

BILL ANALYSIS

Senate Research Center
84R23052 CJC-D

H.B. 158
By: Larson et al. (Estes)
Finance
5/8/2015
Engrossed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, a portion of the sales tax revenue generated by sporting goods-related transactions is allocated to the Texas 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.

H.B. 158 amends current law relating to the allocation and use of the proceeds from taxes imposed on the sale, storage, or use of sporting goods.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 151.801(c) and (c-1), Tax Code, as follows:

(c) Requires that the proceeds from the collection of the taxes imposed by this chapter on the sale, storage, or use of sporting goods be deposited in certain amounts as set forth, rather than requires the proceeds from the collection of the taxes imposed by this chapter on the sale, storage, or use of sporting goods, subject to Subsection (c-1), be deposited in certain amounts as set forth.

(c-1) Provides that the money credited to Texas Parks and Wildlife Department (TPWD) 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) to fund the state contributions for employee benefits of TPWD employees whose salaries or wages are paid from those TPWD accounts.

Deletes existing text from Subsection (c) prohibiting the comptroller of public accounts of the State of Texas (comptroller), except as provided by this subsection, from crediting to TPWD or the Texas Historical Commission (THC) any amounts under this section that are in excess of the amounts appropriated to TPWD or THC for that biennium. Deletes existing text from Subsection (c) requiring the comptroller, in addition to amounts appropriated to TPWD from the proceeds described by Subsection (c), to transfer to

appropriate TPWD accounts amounts from those proceeds sufficient to fund the state contributions for employee benefits of TPWD employees whose salaries or wages are paid from TPWD accounts receiving the transfers.

SECTION 2. Effective date: September 1, 2015.