

BILL ANALYSIS

Senate Research Center

H.B. 1387
By: Gray (Armbrister)
State Affairs
5-1-97
Committee Report (Amended)

DIGEST

The Automobile Theft Prevention Authority (authority) was created in 1991 by the 72nd Legislature. The authority is responsible for establishing a statewide effort to reduce vehicle theft and the resulting economic loss, which the authority has primarily done by providing financial support to local law enforcement agencies for automobile theft enforcement teams. The authority has three primary duties: public education, grant administration, and grant review and monitoring. To carry out these duties and award grants, the authority had a budget of \$17.5 million and seven employees for fiscal year 1996. The \$17.5 million includes unexpended balances from previous years.

The authority is subject to the Sunset Act and will be abolished September 1, 1997, unless continued by the legislature. As a result of its review, the Sunset Advisory Commission recommended continuation and several statutory modifications that are contained in this legislation.

PURPOSE

As proposed, H.B. 1387 provides for the continuation of the Automobile Theft Prevention Authority (authority) within the Texas Department of Transportation (department), removes the agency from separate sunset review, and makes other statutory modifications. The modifications proposed by this bill:

- 1) clarify the relationship between the authority and department by removing the authority's authority to employ and compensate staff and by specifying that the authority may use only department staff and that the authority be provided services only by or through the department;
- 2) set a cap of eight percent on the authority's administrative expenditures;
- 3) require automobile insurers to pay the authority assessment twice a year rather than once a year;
- 4) require the authority to contract with the attorney general at an agreed cost for the use and enhancement of existing computer equipment to investigate, apprehend, and prosecute automobile thieves;
- 5) specify that a request by an insurance company for a refund of the authority assessments is valid regardless of the date the assessment was paid or the request was made; and
- 6) provide for other changes.

RULEMAKING AUTHORITY

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

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 1, Article 4413(37), V.T.C.S., by adding Subdivisions (3) and (4), to define "department" and "director."

SECTION 2. Amends Section 2, Article 4413(37), V.T.C.S., to set forth standard sunset language regarding establishment of authority.

SECTION 3. Amends Section 3, Article 4413(37), V.T.C.S., by amending Subsections (d), (f), and (h) and adding Subsections (i), (j), (k), and (l), to set forth standard sunset language regarding disability, ground for removal, spouse registration, Texas trade associations, lobbyists, and qualifications for office.

SECTION 4. Amends Section 5, Article 4413(37), V.T.C.S., to set forth standard sunset language regarding the designation of the presiding officer, the completion of training, and reimbursement for travel expenses.

SECTION 5. Amends Section 6, Article 4413(37), V.T.C.S., to set forth standard sunset language regarding contracting, the personnel and services, policymaking responsibilities, public opportunity to appear before the authority, and financial reports.

SECTION 6. Amends Section 6A(b), Article 4413(37), V.T.C.S., to authorize the Automobile Theft Prevention Authority (authority) to request the comptroller to draw warrants on the funds available to the authority for the purpose of refunding monies to an insurer, rather than to draw warrants on the automobile theft prevention fund for the purpose of refunding monies to an insurer.

SECTION 7. Amends Section 8, Article 4413(37), V.T.C.S., as follows:

Sec. 8. New heading: USE OF APPROPRIATED FUNDS. Requires money appropriated to the Texas Department of Transportation (department) for authority purposes to be used by the authority to pay the department for administrative costs and to achieve the purpose of this article. Deletes text providing that the automobile theft prevention fund is an account in the state treasury. Deletes existing Subsections (b)-(d). Sets forth provisions regarding administrative expenses of the authority and cost of personnel and services provided to the authority.

SECTION 8. Amends Section 9(g), Article 4413(37), V.T.C.S., to delete a provision requiring money collected by the department to be deposited to the credit of the automobile theft prevention fund.

SECTION 9. Amends Section 10(b), Article 4413(37), V.T.C.S., effective August 1, 1998, to require an insurer to pay to the authority a fee equal to \$1 multiplied by the total number of motor vehicle years of insurance for insurance policies delivered, issued for delivery, or renewed by the insurer, by a certain deadline.

SECTION 10. Repealers: Sections 6A(e), 10(e), and 12, Article 4413(37), V.T.C.S. (Requests - Power to Refund; Fee - If the Authority is Abolished; Sunset Provision).

SECTION 11. Sets forth provisions regarding the request for a refund of authority assessments.

SECTION 12. Makes application of this Act prospective.

SECTION 13. Effective date: September 1, 1997.

SECTION 14. Emergency clause.

SUMMARY OF COMMITTEE CHANGES

Amendment 1.

Page 4, line 16, through page 5, line 14, strike proposed Subsections (c) and (d), and insert

new Subsections (c), (d), and (e).

Page 6, line 26, through page 7, line 4, strike SECTION 7 and renumber subsequent SECTIONS.