

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

April 10, 2009

TO: Honorable Joseph Pickett, Chair, House Committee on Transportation

FROM: John S. O'Brien, Director, Legislative Budget Board

IN RE: HB2117 by Oliveira (Relating to the operation and continuation of the law authorizing the issuance of oversize or overweight vehicle permits by certain port authorities.), **Committee Report 1st House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would remove the date on which Subchapter K, Chapter 623, Transportation Code would expire, either by repealing Section 623.219 or by reenacting Subchapter K with the expiration date deleted. Subchapter K authorizes an optional procedure for the issuance of a permit for the movement of oversize or overweight vehicles carrying cargo on state highways located in counties contiguous to the Gulf of Mexico or a bay or inlet opening into the gulf and bordering the United Mexican States. The current expiration date is June 1, 2009.

A permit fee imposed by a port authority under Subchapter K cannot exceed \$80 per trip. The port authority may keep 15 percent of the fee for administrative purposes and the remainder is submitted to the state for deposit into State Highway Fund 006 for maintenance of state highways subject to the subchapter. If the subchapter were to expire on June 1, 2009, the permits would no longer be authorized as of that date and therefore, the revenue source would discontinue. The bill would extend authorization for the special permit, and therefore, too, the revenue source, although the Comptroller of Public Accounts could not provide an estimate on that gain. For the purpose of this analysis, the Legislative Budget Board assumes that because only one district would be affected, the fiscal impact would not be significant.

TxDOT indicates that the provisions of the bill would only apply to an agreement between the department and the Brownsville Navigation District, and that TxDOT would have to develop a new interlocal agreement with the district. Based on the analysis of TxDOT, it is assumed the provisions of the bill would not result in a significant impact to the operations of the department or to revenues deposited to the State Highway Fund.

Repeal of the expiration date alone would take effect only if the bill takes effect on or before June 1, 2009. Deletion of the expiration date by reenacting Subchapter K would take effect only if the bill does not take effect on or before June 1, 2009.

The bill would take effect immediately upon receiving a two-thirds majority vote of all the members elected to each house. If the necessary vote for immediate effect is not received, the bill would take effect September 1, 2009.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 601 Department of Transportation, 304 Comptroller of Public Accounts, 405 Department of Public Safety

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