

RQ-214



ID# 13685
MJ

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Committee on Insurance

EDDIE CAVAZOS
CHAIRMAN

September 18, 1991

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David Counts
COMMITTEE CLERK
Rob Edwards

The Honorable Dan Morales
Attorney General of Texas
Supreme Court Building, P.O. Box 12548
Austin, Texas 78711-2548
Attention: Madeleine Johnson

RECEIVED

SEP 25 91

Opinion Committee

Dear General Morales:

This is to request an opinion from the office of the Attorney General on Section 4.202(a), County Road and Bridge Act (Article 6702-1, Vernon's Texas Civil Statutes).

House Bill 2, Acts of the 72nd Legislature, amended Section 4.202(a) to increase the fee to be collected by each county tax assessor-collector upon registration of a motor vehicle by \$.40. As the author of HB 2, my intent for the increase was to provide additional compensation to the entities registering motor vehicles for the burden of verifying a registrant's financial responsibility.

It has come to my attention that the Cameron County tax assessor-collector has been instructed by the Cameron County commissioner's court that the additional \$.40 should not be distributed to the office of the tax assessor-collector but rather to the county's general fund. As a result, the tax assessor-collector is unable to hire additional staff needed to effectively enforce the financial responsibility provisions of HB 2. This action by the county appears to be inconsistent with the act as amended and is in opposition to the intent.

Enclosed are copies of letters from my colleagues alerting me to the problem and a copy of my response letter. Please contact Rob Edwards in the House Insurance Committee office should you have questions (463-0788).

Sincerely,

EDDIE CAVAZOS
CHAIR, House Insurance Committee

Enclosures



René O. Oliveira
Texas House of Representatives
District 39

P. O. Box 2910
Austin, Texas 78768-2910
(512) 463-0640

September 13, 1991

P. O. Box 2315
422 E. Elizabeth
Brownsville, Texas 78522-2315
(512) 542-1828

The Honorable Eddie Cavazos
Chairman, House Insurance Committee
Reagan Bldg., Rm. 245

Dear Chairman Cavazos:

It has been brought to my attention by our Cameron County Tax Assessor-Collector, Tony Yzaguirre, that there is some confusion as to the intent of H.B. 2, your omnibus insurance bill passed during the regular session; more specifically, Article 10, Section 10.07, Section 4.202(a), regarding the increase in the uniform fee that a county tax assessor-collector receives for the registration of vehicles.

Mr. Yzaguirre would like clarification on the legislative intent as to whether the monies generated from this fee increase are to go to a county's general fund or to the county's tax assessor-collector budget.

I respectfully request a letter of clarification from your office or an attorney general's opinion if you deem it necessary. Your prompt attention to this matter would be greatly appreciated.

Sincerely,

A handwritten signature in cursive script that reads "René O. Oliveira".

Rene O. Oliveira

xc: Tony Yzaguirre



SENATOR EDDIE LUCIO JR.
DISTRICT 27

CAPITOL STATION
P.O. BOX 12068
AUSTIN, TEXAS 78711
(512) 463-0127
FAX (512) 463-0155

The Senate of
The State of Texas

DISTRICT OFFICES
32 NORTH PARK PLAZA
P.O. BOX 5958
BROWNSVILLE, TEXAS 78523
(512) 548-0227
FAX (512) 548-0440

504 N. 10TH, SUITE B-11
MCALLEN, TEXAS 78501
(512) 686-0127
FAX (512) 686-2231

September 13, 1991

The Honorable Eddie Cavasos
Texas House of Representatives
P.O. Box 2910
Austin, Texas 78711

Dear Representative Cavasos:

I am writing on behalf of Tony Yzaguirre, the Cameron County tax assessor-collector.

House Bill 2 provided an extra 40 cents for each receipt issued by the county tax assessor-collector relating to the registration of vehicles. Mr. Yzaguirre has experienced an increased work load as a result of the new requirements of the law and would like to hire additional staff.

Although the law clearly states that the money should go to the county tax assessor-collector, the funds are being deposited into the county's general fund and appropriated for other uses. Mr. Yzaguirre has made a reasonable effort to settle the matter on his own but has not made any progress.

My staff contacted the attorney general's office for guidance on this issue and they recommended that we seek an opinion from their office. Could you please request that opinion for me to determine the intent of this provision?

If you need additional information, please contact my office. Thank you for your help.

Sincerely,

Eddie Lucio, Jr.

cc: Tony Yzaguirre



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Committee on Insurance

EDDIE CAVAZOS
CHAIRMAN

VICE CHAIRMAN
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BUDGET & OVERSIGHT
CHAIRMAN
David Counts
COMMITTEE CLERK
Rob Edwards

September 17, 1991

The Honorable Rene O. Oliveira
State Representative
Capitol, Room 345-B

Dear Rene:

Thank you for consulting with me on the legislative intent of House Bill 2. The Insurance Committee was lobbied heavily by the Texas Association of Counties on the issue of interest to you.

The committee did not intend to change the manner in which money generated by vehicle registrations is distributed. Rather, we simply changed the dollar amount provided in Section 4.202(a). Therefore, the \$1.50 fee collected for each registered vehicle under previous law is now raised to \$1.90 and is intended to compensate for the additional burden of verifying financial responsibility upon registration. House Bill 2 in no way alters language regarding the disposition of the fee. I believe any questions about the fee disposition should be directed at the original intent of Section 4.202(a) as passed into law by the 68th Legislature.

I hope this satisfies your question. Please let know if I can provide further assistance.

Sincerely,

A handwritten signature in cursive script that reads "Eddie".

EDDIE CAVAZOS
CHAIR, House Insurance Committee