

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 83RD LEGISLATIVE REGULAR SESSION**

**February 25, 2013**

**TO:** Honorable Tommy Williams, Chair, Senate Committee On Finance

**FROM:** Ursula Parks, Director, Legislative Budget Board

**IN RE:** SB559 by Duncan (Relating to the remittance dates of certain taxes and fees and the allocation dates of certain state money.), **As Introduced**

**Estimated Three-year Net Impact to General Revenue Related Funds** for SB559, As Introduced: a negative impact of (\$864,312,000) through the biennium ending August 31, 2013 and a positive impact of \$767,934,000 through the biennium ending August 31, 2015.

**General Revenue-Related Funds, Six-Year Impact:**

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2013	(\$864,312,000)
2014	\$767,934,000
2015	\$0
2016	\$0
2017	\$0
2018	\$0

**All Funds, Six-Year Impact:**

Fiscal Year	Probable Revenue Gain/(Loss) from <i>General Revenue Fund</i> 1	Probable Revenue Gain/(Loss) from <i>Available School Fund</i> 2	Probable Revenue Gain/(Loss) from <i>Foundation School Fund</i> 193	Probable Revenue Gain/(Loss) from <i>State Highway Fund</i> 6
2013	(\$904,858,000)	\$136,924,000	(\$96,378,000)	\$410,772,000
2014	\$904,858,000	(\$136,924,000)	\$0	(\$410,772,000)
2015	\$0	\$0	\$0	\$0
2016	\$0	\$0	\$0	\$0
2017	\$0	\$0	\$0	\$0
2018	\$0	\$0	\$0	\$0

**Fiscal Analysis**

The bill would amend various chapters of the Alcoholic Beverage, Government, and Tax Codes, relating to the remittance dates of certain taxes and fees and the allocation dates of certain state

money.

The bill, with regard to alcoholic beverage taxes, would amend the Alcoholic Beverage Code to repeal (1) Sections 34.04(c), (d) and (e), and 48.04(c), (d) and (e), regarding the Airline and Passenger Train Beverage Tax; (2) Sections 201.07(b), (c) and (d), regarding the Liquor and Wine Taxes; (3) Sections 201.43(c), (d) and (e), regarding the Ale and Malt Liquor Tax; (4) Sections 203.03(c), (d) and (e), regarding the Beer Tax; and (5) would amend the Tax Code to repeal Sections 183.023(c), (d) and (e) of the Tax Code, regarding the Mixed Beverage Tax. In each case, the repealed sections require remitters of the taxes to remit one-time tax prepayments for September 2013 in August 2013 that are equal to 25 percent of the amounts the remitters are otherwise required to remit during August 2013. The one-time prepayment would be in addition to the amount the taxpayers are otherwise required to remit in August 2013. Taxpayers would receive an offsetting credit in September 2013.

The bill would repeal Section 466.355(c) of the Government Code, regarding the state lottery, which directs the Comptroller to estimate each year in August the amount to be transferred to GR Account 0193—Foundation School from GR Account 5025—Lottery on or before September 15, and to transfer that estimated amount before each August 25.

The bill, with regard to the Limited Sales, Excise, and Use Tax, would amend the Tax Code to repeal Sections 151.401(c), (d) and (e) and Section 151.402(b). The repealed sections require remitters of this tax to remit a one-time tax prepayment for September 2013 in August 2013 that is equal to 25 percent of the amount the remitter is otherwise required to remit during August 2013. The one-time prepayment would be in addition to the amount the taxpayer is otherwise required to remit in August 2013. Taxpayers would receive an offsetting credit in September 2013.

The bill, with regard to the motor fuel taxes, would amend the Tax Code to repeal Sections 162.113(a-1), (a-2), (a-3) and (a-4), regarding the Gasoline Tax, and Sections 162.214(a-1), (a-2), (a-3) and (a-4), regarding the Diesel Fuel Tax. The repealed sections require remitters of these taxes to remit a one-time tax prepayment for September 2013 in August 2013 that is equal to 25 percent of the amount the remitter is otherwise required to remit during August 2013. The one-time prepayment would be in addition to the amount the taxpayer is otherwise required to remit in August 2013. Taxpayers would receive an offsetting credit in September 2013. In addition, the bill would repeal Section 162.503(b), regarding the Gasoline Tax, and Section 162.504(b), regarding the Diesel Fuel Tax, provisions that direct the Comptroller to delay making the routine monthly allocations of revenues for these taxes from General Revenue Fund 0001 to the Available School Fund 002 and the State Highway Fund 0006 in the months of July and August of 2013 until September 2013.

## **Methodology**

The fiscal impacts of the bill were based on the Comptroller's 2014-15 Biennial Revenue Estimate. The provisions of this bill would impact revenue collections only in fiscal 2013 and 2014. The analysis of the provisions regarding sales tax assumes the one-time payment would apply only to state sales taxes.

This analysis assumes the bill will receive the requisite two-thirds majority votes in both houses of the Legislature and take effect immediately. Otherwise, the bill would take effect September 1, 2013 and only the repeal of Section 466.355(c) of the Government Code, regarding the Comptroller's transfer of funds from GR Account 5025 to GR Account 0193 would be operative.

## **Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 304 Comptroller of Public Accounts, 362 Texas Lottery Commission

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