

1-1 By: Ogden S.B. No. 21
1-2 (In the Senate - Filed July 1, 2003; July 1, 2003, read
1-3 first time and referred to Committee on Infrastructure Development
1-4 and Security; July 14, 2003, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 7, Nays 0;
1-6 July 14, 2003, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 21 By: Ogden

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to the financing, construction, improvement, maintenance,
1-11 and operation of toll facilities by the Texas Department of
1-12 Transportation and the disposition of money generated by the driver
1-13 responsibility program, fines imposed for certain traffic
1-14 offenses, and certain fees collected by the Department of Public
1-15 Safety of the State of Texas; making an appropriation.

1-16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-17 SECTION 1. Subsection (c), Section 284.061, Transportation
1-18 Code, is amended to read as follows:

1-19 (c) Except as provided by Section 361.1375, if applicable,
1-20 the [The] county is entitled to immediate possession of property
1-21 subject to a condemnation proceeding brought by the county after:

1-22 (1) a tender of a bond or other security in an amount
1-23 sufficient to secure the owner for damages; and

1-24 (2) the approval of the bond or security by the court.

1-25 SECTION 2. Section 361.136, Transportation Code, as amended
1-26 by House Bill Nos. 3184 and 3588, Acts of the 78th Legislature,
1-27 Regular Session, 2003, is reenacted to read as follows:

1-28 Sec. 361.136. SEVERANCE OF REAL PROPERTY. (a) If a
1-29 turnpike project severs an owner's real property, the department
1-30 shall pay:

1-31 (1) the value of the property acquired; and

1-32 (2) the damages to the remainder of the owner's
1-33 property caused by the severance, including damages caused by the
1-34 inaccessibility of one tract from the other.

1-35 (b) The department may negotiate for and purchase the
1-36 severed real property or either part of the severed real property if
1-37 the department and the owner agree on terms for the purchase.
1-38 Instead of a single fixed payment for the real property, the
1-39 department may agree to a payment to the owner in the form of:

1-40 (1) an intangible legal right to receive a percentage
1-41 of identified revenue attributable to the applicable segment of the
1-42 turnpike project; or

1-43 (2) an exclusive or nonexclusive right to use or
1-44 operate a segment or part of the turnpike project.

1-45 (c) A right to a payment under Subsection (b)(1) is subject
1-46 to any pledge of the revenue under the term of a trust agreement
1-47 securing bonds issued for the project.

1-48 SECTION 3. Section 361.137, Transportation Code, as amended
1-49 by House Bill Nos. 3184 and 3588, Acts of the 78th Legislature,
1-50 Regular Session, 2003, is reenacted to read as follows:

1-51 Sec. 361.137. DECLARATION OF TAKING. (a) The department
1-52 may file a declaration of taking with the clerk of the court:

1-53 (1) in which the department files a condemnation
1-54 petition under Chapter 21, Property Code; or

1-55 (2) to which the case is assigned.

1-56 (b) The department may file the declaration of taking
1-57 concurrently with or subsequent to the petition but may not file the
1-58 declaration after the special commissioners have made an award in
1-59 the condemnation proceeding.

1-60 (c) The department may not file a declaration of taking
1-61 before the completion of:

1-62 (1) all environmental documentation, including a
1-63 final environmental impact statement or a record of decision, that

2-1 is required by federal or state law;

2-2 (2) all public hearings and meetings, including those

2-3 held in connection with the environmental process and under

2-4 Sections 201.604 and 203.021, that are required by federal or state

2-5 law; and

2-6 (3) all notifications required by Section 203.022.

2-7 (d) The declaration of taking must include:

2-8 (1) a specific reference to the legislative authority

2-9 for the condemnation;

2-10 (2) a description and plot plan of the real property to

2-11 be condemned, including the following information if applicable:

2-12 (A) the municipality in which the property is

2-13 located;

2-14 (B) the street address of the property; and

2-15 (C) the lot and block number of the property;

2-16 (3) a statement of the property interest to be

2-17 condemned;

2-18 (4) the name and address of each property owner that

2-19 the department can obtain after reasonable investigation and a

2-20 description of the owner's interest in the property; and

2-21 (5) a statement that immediate possession of all or

2-22 part of the property to be condemned is necessary for the timely

2-23 construction of a turnpike project.

2-24 (d-1) A deposit to the registry of the court of an amount

2-25 equal to the appraised value, as determined by the department, of

2-26 the property to be condemned must accompany the declaration of

2-27 taking.

2-28 (e) The date on which the declaration is filed is the date of

2-29 taking for the purpose of assessing damages to which a property

2-30 owner is entitled.

2-31 (f) After a declaration of taking is filed, the case shall

2-32 proceed as any other case in eminent domain under Chapter 21,

2-33 Property Code.

2-34 SECTION 4. Subchapter D, Chapter 361, Transportation Code,

2-35 is amended by adding Section 361.1375 to read as follows:

2-36 Sec. 361.1375. DECLARATION OF TAKING BY CERTAIN COUNTIES.

2-37 (a) This section applies only to a county with a population of 3.3

2-38 million or more that operates under Chapter 284.

2-39 (b) If, in connection with projects under Chapter 284, the

2-40 director authorizes the county to proceed in the manner provided by

2-41 Section 361.137:

2-42 (1) the county may file a declaration of taking and

2-43 proceed in the manner provided by Section 361.137 on any project of

2-44 the county under Chapter 284; and

2-45 (2) a reference to the department in Section 361.137

2-46 means the county.

2-47 SECTION 5. Subsection (b), Section 361.138, Transportation

2-48 Code, as amended by House Bill Nos. 3184 and 3588, Acts of the 78th

2-49 Legislature, Regular Session, 2003, is reenacted to read as

2-50 follows:

2-51 (b) If the condemned property is a homestead or a portion of

2-52 a homestead as defined by Section 41.002, Property Code, the

2-53 department may not take possession sooner than the 91st day after

2-54 the date of service under Subsection (a).

2-55 SECTION 6. Section 361.171, Transportation Code, as amended

2-56 by House Bill Nos. 3184 and 3588, Acts of the 78th Legislature,

2-57 Regular Session, 2003, is reenacted and amended to read as follows:

2-58 Sec. 361.171. TURNPIKE REVENUE BONDS. (a) The commission

2-59 by order may authorize the issuance of turnpike revenue bonds to pay

2-60 all or part of the cost of a turnpike project. Each project shall be

2-61 financed and built by a separate bond issue. The proceeds of a bond

2-62 issue may be used solely for the payment of the project for which

2-63 the bonds were issued and may not be divided between or among two or

2-64 more projects. Each project is a separate undertaking, the cost of

2-65 which shall be determined separately.

2-66 (b) As determined in the order authorizing the issuance, the

2-67 bonds of each issue shall:

2-68 (1) be dated;

2-69 (2) bear interest at the rate or rates provided by the

3-1 order and beginning on the dates provided by the order and as
 3-2 authorized by law, or bear no interest;

3-3 (3) mature at the time or times provided by the order,
 3-4 not exceeding 40 years from their date or dates; and

3-5 (4) be made redeemable before maturity, at the price
 3-6 or prices and under the terms provided by the order.

3-7 (c) The commission may sell the bonds at public or private
 3-8 sale in the manner and for the price it determines to be in the best
 3-9 interest of the department.

3-10 (d) The proceeds of each bond issue shall be disbursed in
 3-11 the manner and under the restrictions, if any, the commission
 3-12 provides in the order authorizing the issuance of the bonds or in
 3-13 the trust agreement securing the bonds.

3-14 (e) If the proceeds of a bond issue are less than the
 3-15 turnpike project cost, additional bonds may be issued in the same
 3-16 manner to pay the costs of a turnpike project. Unless otherwise
 3-17 provided in the order authorizing the issuance of the bonds or in
 3-18 the trust agreement securing the bonds, the additional bonds are on
 3-19 a parity with and are payable, without preference or [~~of~~] priority,
 3-20 from the same fund as the bonds first issued. In addition, the
 3-21 commission may issue bonds for a turnpike project secured by a lien
 3-22 on the revenue of the turnpike project subordinate to the lien on
 3-23 the revenue securing other bonds issued for the turnpike project.

3-24 (f) If the proceeds of a bond issue exceed the cost of the
 3-25 turnpike project for which the bonds were issued, the surplus shall
 3-26 be segregated from the other money of the commission and used only
 3-27 for the purposes specified in the order authorizing the issuance.

3-28 (g) In addition to other permitted uses, the proceeds of a
 3-29 bond issue may be used to pay costs incurred before the issuance of
 3-30 the bonds, including costs of environmental review, design,
 3-31 planning, acquisition of property, relocation assistance,
 3-32 construction, and operation.

3-33 (h) Bonds issued and delivered under this chapter and
 3-34 interest coupons on the bonds are a security under Chapter 8,
 3-35 Business & Commerce Code.

3-36 (i) Bonds issued under this chapter and income from the
 3-37 bonds, including any profit made on the sale or transfer of the
 3-38 bonds, are exempt from taxation in this state.

3-39 SECTION 7. Section 361.172, Transportation Code, as amended
 3-40 by House Bill Nos. 3184 and 3588, Acts of the 78th Legislature,
 3-41 Regular Session, 2003, is reenacted to read as follows:

3-42 Sec. 361.172. APPLICABILITY OF OTHER LAW; CONFLICTS. All
 3-43 laws affecting the issuance of bonds by governmental entities,
 3-44 including Chapters 1201, 1202, 1204, 1207, and 1371, Government
 3-45 Code, apply to bonds issued under this chapter. To the extent of a
 3-46 conflict between those laws and this chapter, the provisions of
 3-47 this chapter prevail.

3-48 SECTION 8. Subsection (a), Section 361.173, Transportation
 3-49 Code, as amended by House Bill Nos. 3184 and 3588, Acts of the 78th
 3-50 Legislature, Regular Session, 2003, is reenacted to read as
 3-51 follows:

3-52 (a) The principal of, interest on, and any redemption
 3-53 premium on bonds issued by the commission under this chapter are
 3-54 payable solely from:

3-55 (1) the revenue of the turnpike project for which the
 3-56 bonds were issued, including tolls pledged to pay the bonds; and

3-57 (2) amounts received under a credit agreement relating
 3-58 to the turnpike project for which the bonds are issued.

3-59 SECTION 9. Section 361.174, Transportation Code, as amended
 3-60 by House Bill Nos. 3184 and 3588, Acts of the 78th Legislature,
 3-61 Regular Session, 2003, is reenacted to read as follows:

3-62 Sec. 361.174. SOURCES OF PAYMENT OF AND SECURITY FOR
 3-63 TURNPIKE PROJECT BONDS. Notwithstanding any other provisions of
 3-64 this chapter, turnpike project bonds issued by the commission may
 3-65 be payable from and secured by payments made under an agreement with
 3-66 a local governmental entity as provided by Subchapter A, Chapter
 3-67 362, and may state on their faces any pledge of revenue or taxes and
 3-68 any security for the bonds under the agreement.

3-69 SECTION 10. Section 361.177, Transportation Code, as

4-1 amended by House Bill Nos. 3184 and 3588, Acts of the 78th
4-2 Legislature, Regular Session, 2003, is reenacted to read as
4-3 follows:

4-4 Sec. 361.177. PROVISIONS PROTECTING AND ENFORCING RIGHTS
4-5 AND REMEDIES OF BONDHOLDERS. A trust agreement or order providing
4-6 for the issuance of bonds may contain provisions to protect and
4-7 enforce the rights and remedies of the bondholders, including:

4-8 (1) covenants establishing the commission's duties
4-9 relating to:

4-10 (A) the acquisition of property;

4-11 (B) the construction, improvement, expansion,
4-12 maintenance, repair, operation, and insurance of the turnpike
4-13 project in connection with which the bonds were authorized; and

4-14 (C) the custody, safeguarding, and application
4-15 of money;

4-16 (2) covenants prescribing events that constitute
4-17 default;

4-18 (3) covenants prescribing terms on which any or all of
4-19 the bonds become or may be declared due before maturity;

4-20 (4) covenants relating to the rights, powers,
4-21 liabilities, or duties that arise on the breach of a duty of the
4-22 commission; and

4-23 (5) provisions for the employment of consulting
4-24 engineers in connection with the construction or operation of the
4-25 turnpike project.

4-26 SECTION 11. Section 361.178, Transportation Code, as
4-27 amended by House Bill Nos. 3184 and 3588, Acts of the 78th
4-28 Legislature, Regular Session, 2003, is reenacted to read as
4-29 follows:

4-30 Sec. 361.178. FURNISHING OF INDEMNIFYING BONDS OR PLEDGE OF
4-31 SECURITIES. A bank or trust company incorporated under the laws of
4-32 this state and that acts as depository of the proceeds of bonds or
4-33 of revenue may furnish indemnifying bonds or pledge securities that
4-34 the department requires.

4-35 SECTION 12. Subsection (a), Section 361.179,
4-36 Transportation Code, as amended by House Bill Nos. 3184 and 3588,
4-37 Acts of the 78th Legislature, Regular Session, 2003, is reenacted
4-38 and amended to read as follows:

4-39 (a) The department may:

4-40 (1) impose tolls for the use of each turnpike project
4-41 and the different segments or parts [~~or sections~~] of each turnpike
4-42 project; and

4-43 (2) notwithstanding anything in Chapter 202 to the
4-44 contrary, contract with a person for the use of part of a turnpike
4-45 project or lease part of a turnpike project for a gas station,
4-46 garage, store, hotel, restaurant, railroad tracks, utilities, and
4-47 telecommunications facilities and equipment and set the terms for
4-48 the use or lease.

4-49 SECTION 13. Subsection (a), Section 361.185,
4-50 Transportation Code, as amended by House Bill Nos. 3184 and 3588,
4-51 Acts of the 78th Legislature, Regular Session, 2003, is reenacted
4-52 to read as follows:

4-53 (a) All money received under this chapter, whether as
4-54 proceeds from the sale of bonds or as revenue, is a trust fund to be
4-55 held and applied as provided by this chapter. Notwithstanding any
4-56 other law, including Section 9, Chapter 1123, Acts of the 75th
4-57 Legislature, Regular Session, 1997, and without the prior approval
4-58 of the comptroller, funds held under this chapter shall be held in
4-59 trust by a banking institution chosen by the department or, at the
4-60 discretion of the department, in trust in the state treasury
4-61 outside the general revenue fund.

4-62 SECTION 14. Section 361.189, Transportation Code, as
4-63 amended by House Bill Nos. 3184 and 3588, Acts of the 78th
4-64 Legislature, Regular Session, 2003, is reenacted to read as
4-65 follows:

4-66 Sec. 361.189. USE OF SURPLUS REVENUE. The commission by
4-67 order may authorize the use of surplus revenue of a turnpike project
4-68 to pay the costs of another turnpike project within the region. The
4-69 commission may in the order prescribe terms for the use of the

5-1 revenue, including the pledge of the revenue, but may not take an
5-2 action under this section that violates, impairs, or is
5-3 inconsistent with a bond order, trust agreement, or indenture
5-4 governing the use of the surplus revenue.

5-5 SECTION 15. Section 361.302, Transportation Code, as
5-6 amended by House Bill Nos. 3184 and 3588, Acts of the 78th
5-7 Legislature, Regular Session, 2003, is reenacted and amended to
5-8 read as follows:

5-9 Sec. 361.302. COMPREHENSIVE DEVELOPMENT AGREEMENTS.

5-10 (a) Subject to Section 361.3021, the department may enter into a
5-11 comprehensive development agreement with a private entity to
5-12 construct, maintain, repair, operate, extend, or expand a turnpike
5-13 project.

5-14 (b) In this subchapter, "comprehensive development
5-15 agreement" means an agreement [~~with a private entity~~] that, at a
5-16 minimum, provides for the design and construction of a turnpike
5-17 project and may also provide for the financing, acquisition,
5-18 maintenance, or operation of a turnpike project.

5-19 (c) The department may negotiate provisions relating to
5-20 professional and consulting services provided in connection with a
5-21 comprehensive development agreement.

5-22 (d) Money disbursed by the department under a comprehensive
5-23 development agreement is not included in the amount:

5-24 (1) required to be spent in a state fiscal biennium for
5-25 engineering and design contracts under Section 223.041; or

5-26 (2) appropriated in Strategy A.1.1.
5-27 Plan/Design/Manage of the General Appropriations Act for that
5-28 biennium for the purpose of making the computation under Section
5-29 223.041.

5-30 (e) The authority to enter into comprehensive development
5-31 agreements provided by this section expires on August 31, 2011.

5-32 SECTION 16. Section 361.3021, Transportation Code, as added
5-33 by House Bill Nos. 3184 and 3588, Acts of the 78th Legislature,
5-34 Regular Session, 2003, is reenacted to read as follows:

5-35 Sec. 361.3021. LIMITATION ON DEPARTMENT FINANCIAL
5-36 PARTICIPATION. The amount of money disbursed by the department
5-37 from the state highway fund and the Texas mobility fund during a
5-38 federal fiscal year to pay the costs under comprehensive
5-39 development agreements may not exceed 40 percent of the obligation
5-40 authority under the federal-aid highway program that is distributed
5-41 to this state for the fiscal year.

5-42 SECTION 17. Subsection (a), Section 361.303,
5-43 Transportation Code, as amended by House Bill Nos. 3184 and 3588,
5-44 Acts of the 78th Legislature, Regular Session, 2003, is reenacted
5-45 to read as follows:

5-46 (a) A turnpike project that is the subject of a
5-47 comprehensive development agreement with a private entity,
5-48 including the facilities acquired or constructed on the project, is
5-49 public property and belongs to the department.

5-50 SECTION 18. Section 361.305, Transportation Code, as
5-51 amended by House Bill Nos. 3184 and 3588, Acts of the 78th
5-52 Legislature, Regular Session, 2003, is reenacted and amended to
5-53 read as follows:

5-54 Sec. 361.305. TERMS OF PRIVATE PARTICIPATION. (a) The
5-55 department shall negotiate the terms of private participation in a
5-56 turnpike project, including:

5-57 (1) methods to determine the applicable cost, profit,
5-58 and project distribution between the private equity investors and
5-59 the department;

5-60 (2) reasonable methods to determine and classify toll
5-61 rates;

5-62 (3) acceptable safety and policing standards; and

5-63 (4) other applicable professional, consulting,
5-64 construction, operation, and maintenance standards, expenses, and
5-65 costs.

5-66 (b) A comprehensive development agreement entered into
5-67 under Section 361.302 must include a provision authorizing the
5-68 department to purchase, under terms and conditions agreed to by the
5-69 parties, the interest of a private equity investor in a turnpike

6-1 agreement.

6-2 (c) The department may [~~only~~] enter into a comprehensive
6-3 development agreement under Section 361.302 with a private equity
6-4 investor only if the project is identified in the department's
6-5 unified transportation program or is located on a transportation
6-6 corridor identified in the statewide transportation plan.

6-7 SECTION 19. Section 361.306, Transportation Code, as
6-8 amended by House Bill Nos. 3184 and 3588, Acts of the 78th
6-9 Legislature, Regular Session, 2003, is reenacted to read as
6-10 follows:

6-11 Sec. 361.306. RULES, PROCEDURES, AND GUIDELINES GOVERNING
6-12 SELECTION AND NEGOTIATING PROCESS. (a) The commission shall adopt
6-13 rules, procedures, and guidelines governing selection and
6-14 negotiations to promote fairness, obtain private participants in
6-15 turnpike projects, and promote confidence among those
6-16 participants. The rules must contain criteria relating to the
6-17 qualifications of the participants and the award of the contracts.

6-18 (b) The department shall have up-to-date procedures for
6-19 participation in negotiations on turnpike projects.

6-20 (c) The department has exclusive judgment to determine the
6-21 terms of an agreement.

6-22 (d) The department shall include the attorney general or the
6-23 attorney general's designated representative in a negotiation with
6-24 a private participant.

6-25 SECTION 20. Section 361.307, Transportation Code, as
6-26 amended by House Bill Nos. 3184 and 3588, Acts of the 78th
6-27 Legislature, Regular Session, 2003, is reenacted to read as
6-28 follows:

6-29 Sec. 361.307. AGREEMENTS WITH PRIVATE ENTITIES AND OTHER
6-30 GOVERNMENTAL AGENCIES. (a) The department and a private entity
6-31 jointly may enter into an agreement with another governmental
6-32 agency or entity, including a federal agency, an agency of this or
6-33 another state, including the United Mexican States or a state of the
6-34 United Mexican States, or a political subdivision, to independently
6-35 or jointly provide services, to study the feasibility of a turnpike
6-36 project, or to finance, construct, operate, and maintain a turnpike
6-37 project.

6-38 (b) The department may not enter into an agreement with the
6-39 United Mexican States or a state of the United Mexican States
6-40 without the approval of the governor.

6-41 SECTION 21. Section 361.281, Transportation Code, as
6-42 amended by House Bill Nos. 3184 and 3588, Acts of the 78th
6-43 Legislature, Regular Session, 2003, is amended to read as follows:

6-44 Sec. 361.281. APPLICABILITY OF SUBCHAPTER. This subchapter
6-45 applies only to:

6-46 (1) a county with a population of more than 1.5
6-47 million;

6-48 (2) a local government corporation serving a county
6-49 with a population of more than 1.5 million;

6-50 (3) an adjacent county in a joint turnpike authority
6-51 with a county with a population of more than 1.5 million;

6-52 (4) a municipality with a population of more than
6-53 170,000 that is adjacent to the United Mexican States;

6-54 (5) a regional tollway authority created under Chapter
6-55 366; or

6-56 (6) a regional mobility authority organized [~~created~~]
6-57 under Chapter 370 or Section 361.003, as that section existed
6-58 before June 22, 2003.

6-59 SECTION 22. Section 542.4031, Transportation Code, as added
6-60 by House Bill No. 3588, Acts of the 78th Legislature, Regular
6-61 Session, 2003, is amended to read as follows:

6-62 Sec. 542.4031. PORTION OF FINE REMITTED TO COMPTROLLER
6-63 [ADDITIONAL COURT COST]. (a) An officer collecting a fine imposed
6-64 on [In addition to other costs, including a cost under Section
6-65 542.403,] a person convicted of an offense under this subtitle
6-66 shall [pay \$30 as a court cost.

6-67 [(b) An officer collecting a cost due under this section in
6-68 a case in municipal court shall keep separate records of the money
6-69 collected and shall deposit the money in the municipal treasury.

7-1 ~~[(c) An officer collecting a cost due under this section in~~
 7-2 ~~a justice, county, or district court shall keep separate records of~~
 7-3 ~~the money collected and shall deposit the money in the county~~
 7-4 ~~treasury.~~

7-5 ~~[(d) Each calendar quarter, an officer collecting a cost due~~
 7-6 ~~under this section shall submit a report to the comptroller. The~~
 7-7 ~~report must comply with Articles 103.005(c) and (d), Code of~~
 7-8 ~~Criminal Procedure. If no money due as a cost under this section is~~
 7-9 ~~collected in any quarter, the report required for that quarter~~
 7-10 ~~shall be filed in the regular manner, and the report shall state~~
 7-11 ~~that no money due under this section was collected.~~

7-12 ~~[(e) The custodian of money in a municipal or county~~
 7-13 ~~treasury may] deposit \$30 of the fine [money collected under this~~
 7-14 ~~section] in an interest-bearing account in the municipal or county~~
 7-15 ~~treasury, as appropriate. The custodian of the account in the~~
 7-16 ~~municipal or county treasury, as appropriate, shall:~~

7-17 (1) keep records of the amount of money collected
 7-18 under this section that is on deposit in the account ~~[treasury]~~; and

7-19 (2) not later than the last day of the month following
 7-20 each calendar quarter, remit to the comptroller money deposited to
 7-21 the account ~~[collected under this section]~~ during the preceding
 7-22 quarter, in the manner ~~[as]~~ required by the comptroller.

7-23 ~~(b) [(f) A municipality or county may retain five percent of~~
 7-24 ~~the money collected under this section as a service fee for the~~
 7-25 ~~collection if the municipality or county remits the funds to the~~
 7-26 ~~comptroller within the period prescribed in Subsection (e). The~~
 7-27 ~~municipality or county may retain any interest accrued on the money~~
 7-28 ~~if the custodian of the money deposited in the treasury keeps~~
 7-29 ~~records of the amount of money collected under this section that is~~
 7-30 ~~on deposit in the treasury and remits the funds to the comptroller~~
 7-31 ~~within the period prescribed in Subsection (e).~~

7-32 ~~[(g)]~~ Of the money received by the comptroller under this
 7-33 section, the comptroller shall deposit:

7-34 (1) 67 percent to the credit of the undedicated
 7-35 portion of the general revenue fund; and

7-36 (2) 33 percent to the credit of the designated trauma
 7-37 facility and emergency medical services account under Section
 7-38 780.003, Health and Safety Code.

7-39 ~~(c) [(h)]~~ Notwithstanding Subsection (b)(1) ~~[(g)]~~, in any
 7-40 state fiscal year the comptroller shall deposit 67 percent of the
 7-41 finer [court costs] received under Subsection (a)(2) ~~[that~~
 7-42 ~~subsection]~~ to the credit of the general revenue fund only until the
 7-43 total amount of the finer [court costs] deposited to the credit of
 7-44 the general revenue fund under Subsection (b)(1) ~~[that subsection]~~
 7-45 and ~~[the surcharges deposited to the credit of that fund under]~~
 7-46 Section 780.002(b), Health and Safety Code, equals \$250 million for
 7-47 that year. If in any state fiscal year the amount received by the
 7-48 comptroller under those laws for deposit to the credit of the
 7-49 general revenue fund exceeds \$250 million, the comptroller shall
 7-50 deposit the additional amount ~~[received under Subsection (g)]~~
 7-51 to the credit of the Texas mobility fund.

7-52 ~~(d) [(i)]~~ Money collected under this section is subject to
 7-53 audit by the comptroller. Money spent is subject to audit by the
 7-54 state auditor.

7-55 ~~(e) [(j)]~~ In this section, a person is considered to have
 7-56 been convicted in a case if:

7-57 (1) a sentence is imposed;
 7-58 (2) the person receives community supervision or
 7-59 deferred adjudication; or

7-60 (3) the court defers final disposition of the case.

7-61 ~~(f) [(k)]~~ This section expires September 1, 2007.

7-62 (g) Money remitted to the comptroller under this section may
 7-63 not be considered a fine collected by a municipality or a county for
 7-64 purposes of Section 542.402.

7-65 SECTION 23. Section 542.401, Transportation Code, is
 7-66 amended to read as follows:

7-67 Sec. 542.401. GENERAL PENALTY. A person convicted of an
 7-68 offense that is a misdemeanor under this subtitle for which another
 7-69 penalty is not provided shall be punished by a fine of not less than

8-1 \$31 [~~\$1~~] or more than \$200.

8-2 SECTION 24. Subsection (d), Section 545.413,
8-3 Transportation Code, is amended to read as follows:

8-4 (d) An offense under Subsection (a) is a misdemeanor
8-5 punishable by a fine of not less than \$31 [~~\$25~~] or more than \$50. An
8-6 offense under Subsection (b) is a misdemeanor punishable by a fine
8-7 of not less than \$100 or more than \$200.

8-8 SECTION 25. Subsection (b), Section 545.414,
8-9 Transportation Code, is amended to read as follows:

8-10 (b) An offense under this section is a misdemeanor
8-11 punishable by a fine of not less than \$31 [~~\$25~~] or more than \$200.

8-12 SECTION 26. Subsection (c-1), Article 45.051, Code of
8-13 Criminal Procedure, as added by Senate Bill No. 1904, Acts of the
8-14 78th Legislature, Regular Session, 2003, is amended to read as
8-15 follows:

8-16 (c-1) This subsection applies only to an offense involving
8-17 the operation of a motor vehicle, other than an offense under
8-18 Section 545.413, Transportation Code. At the conclusion of the
8-19 deferral period, if the defendant presents satisfactory evidence
8-20 that the defendant has complied with the requirements imposed, the
8-21 justice shall proceed with an adjudication of guilt but may not
8-22 impose the fine assessed or a reduced fine unless the offense is
8-23 defined by Subtitle C, Title 7, Transportation Code. If the offense
8-24 is defined by that subtitle, the justice shall impose a fine of \$30.
8-25 Disposition of the fine is governed by Section 542.4031,
8-26 Transportation Code.

8-27 SECTION 27. Subsection (l), Article 45.0511, Code of
8-28 Criminal Procedure, as amended by Senate Bill Nos. 631 and 1904,
8-29 Acts of the 78th Legislature, Regular Session, 2003, is reenacted
8-30 and amended to read as follows:

8-31 (l) When a defendant complies with Subsection (c), the court
8-32 shall:

8-33 (1) proceed with an adjudication of guilt, but may not
8-34 impose the fine assessed or a reduced fine, except as provided by
8-35 Subsection (l-1);

8-36 (2) report the fact that the defendant successfully
8-37 completed a driving safety course or a motorcycle operator training
8-38 course and the date of completion to the Texas Department of Public
8-39 Safety for inclusion in the person's driving record; and

8-40 (3) state in that report whether the course was taken
8-41 under this article to provide information necessary to determine
8-42 eligibility to take a subsequent course under Subsection (b).

8-43 SECTION 28. Article 45.0511, Code of Criminal Procedure, is
8-44 amended by adding Subsections (l-1) and (l-2) to read as follows:

8-45 (l-1) If the offense is defined by Subtitle C, Title 7,
8-46 Transportation Code, the court shall impose a fine of \$30 on the
8-47 defendant.

8-48 (l-2) The disposition of a fine collected under Subsection
8-49 (l-1) is governed by Section 542.4031, Transportation Code.

8-50 SECTION 29. Subsection (c), Section 780.002, Health and
8-51 Safety Code, as added by House Bill No. 3588, Acts of the 78th
8-52 Legislature, Regular Session, 2003, is amended to read as follows:

8-53 (c) Notwithstanding Subsection (b), in any state fiscal
8-54 year the comptroller shall deposit 49.5 percent of the surcharges
8-55 collected under Chapter 708, Transportation Code, to the credit of
8-56 the general revenue fund only until the total amount of the
8-57 surcharges deposited to the credit of the general revenue fund
8-58 under Subsection (b), and the finest [~~court costs~~] deposited to the
8-59 credit of that fund under Section 542.4031(b)(1) [~~542.4031(g)(1)~~],
8-60 Transportation Code, equals \$250 million for that year. If in any
8-61 state fiscal year the amount received by the comptroller under
8-62 those laws for deposit to the credit of the general revenue fund
8-63 exceeds \$250 million, the comptroller shall deposit [~~49.5 percent~~
8-64 ~~of~~] the additional amount [~~received under Subsection (a) to the~~
8-65 ~~account established under this chapter and 49.5 percent of the~~
8-66 ~~additional amount~~] to the credit of the Texas mobility fund.

8-67 SECTION 30. Subdivision (1), Section 370.003,
8-68 Transportation Code, as added by House Bill No. 3588, Acts of the
8-69 78th Legislature, Regular Session, 2003, is amended to read as

9-1 follows:

9-2 (1) "Authority" means a regional mobility authority
9-3 organized under this chapter or under Section 361.003, as that
9-4 section existed before June 22 [~~September 1~~], 2003.

9-5 SECTION 31. Section 20.02, House Bill No. 3588, Acts of the
9-6 78th Legislature, Regular Session, 2003, is amended to read as
9-7 follows:

9-8 Sec. 20.02. (a) [~~The comptroller shall establish the Texas~~
9-9 ~~mobility fund debt service account as a dedicated account within~~
9-10 ~~the general revenue fund.~~

9-11 [~~(b)~~] Notwithstanding Sections 780.002(b) and (c)
9-12 [~~780.002(a) and (b)~~], Health and Safety Code, as added by this Act,
9-13 of the money allocated to the undedicated portion of the general
9-14 revenue fund by Section 780.002(b) [~~780.002(a)~~], Health and Safety
9-15 Code, as added by this Act, other than money that may only be
9-16 appropriated to the Department of Public Safety, in state fiscal
9-17 years [~~year~~] 2004 and 2005 the comptroller shall deposit that money
9-18 to the credit of the Texas mobility fund instead of to the credit of
9-19 the general revenue fund [~~debt service account, which is subject to~~
9-20 ~~the provisions of Subsection (d)~~].

9-21 (b) [~~(c)~~] Notwithstanding Section 542.4031(b)(1)
9-22 [~~542.4031(g)(1)~~], Transportation Code, as added by this Act, of the
9-23 money allocated to the undedicated portion of the general revenue
9-24 fund in Section 542.4031(b)(1) [~~542.4031(g)(1)~~], Transportation
9-25 Code, in state fiscal years [~~year~~] 2004 and 2005 the comptroller
9-26 shall deposit that money to the credit of the Texas mobility fund
9-27 instead of to the credit of the general revenue fund [~~debt service~~
9-28 ~~account, which is subject to the provisions of Subsection (d)~~].

9-29 (c) [~~(d)~~] Funds deposited to the Texas mobility fund debt
9-30 service account pursuant to Subsections (b) and (c) may be
9-31 transferred to the Texas mobility fund upon certification by the
9-32 Texas Transportation Commission to the comptroller that a payment
9-33 is due under an obligation pursuant to Section 49-k, Article 3,
9-34 Texas Constitution. Funds in the Texas mobility fund debt service
9-35 account are not appropriated in the state fiscal year ending August
9-36 31, 2004.

9-37 [~~(e)~~] Notwithstanding Sections 521.058, 521.313(c),
9-38 521.3466(e), 521.427, 522.029(i), 524.051(c), 548.508, 644.153(i),
9-39 and 724.046(c), Transportation Code, as added by this Act, to the
9-40 extent that those sections allocate funds to the Texas mobility
9-41 fund, in state fiscal years [~~year~~] 2004 and 2005 the comptroller
9-42 shall deposit those funds to the credit of the general revenue fund
9-43 instead of to the credit of the Texas mobility fund.

9-44 SECTION 32. Notwithstanding other law appropriating federal
9-45 fiscal relief funds, an amount of those funds equal to the amount
9-46 deposited to the credit of the general revenue fund in state fiscal
9-47 year 2005 under Subsection (c), Section 20.02, House Bill No. 3588,
9-48 Acts of the 78th Legislature, Regular Session, 2003, as amended by
9-49 this Act, is appropriated out of block granted or undedicated
9-50 federal fiscal relief funds to the comptroller of public accounts
9-51 for the state fiscal biennium beginning September 1, 2003, for the
9-52 purposes described by Section 11.28, Article IX, House Bill No. 1,
9-53 Acts of the 78th Legislature, Regular Session, 2003 (the General
9-54 Appropriations Act).

9-55 SECTION 33. Subsection (a), Section 11.28, Article IX,
9-56 House Bill No. 1, Acts of the 78th Legislature, Regular Session,
9-57 2003 (the General Appropriations Act), is amended to read as
9-58 follows:

9-59 (a) Notwithstanding other provisions of this Act, based
9-60 upon the passage of federal legislation that provides federal funds
9-61 for the purpose of state fiscal relief, such funds are
9-62 appropriated [~~, after the implementation of Section 11.15,~~
9-63 ~~Contingency Appropriation Reduction and Contingency~~
9-64 ~~Appropriation,~~] to the Comptroller of Public Accounts in the fiscal
9-65 year in which the funds are received for the purpose of transferring
9-66 funds to state agencies for state fiscal relief, as directed by the
9-67 Governor and Legislative Budget Board acting under Chapter 317,
9-68 Government Code, and in accordance with [~~provided by~~] subsection
9-69 (b) of this section.

SECTION 34. Sections 361.181, 361.182, 361.184, and 361.3025, Transportation Code, are repealed.

SECTION 35. Subsection (c), Section 521.427, Transportation Code, as added by Section 11.04, House Bill No. 3588, Acts of the 78th Legislature, Regular Session, 2003, is repealed.

SECTION 36. (a) Except as otherwise provided by Subsection (b) of this section, this Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution.

(b) Sections 22, 26, 27, 28, 29, and 35 of this Act take effect September 1, 2003, if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution.

(c) If this Act does not receive the vote necessary for effect as provided by Subsections (a) and (b) of this section, this Act takes effect on the 91st day after the last day of the legislative session.

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