

BILL ANALYSIS

C.S.H.B. 158
By: Larson
Ways & Means
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Currently, a portion of the sales tax revenue generated by sporting goods-related transactions is allocated to the Parks and Wildlife Department and to the Texas Historical Commission, but the amount received by these agencies is subject to legislative appropriation. While the sales tax on sporting goods is not directly related to park use, no other significant tax or user fee provides a greater connection to park use, and surveys have shown a relationship between the purchase of sports equipment and state park visitation.

Interested parties contend that, as many parks across the state face millions of dollars in maintenance needs and others are threatened with closure, the legislature should not have discretion to use a large percentage of revenue from the sales tax on sporting goods on items unrelated to the functions of the agencies the tax was intended to benefit, nor should it be allowed to use the revenue to certify the budget. C.S.H.B. 158 seeks to remedy this situation.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 158 amends the Tax Code to remove the prohibition against the comptroller of public accounts crediting to the Parks and Wildlife Department (TPWD) or the Texas Historical Commission any proceeds from the collection of taxes imposed on the sale, storage, or use of sporting goods that are in excess of the amounts appropriated to TPWD or the commission for that biennium. The bill restricts the appropriation of money credited to TPWD accounts from the collection of such taxes to acquiring, operating, maintaining, and making capital improvements to parks; for a purpose authorized under Parks and Wildlife Code provisions relating to state assistance for local parks; and to funding the state contributions for employee benefits of TPWD employees whose salaries or wages are paid from those TPWD accounts.

EFFECTIVE DATE

September 1, 2015.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 158 may differ from the original in minor or nonsubstantive ways, the following

84R 24895

15.111.567

Substitute Document Number: 84R 23052

comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Section 151.801(c-1), Tax Code, is repealed.

SECTION 2. Section 151.801(c), Tax Code, is amended to read as follows:

(c) ~~The [Subject to Subsection (c-1), the]~~ proceeds from the collection of the taxes imposed by this chapter on the sale, storage, or use of sporting goods shall be deposited as follows:

(1) an amount equal to 94 percent of the proceeds shall be credited to the Parks and Wildlife Department and deposited as specified in the Parks and Wildlife Code; and

(2) an amount equal to six percent of the proceeds shall be credited to the Texas Historical Commission and deposited as specified in Section 442.073, Government Code.

SECTION 3. This Act takes effect September 1, 2015.

HOUSE COMMITTEE SUBSTITUTE

~~No equivalent provision. (But see SECTION 1 below.)~~

SECTION 1. Sections 151.801(c) and (c-1), Tax Code, are amended to read as follows:

(c) ~~The [Subject to Subsection (c-1), the]~~ proceeds from the collection of the taxes imposed by this chapter on the sale, storage, or use of sporting goods shall be deposited as follows:

(1) an amount equal to 94 percent of the proceeds shall be credited to the Parks and Wildlife Department and deposited as specified in the Parks and Wildlife Code; and

(2) an amount equal to six percent of the proceeds shall be credited to the Texas Historical Commission and deposited as specified in Section 442.073, Government Code.

~~(c-1) Money credited to Parks and Wildlife Department accounts under Subsection (c) may be appropriated only:~~

~~(1) to acquire, operate, maintain, and make capital improvements to parks;~~

~~(2) for a purpose authorized under Chapter 24, Parks and Wildlife Code; and~~

~~(3) [Except as provided by this subsection, the comptroller may not credit to the Parks and Wildlife Department or the Texas Historical Commission any amounts under this section that are in excess of the amounts appropriated to the department or commission for that biennium. In addition to amounts appropriated to the Parks and Wildlife Department from the proceeds described by Subsection (c), the comptroller shall transfer to appropriate department accounts amounts from those proceeds sufficient] to fund the state contributions for employee benefits of Parks and Wildlife Department employees whose salaries or wages are paid from those department accounts [receiving the transfers].~~

SECTION 2. Same as introduced version.