

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 31, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

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

IN RE: HR3054 by Isett (Suspending limitations on conference committee jurisdiction, H.B. No. 300.)

No significant fiscal implication to the State is anticipated.

The resolution would suspend House Rule 13, Sections 9(a)(1) and (2) to permit the committee to alter and omit text which is not in disagreement because enforcement of the Texas Motor Vehicle Safety Responsibility Act is more appropriately a law enforcement of the Public Safety Commission than a function of the Texas Transportation Commission. This would not result in a fiscal impact to the state.

The resolution would suspend House Rule 13, Sections 9(a)(1) and (4) to permit the committee, in Section 1.12 of the bill, to add Subsection (b) to Section 1.12 because added Section 202.031(a-1), Transportation Code, requires the Texas Transportation Commission to adopt certain rules, but does not specify a date by which the rules must be adopted. This would not result in a fiscal impact to the state.

The resolution would suspend House Rule 13, Sections 9(a)(1) and (2) to permit the committee to alter and omit text which is not in disagreement in Section 1.40 of the bill in added Section 311.905, Transportation Code, because added Section 311.905, Transportation Code, relates to the authority of a municipality to impose certain fees on property owners, which is a purely local matter, and the added requirement that the Texas Department of Transportation be provided notice of the imposition of such a fee is unnecessary and serves no purpose. This would not result in fiscal implications to the state or local governments.

The resolution would suspend House Rule 13, Sections 9(a)(3) and (4) to permit the committee, in SECTION 2.04 of the bill, to add text to Section 201.981, Transportation Code, for the definition of "local transportation entity" to include a county, including a county operating under Chapter 284. This would not result in a fiscal impact to the state and would not result in a significant impact to units of local government.

The resolution would suspend House Rule 13, Sections 9(a)(3) and (4) to permit the committee to add Section 201.9841(b) to proposed Subchapter P, Chapter 201, Transportation Code, to provide for a definition for "funds" and "funding" for the purpose of the requirement that the commission use a cash flow forecast to allocate funding to the planning organizations. This would not result in a fiscal implication to the state or units of local government.

The resolution would suspend House Rule 13, Sections 9(a)(3) and (4) to permit the committee to add Section 201.987(e) to proposed Subchapter P, Transportation Code, to provide for the requirement that the Texas Department of Transportation use the planning organizations' project lists to create the statewide transportation program and budget. This would not result in a significant fiscal implication to the state or units of local government.

The resolution would suspend House Rule 13, Sections 9(a)(3) and (4) to permit the committee to add Section 201.988 to proposed Subchapter P, Chapter 201, Transportation Code, to provide for the development of funding formulas for transportation projects. This would not result in a significant fiscal implication to the state or units of local government.

The resolution would suspend House Rule 13, Sections 9(a)(3) and (4) to permit the committee to add Section 201.9892(b) to proposed Subchapter P, Chapter 201, Transportation Code, to provide for the Texas Department of Transportation to develop minimum performance measures for the work plan required by proposed Section 201.989, Transportation Code. This would not result in a significant fiscal impact to the state.

The resolution would suspend House Rule 13, Section 9(a)(4) to permit the committee to add text not included in either version of the bill in proposed SECTION 4.03 of the bill, in added Section 223.201 (j), Transportation Code, to limit the authority of the Texas Department of Transportation (TxDOT) to enter into comprehensive development agreements to agreements for highway, road, and rail projects only, and to prohibit that department from charging a fee under a comprehensive development agreement or related agreement in connection with a facility that is not a highway, road, or rail facility. It is assumed this would not result in a significant fiscal impact to the state.

The resolution would suspend House Rule 13, Sections 9(a)(3) and (4) to permit the committee in SECTION 4.08 of the bill to add text in Section 223.212, Transportation Code, to prohibit TxDOT from entering into a comprehensive development agreement that contains certain noncompetition provisions. It is assumed this would not result in a significant fiscal impact to the state.

The resolution would suspend House Rule 13, Section (9)(a)(2) to permit the committee to omit text not in disagreement by omitting amended Section 503.029, Transportation Code, because the provision of law included in the omitted text has been amended in the same manner in another Act of the 81st Legislature, Regular Session, 2009. This would not result in a significant fiscal implication to the state or units of local government.

The resolution would suspend House Rule 13, Section (9)(a)(4) to permit the committee to add text not included in either version of the bill in proposed SECTION 17.04 of the bill, in added Section 370.040, Transportation Code, to allow a regional mobility authority to provide tolling services to toll projects in the geographic boundaries of the authority under certain circumstances. It is assumed this provision would not result in a significant fiscal impact to the state or units of local government.

The resolution would suspend House Rule 13, Section 9(a)(4) to permit the committee to add text not included in either version of the bill in proposed SECTION 17.18 of the bill to exempt certain projects from the changes in law made to provisions in the bill relating to regional mobility authority tolling services. This provision would not result in a fiscal impact to the state or units of local government.

The resolution would suspend House Rule 13, Section 9(a)(2) to permit the committee to omit text not in disagreement by omitting text amending Section 228.004, Transportation Code, because the provisions of law included in the omitted text have been amended in the same manner in another Act of the 81st Legislature, Regular Session, 2009. This would not result in a fiscal impact to the state.

The resolution would suspend House Rule 13, Section 9(a)(2) to omit text not in disagreement from the bill by omitting text amending Section 228.201, Transportation Code, by omitting the repeal of Sections 228.202, 228.203, 228.207, and 228.208, Transportation Code, and by omitting the transition language associated with those provisions. This provision is necessary to remove changes to the conditions required for the Texas Department of Transportation to operate a nontolled state highway or a segment of a nontolled state highway as a toll project. This would not result in a fiscal impact to the state.

The resolution would suspend Senate Rule 12.03(3) to add text to the bill on a matter not in disagreement. The addition is necessary to rename the title of ARTICLE 12. This would not result in a fiscal impact to the state.

The resolution would suspend House Rule 13, Section 9(a)(4) to allow provisions that are not in the House or Senate versions of the bill to take effect. The change is necessary to exclude certain leaseholds, possessory interests, and portions of a facility owned by the Texas Department of Transportation from the applicability of Sections 11.11(j), 25.06(c)(1), and 25.07(c)(1), Tax Code, as amended by the bill. This would not result in a fiscal impact to the state.

The resolution would suspend House Rule 13, Section 9(a)(2) to omit text not in disagreement from the bill by omitting amended Section 701.006, Transportation Code, and omitting the repeal of Section 701.002(b), Transportation Code.. The omission of the text is necessary because the provisions of law included in the omitted text have been amended and repealed in the same manner in another Act of the 81st Legislature, Regular Session, 2009. This would not result in a fiscal impact to the state.

The resolution would suspend House Rule 13, Section 9(a)(4) to allow provisions that are not in the House or Senate versions of the bill to take effect by adding ARTICLE 46: Land Reclamation Project Agreement. This change is necessary to create a system for regulating land reclamation projects using scrap tires through the issuance of permits.

The resolution would suspend House Rule 13, Section 9(a)(2) permit the committee to omit text not in disagreement by omitting amended Sections 21.101, 21.105, and 21.112, Transportation Code. The omission of the text is necessary so that the bill does not permit the expansion of eligibility for receipt of state grant funds for airport operations if the owner of the airport is eligible to receive funds under the federal airport improvement program. This would not result in a significant fiscal implication to the state or units of local government.

The resolution would suspend House Rule 13, Section 9(a)(2) to permit the committee to omit text not in disagreement by omitting added text relating to the creation, organization, governance, duties, and functions of the Texas Department of Motor Vehicles, including the transfer of certain duties to the Texas Department of Motor Vehicles and the Texas Department of Licensing and Regulation, and to the regulation of certain franchised motor vehicle dealers. The omission of the text is necessary because the provisions of law included in the omitted text have been substantially adopted under another Act of the 81st Legislature, Regular Session, 2009. This would not result in a fiscal impact to the state or local governments.

The resolution would suspend House Rule 13, Section 9(a)(2), to permit the committee to omit text not in disagreement by omitting added Section 456.009(c), Transportation Code. The omission of text is necessary to give the Texas Transportation Commission additional discretion in the allocation of funds under Subchapters B and C, Chapter 456, Transportation Code. This would not result in a significant fiscal implication to the state.

The resolution would suspend House Rule 13, Section 9(a)(2), to permit the committee to omit text not in disagreement by omitting Sections 284.0701(d) and (d-1), 284.0702(b) and (c), 366.178(f), (i), and (i-1), 370.177(e), (e-1), (g) and (i), Transportation Code. The omission is necessary because other legislation passed during the 81st Legislature, Regular Session, provided for these changes to the Transportation Code. This would not result in a fiscal impact to the state or local governments.

The resolution would suspend House Rule 13, Section 9(a)(3) and (4) to allow provisions that are not in the House or Senate versions of the bill to take effect by adding ARTICLE 45: Prohibition on Certain Transportation Financing. This change is necessary to prohibit funding for projects that move certain proposed rail line routes of certain regional transportation authorities and to require municipal approval of any changes to those routes. Because this section would not have statewide impact on units of local government of the same type or class, no comment from this office is required by the rules of the House/Senate as to its probable fiscal implication on units of local government.

The resolution would suspend House Rule 13, Section 9(a)(3) and (4) to allow provisions that are not in the House or Senate versions of the bill to take effect by adding Sections 373.002(11), (12), and (13), Transportation Code. This change is necessary to add certain toll projects to the list of projects exempt from the application of the toll project primacy process. This would not result in a significant fiscal implication to the state or units of local government.

The resolution would suspend House Rule 13, Sections 9(a)(3) and (4) to permit the committee to add SECTION 8.01 to the bill. This change is necessary to provide for authorization and imposition of optional fees on the registration of motor vehicles in certain counties. Based on the population and geographic criteria within the bill, using the statutorily required most recent official U.S. decennial census, the provisions of the bill authorizing an optional county fee of \$10 or up to \$50 for registration

of a vehicle would apply only to Val Verde and Webb Counties, respectively. Any positive revenue implications to the applicable counties from the implementation of the optional fee would depend on the amount of the additional fee and the number of vehicles registered in the counties.

Local Government Impact

The impact to local governmental entities is indicated above.

Source Agencies:

LBB Staff: JOB, KJG, TG