

BILL ANALYSIS

C.S.S.B. 1512
By: Hancock
Transportation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Recently enacted legislation established a dedicated Texas Department of Motor Vehicles (TxDMV) fund separate from the general revenue fund and state highway fund. Informed parties contend that the creation of the fund allowed TxDMV the opportunity to be funded separately from the state highway fund, thereby ending any diversions, ensuring the intended use of statutorily dedicated fees, and allowing for more transparency in funding. However, the parties contend that additional legislation that consolidated funds did not exempt the TxDMV fund from its provisions, resulting in the abolishment of the fund. Due to that legislation, the parties note, the revenue streams that would have gone into the TxDMV fund have instead been deposited to the credit of the general revenue fund. C.S.S.B. 1512 seeks to address this issue in response to calls for the re-creation of the TxDMV fund.

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.S.B. 1512, on September 1, 2016, re-creates the Texas Department of Motor Vehicles (TxDMV) fund as a special fund in the state treasury outside the general revenue fund and rededicates all revenue dedicated for deposit to the credit of the TxDMV fund by a provision of the legislation that established the fund for that purpose. The bill requires the comptroller of public accounts, on September 1, 2016, to transfer from the general revenue fund to the credit of the TxDMV fund the amount of \$23 million.

EFFECTIVE DATE

September 1, 2016.

COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE

While C.S.S.B. 1512 may differ from the engrossed in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the engrossed and committee substitute versions of the bill.

SENATE ENGROSSED

SECTION 1. On September 1, 2016, the Texas Department of Motor Vehicles fund created by Section 1001.151, Transportation Code, as enacted by Section 71, Chapter 1287 (H.B. 2202), Acts of the 83rd Legislature, Regular Session, 2013, is re-created by this Act as a special fund in the state treasury outside the general revenue fund, and all revenue dedicated for deposit to the credit of the Texas Department of Motor Vehicles fund by a provision of Chapter 1287 (H.B. 2202), Acts of the 83rd Legislature, Regular Session, 2013, is rededicated by this Act for that purpose.

SECTION 2. (a) On September 1, 2016, the comptroller of public accounts shall transfer to the credit of the Texas Department of Motor Vehicles fund, as re-created by this Act, an amount from the state highway fund equal to the total amount of fees collected or received by the Texas Department of Motor Vehicles under Section 502.356, Transportation Code, and former Section 502.1705, Transportation Code, during the period beginning November 1, 2009, and ending August 31, 2013.

(b) To the extent that money from the state highway fund transferred to the credit of the Texas Department of Motor Vehicles fund as required by Subsection (a) of this section was, before September 1, 2013, used as collateral or as a source of payment for the repayment of a loan, bond, credit agreement, public security, or other obligation, that amount remains subject to use as collateral or as a source of payment for the obligation. However, an obligation described by this subsection must be paid first from the state highway fund, and the Texas Department of Motor Vehicles fund is subject to payment of the obligation only to the extent the state highway fund is depleted at the time the obligation matures and becomes due.

SECTION 3. Except as specified by Section 2 of this Act, of the revenue dedicated for deposit to the credit of the Texas Department of Motor Vehicles fund by a provision of Chapter 1287 (H.B. 2202), Acts of the 83rd Legislature, Regular Session, 2013, the comptroller of public accounts shall deposit to the credit of that

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Same as engrossed version.

SECTION 2. On September 1, 2016, the comptroller shall transfer from the general revenue fund to the credit of the Texas Department of Motor Vehicles fund, as re-created by this Act, the amount of \$23 million.

SECTION 3. Substantially the same as engrossed version.

fund only revenue received on or after the effective date of this Act.

SECTION 4. This Act takes effect September 1, 2016.

SECTION 4. Same as engrossed version.