
2 chapter shall be deposited to the credit of the Texas Mobility Fund.

3 SECTION 17. Section 542.4031(h), Transportation Code, is  
4 repealed.

5 SECTION 18. This Act applies only to the distribution of  
6 revenue collected on or after the effective date of this Act. The  
7 distribution of revenue collected before the effective date of this  
8 Act is governed by the law in effect at the time the revenue was  
9 collected, and that law is continued in effect for the purpose of  
10 the distribution of that revenue.

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

13 (b) Section 7 of this Act takes effect immediately if this  
14 Act receives a vote of two-thirds of all the members elected to each  
15 house, as provided by Section 39, Article III, Texas Constitution.  
16 If this Act does not receive the vote necessary for immediate  
17 effect, Section 7 takes effect September 1, 2005.