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By:  Zaffirini S.B. No. 1964

A BILL TO BE ENTITLED

AN ACT

relating to the use of certain aviation and air transportation-related tax proceeds for aviation facilities development.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1.  Section 151.801, Tax Code, is amended by amending Subsections (a) and (d) and adding Subsection (c-3) to read as follows:

(a)  Except for the amounts allocated under Subsections (b), (c), [~~and~~] (c-2), and (c-3), all proceeds from the collection of the taxes imposed by this chapter shall be deposited to the credit of the general revenue fund.

(c-3)  The following amounts shall be deposited to the credit of the aviation development account under Section 21.1045, Transportation Code:

(1)  the proceeds from taxes imposed by this chapter that are collected by an airline; and

(2)  the proceeds from taxes imposed by this chapter on:

(A)  an airline;

(B)  the sale or use of an aircraft or an aircraft part or accessory;

(C)  the rental of an aircraft;

(D)  the sale of a taxable item sold at an airport; and

(E)  any other sale or use the comptroller determines by rule to be related to aviation or air transportation.

(d)  The comptroller shall determine the amount to be deposited to the state highway fund under Subsection (b) according to available statistical data indicating the estimated average or actual consumption or sales of lubricants used to propel motor vehicles over the public roadways. The comptroller shall determine the amounts to be deposited to the funds or accounts under Subsection (c) according to available statistical data indicating the estimated or actual total receipts in this state from taxable sales of sporting goods. The comptroller shall determine the amount to be deposited to the fund under Subsection (c-2) according to available statistical data indicating the estimated or actual total receipts in this state from taxes imposed on sales at retail of fireworks. The comptroller shall determine the amount to be deposited under Subsection (c-3) according to available statistical data indicating the estimated or actual total receipts in this state from taxable sales or uses described by Subsection (c-3). If satisfactory data are not available, the comptroller may require taxpayers who make taxable sales or uses of those lubricants, of sporting goods, [~~or~~] of fireworks, or of taxable items subject to the taxable sales or uses described by Subsection (c-3) to report to the comptroller as necessary to make the allocation required by Subsection (b), (c), [~~or~~] (c-2), or (c-3).

SECTION 2.  Section 151.801(e), Tax Code, is amended by amending Subdivision (1) and adding Subdivisions (1-a) and (1-b) to read as follows:

(1)  "Aircraft" has the meaning assigned by Section 151.328.

(1-a)  "Airline" means a certificated or licensed operator of aircraft for the purpose of transporting persons or property for hire in the regular course of business in this state.

(1-b)  "Motor vehicle" means a trailer, a semitrailer, or a self-propelled vehicle in or by which a person or property can be transported upon a public highway. "Motor vehicle" does not include a device moved only by human power or used exclusively on stationary rails or tracks, a farm machine, a farm trailer, a road-building machine, or a self-propelled vehicle used exclusively to move farm machinery, farm trailers, or road-building machinery.

SECTION 3.  Subchapter I, Chapter 171, Tax Code, is amended by adding Section 171.402 to read as follows:

Sec. 171.402.  ALLOCATION OF CERTAIN REVENUE TO AVIATION DEVELOPMENT. Notwithstanding Section 171.401, the comptroller shall deposit the revenue from the tax imposed by this chapter on a taxable entity that is an airline, as defined by Section 151.801(e), to the credit of the aviation development account under Section 21.1045, Transportation Code.

SECTION 4.  Subchapter C, Chapter 21, Transportation Code, is amended by adding Section 21.1045 to read as follows:

Sec. 21.1045.  AVIATION DEVELOPMENT ACCOUNT. (a) The aviation development account is a separate account in the general revenue fund.

(b)  The account consists of:

(1)  deposits made under Sections 151.801 and 171.402, Tax Code; and

(2)  transfers to the account.

(c)  Money in the account may be appropriated only to the department for making grants and loans under this subchapter.

SECTION 5.  This Act takes effect September 1, 2019.