

By: Zaffirini

S.B. No. 1964

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the use of certain aviation and air  
3 transportation-related tax proceeds for aviation facilities  
4 development.

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

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

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

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

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

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

20 (A) an airline;

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

23 (C) the rental of an aircraft;

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

1 and

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

4 (d) The comptroller shall determine the amount to be  
5 deposited to the state highway fund under Subsection (b) according  
6 to available statistical data indicating the estimated average or  
7 actual consumption or sales of lubricants used to propel motor  
8 vehicles over the public roadways. The comptroller shall determine  
9 the amounts to be deposited to the funds or accounts under  
10 Subsection (c) according to available statistical data indicating  
11 the estimated or actual total receipts in this state from taxable  
12 sales of sporting goods. The comptroller shall determine the  
13 amount to be deposited to the fund under Subsection (c-2) according  
14 to available statistical data indicating the estimated or actual  
15 total receipts in this state from taxes imposed on sales at retail  
16 of fireworks. The comptroller shall determine the amount to be  
17 deposited under Subsection (c-3) according to available  
18 statistical data indicating the estimated or actual total receipts  
19 in this state from taxable sales or uses described by Subsection  
20 (c-3). If satisfactory data are not available, the comptroller may  
21 require taxpayers who make taxable sales or uses of those  
22 lubricants, of sporting goods, ~~or~~ of fireworks, or of taxable  
23 items subject to the taxable sales or uses described by Subsection  
24 (c-3) to report to the comptroller as necessary to make the  
25 allocation required by Subsection (b), (c), ~~or~~ (c-2), or (c-3).

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

1 read as follows:

2 (1) "Aircraft" has the meaning assigned by Section  
3 151.328.

4 (1-a) "Airline" means a certificated or licensed  
5 operator of aircraft for the purpose of transporting persons or  
6 property for hire in the regular course of business in this state.

7 (1-b) "Motor vehicle" means a trailer, a semitrailer,  
8 or a self-propelled vehicle in or by which a person or property can  
9 be transported upon a public highway. "Motor vehicle" does not  
10 include a device moved only by human power or used exclusively on  
11 stationary rails or tracks, a farm machine, a farm trailer, a  
12 road-building machine, or a self-propelled vehicle used  
13 exclusively to move farm machinery, farm trailers, or road-building  
14 machinery.

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

17 Sec. 171.402. ALLOCATION OF CERTAIN REVENUE TO AVIATION  
18 DEVELOPMENT. Notwithstanding Section 171.401, the comptroller  
19 shall deposit the revenue from the tax imposed by this chapter on a  
20 taxable entity that is an airline, as defined by Section  
21 151.801(e), to the credit of the aviation development account under  
22 Section 21.1045, Transportation Code.

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

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

1        (b) The account consists of:

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

4                (2) transfers to the account.

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

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