

BILL ANALYSIS

Senate Research Center
78S30080 JTS-F

S.B. 8
By: Ogden
Infrastructure Development and Security
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As Filed

DIGEST AND PURPOSE

H.B. 3588, passed during the 78th Legislature, Regular Session, comprehensively restructures the state's transportation system. As proposed, S.B. 8 further clarifies and amends provisions of the Texas Transportation Code. S.B. 8 also makes provisions regarding contingency appropriations to certain health and human services programs.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Transportation Commission in SECTION 1.17 (Section 361.306, Transportation Code) and SECTION 5.01(b) of this bill.

SECTION BY SECTION ANALYSIS

ARTICLE 1. TEXAS TURNPIKE AUTHORITY DIVISION OF TEXAS DEPARTMENT OF TRANSPORTATION

SECTION 1.01. Reenacts Section 361.136, Transportation Code, as amended by House Bill Nos. 3184 and 3588, Acts of the 78th Legislature, Regular Session, 2003, as follows:

Sec. 361.136. SEVERANCE OF REAL PROPERTY. (a) Requires the Texas Department of Transportation (TxDOT), if a turnpike project severs an owner's real property, to pay certain costs.

(b) Authorizes TxDOT to negotiate for and purchase the severed real property or either part of the severed real property if TxDOT and the owner agree on terms for the purchase. Authorizes TxDOT to agree to a payment to the owner in certain alternative forms, instead of a single fixed payment for the real property.

(c) Provides that a right to a payment under Subsection (b)(1) is subject to any pledge of the revenue under the term of a trust agreement securing bonds issued for the project.

SECTION 1.02. Reenacts Section 361.137, Transportation Code, as amended by House Bill Nos. 3184 and 3588, Acts of the 78th Legislature, Regular Session, 2003, as follows:

Sec. 361.137. DECLARATION OF TAKING. (a) Authorizes TxDOT to file a declaration of taking with the clerk of the court in which TxDOT files a condemnation petition under Chapter 21, Property Code, or to which the case is assigned.

(b) Authorizes TxDOT to file the declaration of taking concurrently with or subsequent to the petition but prohibits TxDOT from filing the declaration after the special commissioners have made an award in the condemnation proceeding.

(c) Prohibits TxDOT from filing a declaration of taking before the completion of certain

tasks.

(d) Requires the declaration of taking to include certain information.

(d-1) Requires a deposit to the registry of the court of an amount equal to the appraised value, as determined by TxDOT, of the property to be condemned to accompany the declaration of taking.

(e) Provides that the date on which the declaration is filed is the date of taking for the purpose of assessing damages to which a property owner is entitled.

(f) Requires the case, after a declaration of taking is filed, to proceed as any other case in eminent domain under Chapter 21, Property Code.

SECTION 1.03. Reenacts Section 361.138(b), Transportation Code, as amended by House Bill Nos. 3184 and 3588, Acts of the 78th Legislature, Regular Session, 2003, to prohibit TxDOT, if the condemned property is a homestead or a portion of a homestead as defined by Section 41.002, Property Code, from taking possession sooner than the 91st day after the date of service under Subsection (a).

SECTION 1.04. Reenacts and amends Section 361.171, Transportation Code, as amended by House Bill Nos. 3184 and 3588, Acts of the 78th Legislature, Regular Session, 2003, as follows:

Sec. 361.171. TURNPIKE REVENUE BONDS. (a) Authorizes the Texas Transportation Commission (TTC) by order to authorize the issuance of turnpike revenue bonds to pay all or part of the cost of a turnpike project. Requires each project to be financed and built by a separate bond issue. Authorizes the proceeds of a bond issue to be used solely for the payment of the project for which the bonds were issued and prohibits them from being divided between or among two or more projects. Provides that each project is a separate undertaking, the cost of which shall be determined separately.

(b) Requires the bonds of each issue, as determined in the order authorizing the issuance, to have certain characteristics.

(c) Authorizes TTC to sell the bonds at public or private sale in the manner and for the price it determines to be in the best interest of TxDOT.

(d) Requires the proceeds of each bond issue to be disbursed in the manner and under the restrictions, if any, TTC provides in the order authorizing the issuance of the bonds or in the trust agreement securing the bonds.

(e) Authorizes additional bonds to be issued in the same manner to pay the costs of a turnpike project, if the proceeds of a bond issue are less than the turnpike project cost. Provides that, unless otherwise provided in the order authorizing the issuance of the bonds or in the trust agreement securing the bonds, the additional bonds are on a parity with and are payable, without preference or priority, from the same fund as the bonds first issued. Authorizes TTC, in addition, to issue bonds for a turnpike project secured by a lien on the revenue of the turnpike project subordinate to the lien on the revenue securing other bonds issued for the turnpike project.

(f) Provides that if the proceeds of a bond issue exceed the cost of the turnpike project for which the bonds were issued, the surplus shall be segregated from the other money of TTC and used only for the purposes specified in the order authorizing the issuance.

(g) Provides that, in addition to other permitted uses, the proceeds of a bond issue may

be used to pay costs incurred before the issuance of the bonds, including costs of environmental review, design, planning, acquisition of property, relocation assistance, construction, and operation.

(h) Provides that bonds issued and delivered under this chapter and interest coupons on the bonds are a security under Chapter 8, Business & Commerce Code.

(i) Provides that bonds issued under this chapter and income from the bonds, including any profit made on the sale or transfer of the bonds, are exempt from taxation in this state.

SECTION 1.05. Reenacts Section 361.172, Transportation Code, as amended by House Bill Nos. 3184 and 3588, Acts of the 78th Legislature, Regular Session, 2003, as follows:

Sec. 361.172. **APPLICABILITY OF OTHER LAW; CONFLICTS.** Provides that all laws affecting the issuance of bonds by governmental entities, including Chapters 1201, 1202, 1204, 1207, and 1371, Government Code, apply to bonds issued under this chapter. Provides that, to the extent of a conflict between those laws and this chapter, the provisions of this chapter prevail.

SECTION 1.06. Reenacts and amends Section 361.173(a), Transportation Code, as amended by House Bill Nos. 3184 and 3588, Acts of the 78th Legislature, Regular Session, 2003, to provide that the principal of, interest on, and any redemption premium on bonds issued by TTC under this chapter are payable solely from certain sources, including the proceeds of bonds issued for the turnpike project, and the amounts deposited in a debt service reserve fund as required by the trust agreement securing bonds issued for the turnpike project.

SECTION 1.07. Reenacts and amends Section 361.174, Transportation Code, as amended by House Bill Nos. 3184 and 3588, Acts of the 78th Legislature, Regular Session, 2003, as follows:

Sec. 361.174. **SOURCES OF PAYMENT OF AND SECURITY FOR TURNPIKE PROJECT BONDS.** Provides that, notwithstanding any other provisions of this chapter, turnpike project bonds issued by TTC may be payable from and secured by certain sources, including the proceeds of bonds issued for the turnpike project, or amounts deposited in a debt service reserve fund as required by the trust agreement securing bonds issued for the turnpike project.

SECTION 1.08. Reenacts Section 361.177, Transportation Code, as amended by House Bill Nos. 3184 and 3588, Acts of the 78th Legislature, Regular Session, 2003, as follows:

Sec. 361.177. **PROVISIONS PROTECTING AND ENFORCING RIGHTS AND REMEDIES OF BONDHOLDERS.** Provides that a trust agreement or order providing for the issuance of bonds may contain provisions to protect and enforce the rights and remedies of the bondholders.

SECTION 1.09. Reenacts Section 361.178, Transportation Code, as amended by House Bill Nos. 3184 and 3588, Acts of the 78th Legislature, Regular Session, 2003, as follows:

Sec. 361.178. **FURNISHING OF INDEMNIFYING BONDS OR PLEDGE OF SECURITIES.** Authorizes a bank or trust company incorporated under the laws of this state that acts as depository of the proceeds of bonds or of revenue to furnish indemnifying bonds or pledge securities that TxDOT requires.

SECTION 1.10. Reenacts and amends Section 361.179(a), Transportation Code, as amended by House Bill Nos. 3184 and 3588, Acts of the 78th Legislature, Regular Session, 2003, to authorize

TxDOT to impose tolls for the use of each turnpike project and the different segments or parts, rather than parts or sections, of each turnpike project.

SECTION 1.11. Reenacts Section 361.185(a), Transportation Code, as amended by House Bill Nos. 3184 and 3588, Acts of the 78th Legislature, Regular Session, 2003, to make provisions for the disposal of money received under this chapter.

SECTION 1.12. Reenacts Section 361.189, Transportation Code, as amended by House Bill Nos. 3184 and 3588, Acts of the 78th Legislature, Regular Session, 2003, as follows:

Sec. 361.189. **USE OF SURPLUS REVENUE.** Authorizes TTC by order to authorize the use of surplus revenue of a turnpike project to pay the costs of another turnpike project within the region. Authorizes TTC, in the order, to prescribe terms for the use of the revenue, including the pledge of the revenue, but prohibits TTC from taking an action under this section that violates, impairs, or is inconsistent with a bond order, trust agreement, or indenture governing the use of the surplus revenue.

SECTION 1.13. Reenacts and amends Section 361.302, Transportation Code, as amended by House Bill Nos. 3184 and 3588, Acts of the 78th Legislature, Regular Session, 2003, as follows:

Sec. 361.302. **COMPREHENSIVE DEVELOPMENT AGREEMENTS.** (a) Authorizes TxDOT, subject to Section 361.3021, to enter into a comprehensive development agreement with a private entity to construct, maintain, repair, operate, extend, or expand a turnpike project.

(b) Redefines “comprehensive development agreement.”

(c) Authorizes TxDOT to negotiate provisions relating to professional and consulting services provided in connection with a comprehensive development agreement.

(d) Provides that money disbursed by TxDOT under a comprehensive development agreement is not included in the amount required to be spent in a state fiscal biennium for engineering and design contracts under Section 223.041, or appropriated in Strategy A.1.1. Plan/Design/Manage of the General Appropriations Act for that biennium for the purpose of making the computation under Section 223.041.

(e) Provides that the authority to enter into comprehensive development agreements provided by this section expires on August 31, 2011.

SECTION 1.14. Reenacts Section 361.3021, Transportation Code, as added by House Bill Nos. 3184 and 3588, Acts of the 78th Legislature, Regular Session, 2003, as follows:

Sec. 361.3021. **LIMITATION ON DEPARTMENT FINANCIAL PARTICIPATION.** Prohibits the amount of money disbursed by TxDOT from the state highway fund and the Texas mobility fund during a federal fiscal year to pay the costs under comprehensive development agreements from exceeding 40 percent of the obligation authority under the federal-aid highway program that is distributed to this state for the fiscal year.

SECTION 1.15. Reenacts Section 361.303(a), Transportation Code, as amended by House Bill Nos. 3184 and 3588, Acts of the 78th Legislature, Regular Session, 2003, to provide that a turnpike project that is the subject of a comprehensive development agreement with a private entity, including the facilities acquired or constructed on the project, is public property and belongs to TxDOT.

SECTION 1.16. Reenacts and amends Section 361.305, Transportation Code, as amended by House Bill Nos. 3184 and 3588, Acts of the 78th Legislature, Regular Session, 2003, as follows:

Sec. 361.305. TERMS OF PRIVATE PARTICIPATION. (a) Requires TxDOT to negotiate the terms of private participation in a turnpike project, including certain terms.

(b) Requires a comprehensive development agreement entered into under Section 361.302 to include a provision authorizing TxDOT to purchase, under terms and conditions agreed to by the parties, the interest of a private equity investor in a turnpike agreement.

(c) Authorizes TxDOT to enter into a comprehensive development agreement under Section 361.302 with a private equity investor only if the project is identified in TxDOT's unified transportation program or is located on a transportation corridor identified in the statewide transportation plan.

SECTION 1.17. Reenacts Section 361.306, Transportation Code, as amended by House Bill Nos. 3184 and 3588, Acts of the 78th Legislature, Regular Session, 2003, as follows:

Sec. 361.306. RULES, PROCEDURES, AND GUIDELINES GOVERNING SELECTION AND NEGOTIATING PROCESS. (a) Requires TTC to adopt rules, procedures, and guidelines governing selection and negotiations to promote fairness, obtain private participants in turnpike projects, and promote confidence among those participants. Requires the rules to contain criteria relating to the qualifications of the participants and the award of the contracts.

(b) Requires TxDOT to have up-to-date procedures for participation in negotiations on turnpike projects.

(c) Provides that TxDOT has exclusive judgment to determine the terms of an agreement.

(d) Requires TxDOT to include the attorney general or the attorney general's designated representative in a negotiation with a private participant.

SECTION 1.18. Reenacts Section 361.307, Transportation Code, as amended by House Bill Nos. 3184 and 3588, Acts of the 78th Legislature, Regular Session, 2003, as follows:

Sec. 361.307. AGREEMENTS WITH PRIVATE ENTITIES AND OTHER GOVERNMENTAL AGENCIES. (a) Authorizes TxDOT and a private entity jointly to enter into an agreement with another governmental agency or entity, including a federal agency, an agency of this or another state, including the United Mexican States or a state of the United Mexican States, or a political subdivision, to independently or jointly provide services, to study the feasibility of a turnpike project, or to finance, construct, operate, and maintain a turnpike project.

(b) Prohibits TxDOT from entering into an agreement with the United Mexican States or a state of the United Mexican States without the approval of the governor.

SECTION 1.19. Amends Section 361.281, Transportation Code, as amended by House Bill Nos. 3184 and 3588, Acts of the 78th Legislature, Regular Session, 2003, as follows:

Sec. 361.281. APPLICABILITY OF SUBCHAPTER. Provides that this subchapter applies only to certain entities, including a regional mobility authority organized, rather than created, under Chapter 370 or Section 361.003, as that section existed before June 22, 2003.

ARTICLE 2. STATE TRAFFIC FINE AND DRIVER RESPONSIBILITY PROGRAM SURCHARGES

SECTION 2.01. Amends the heading to Section 542.4031, Transportation Code, as added by House Bill No. 3588, Acts of the 78th Legislature, Regular Session, 2003, to read as follows:

Sec. 542.4031. STATE TRAFFIC FINE.

SECTION 2.02. Amends Sections 542.4031(a)-(d) and (h), Transportation Code, as added by House Bill No. 3588, Acts of the 78th Legislature, Regular Session, 2003, as follows:

(a) Provides that, in addition to the fine prescribed by Section 542.401 or another section of this subtitle, as applicable, a person who enters a plea of guilty or nolo contendere to or is convicted of an offense under this subtitle is required to pay \$30 as a state traffic fine, rather than court cost. Requires the person to pay the state traffic fine when the person enters the person's plea of guilty or nolo contendere, or on the date of conviction, whichever is earlier. Requires that the state traffic fine be paid regardless of whether a sentence is imposed on the person; the court defers final disposition of the person's case; or the person is placed on community supervision, including deferred adjudication community supervision.

(b) Makes a conforming change.

(c) Makes a conforming change.

(d) Makes a conforming change. Deletes text regarding a quarterly report on money collected under this section.

(h) Requires the comptroller, notwithstanding Subsection (g)(1), in any state fiscal year to deposit 67 percent of the money received under Subsection (e)(2) to the credit of the general revenue fund only until the total amount of the money deposited to the credit of the general revenue fund under Subsection (g)(1) and Section 780.002(b), Health and Safety Code, equals \$250 million for that year. Requires the comptroller, if in any state fiscal year the amount received by the comptroller under those laws for deposit to the credit of the general revenue fund exceeds \$250 million, to deposit the additional amount to the credit of the Texas mobility fund.

SECTION 2.03. (a) Amends Sections 708.051 and 708.101, Transportation Code, as added by House Bill No. 3588, Acts of the 78th Legislature, Regular Session, 2003, as follows:

Sec. 708.051. NONAPPLICABILITY. Provides that this subchapter does not apply to an offense committed, rather than a conviction that became final, before September 1, 2003.

Sec. 708.101. NONAPPLICABILITY. Makes a conforming change.

(b) Provides that, in connection with a conviction for an offense committed before September 1, 2003, that became final on or after that date, the Department of Public Safety (DPS) is required to refund any surcharge collected under Chapter 708, Transportation Code, as added by H.B. No. 3588, Acts of the 78th Legislature, Regular Session, 2003; and is prohibited from assigning points to a person's driver's license under that chapter.

SECTION 2.04. Amends Section 708.155, Transportation Code, as added by H.B. No. 3588, Acts of the 78th Legislature, Regular Session, 2003, as follows:

Sec. 708.155. CONTRACTS FOR COLLECTION OF SURCHARGES. Authorizes DPS to enter into a contract with a private attorney or a public or private vendor for the provision of services for the collection of surcharges receivable and related costs under this chapter.

Prohibits the total amount of compensation from exceeding 30 percent of the amount of the surcharges and related costs collected.

SECTION 2.05. Amends Section 780.002(c), Health and Safety Code, as added by House Bill No. 3588, Acts of the 78th Legislature, Regular Session, 2003, to provide that if in any state fiscal year the amount received by the comptroller under those laws for deposit to the credit of the general revenue fund exceeds \$250 million, the comptroller is required to deposit the additional amount to the credit of the Texas mobility fund, rather than 49.5 percent of the additional amount received under Subsection (a) to the account established under this chapter and 49.5 percent of the additional amount to the credit of the Texas mobility fund.

ARTICLE 3. FINANCIAL PROVISIONS

SECTION 3.01. Amends Section 20.02, House Bill No. 3588, Acts of the 78th Legislature, Regular Session, 2003, as follows:

Sec. 20.02. (a) Deletes text requiring the comptroller to establish the Texas mobility fund debt service account as a dedicated account within the general revenue fund. Redesignates the text of Subsection (b) as Subsection (a). Requires the comptroller to deposit certain money to the credit of the Texas mobility fund instead of to the credit of the general revenue fund. Amends statutory references and makes conforming changes.

(b) Redesignated from Subsection (c). Makes conforming changes.

(c) Deletes the text of Subsection (d), regarding the Texas mobility fund debt service account. Redesignates Subsection (e) as (c). Makes conforming changes.

SECTION 3.02. Provides that an amount of funds estimated to be \$231,700,000 deposited to the credit of the general revenue fund in state fiscal year 2005 under Section 20.02(c), House Bill No. 3588, Acts of the 78th Legislature, Regular Session, 2003, as amended by this Act, is appropriated out of the general revenue fund for the state fiscal biennium beginning September 1, 2003, to replace an equal amount of federal fiscal relief funds utilized to certify general revenue appropriations made by House Bill No. 1, Acts of the 78th Legislature, Regular Session, 2003 (the General Appropriations Act). Provides that the federal fiscal relief funds so replaced are appropriated to the comptroller of public accounts for the state fiscal biennium beginning September 1, 2003, for the purposes described by Section 11.28, Article IX, House Bill No. 1, Acts of the 78th Legislature, Regular Session, 2003 (the General Appropriations Act).

SECTION 3.03. Amends Section 11.28, Article IX, House Bill No. 1, Acts of the 78th Legislature, Regular Session, 2003 (the General Appropriations Act), by amending Subsection (a) and adding Subsections (c) and (d), as follows:

(a) Deletes references to contingency appropriations. Provides that, notwithstanding other provisions of this Act, based upon the passage of federal legislation that provides federal funds for the purpose of state fiscal relief, such funds are appropriated to the Comptroller of Public Accounts in the fiscal year in which the funds are received for the purpose of transferring funds to state agencies for state fiscal relief, as directed by the Governor and Legislative Budget Board acting under Chapter 317, Government Code, and in accordance with this section.

(c) Provides that, in addition to the priorities established by Subsection (b) of this section, such funds shall also be used for the state child health plan, Goal C of the appropriations to the Health and Human Services Commission (insure children), to provide necessary and appropriate short-term evaluative or crisis intervention mental health services and services for the treatment of serious mental illness.

(d) Provides that, in addition to the priorities otherwise established by this section, it is also a priority of the legislature that the plan provide funding to permit a Medicaid recipient, including an adult recipient, to select a licensed psychologist, a licensed marriage and family therapist, a licensed professional counselor, or a licensed master social worker, to perform professional counseling services or other health care services or procedures covered under the Medicaid program.

ARTICLE 4. DEFERRED DISPOSITION OF TRAFFIC OFFENSES

SECTION 4.01. Reenacts Article 45.051(c), Code of Criminal Procedure, as amended by Senate Bill Nos. 631 and 1904, Acts of the 78th Legislature, Regular Session, 2003, to provide that, on determining that a defendant has complied with the requirements imposed by the judge under this article, the judge is required to dismiss the complaint, and provides that it shall be clearly noted in the docket that the complaint is dismissed and that there is not a final conviction. Provides that if the complaint is dismissed, a special expense not to exceed the amount of the fine assessed may be imposed.

SECTION 4.02. Reenacts Articles 45.0511(e) and (l)-(t), Code of Criminal Procedure, as amended by Senate Bill Nos. 631 and 1904, Acts of the 78th Legislature, Regular Session, 2003, as follows:

(e) Provides that a request to take a driving safety course or motorcycle operator training course made at or before the time and at the place at which a defendant is required to appear in court is an appearance in compliance with the defendant's promise to appear.

(l) Requires the court to take certain actions when a defendant complies with Subsection (c).

(m) Authorizes the court to dismiss only one charge for each completion of a course.

(n) Prohibits a charge that is dismissed under this article from being part of a person's driving record or used for any purpose.

(o) Prohibits an insurer delivering or issuing for delivery a motor vehicle insurance policy in this state from canceling or increasing the premium charged an insured under the policy because the insured completed a driving safety course or a motorcycle operator training course, or had a charge dismissed under this article.

(p) Requires the court to advise a defendant charged with a misdemeanor under Section 472.022, Transportation Code, Subtitle C, Title 7, Transportation Code, or Section 729.001(a)(3), Transportation Code, committed while operating a motor vehicle, of the defendant's right under this article to successfully complete a driving safety course or a motorcycle operator training course. Provides that the right to complete a course does not apply to a defendant charged with certain offenses.

(q) Requires a notice to appear issued for an offense to which this article applies to inform a defendant charged with certain offenses committed while operating a motor vehicle of the defendant's right to complete a driving safety course or a motorcycle operator training course. Requires the notice required by this subsection to read a certain way.

(r) Authorizes a defendant, if the notice required by Subsection (q) is not provided to the defendant, to continue to exercise the defendant's right to take a driving safety course or a motorcycle operator training course until the notice required by Subsection (q) is provided to the defendant or there is a final disposition of the case.

(s) Provides that this article does not apply to an offense committed by a person who holds a commercial driver's license.

(t) Provides that an order of deferral under Subsection (c) terminates any liability under a bail bond or appearance bond given for the charge.

SECTION 4.03. Repealer: Article 45.051(c-1) (regarding applicability of the section), Code of Criminal Procedure, as added by S.B. No. 1904, Acts of the 78th Legislature, Regular Session, 2003.

ARTICLE 5. MISCELLANEOUS PROVISIONS

SECTION 5.01. (a) Amends Section 91.071, Transportation Code, as added by House Bill No. 3588, Acts of the 78th Legislature, Regular Session, 2003, to read as follows:

Sec. 91.071. New heading: FUNDING. (a) Provides that, except as provided in Subsection (b), TxDOT is authorized to use any available funds to implement this chapter, including funds from the state infrastructure bank.

(b) Prohibits the total amount disbursed by TxDOT from the state highway fund to implement this chapter, each fiscal year, from exceeding \$12.5 million. Provides that this subsection does not apply to certain funds.

(b) Requires TTC to propose rules governing the disbursement of funds for the acquisition of abandoned rail facilities described in Section 91.007, Transportation Code. Requires the rules to prescribe criteria for TxDOT's acquisition of abandoned rail facilities. Requires TTC, in establishing criteria, to consider the local and regional economic benefit realized from the disbursement of funds in comparison to the amount of the disbursement.

(c) Provides that, if this Act receives the vote necessary for immediate effect, TTC shall propose the rules required by Subsection (b) of this section not later than November 30, 2003. Provides that, if this Act does not receive the vote necessary for immediate effect, TTC shall propose the rules required by Subsection (b) of this section not later than February 1, 2004.

SECTION 5.02. Amends Subchapter H, Chapter 201, Transportation Code, by adding Section 201.616, as follows:

Sec. 201.616. ANNUAL REPORT TO LEGISLATURE ON CERTAIN MATTERS. (a) Requires TxDOT, not later than December 1 of each year, to submit a report to the legislature that details certain expenditures and other financial information.

(b) Sets forth requirements for the report.

(c) Authorizes the report to be submitted in an electronic format.

SECTION 5.03. Amends Section 227.014(a), Transportation Code, as added by House Bill No. 3588, Acts of the 78th Legislature, Regular Session, 2003, to provide that a system created by TTC to address the state's mobility needs may only include facilities included in a comprehensive transportation corridor developed under a comprehensive development agreement, or facilities located wholly or partly within certain territory. Provides that this section does not prohibit TxDOT from creating a system that includes a facility that will extend continuously through the territory of two or more metropolitan planning organizations or more than two adjacent TxDOT districts. Makes nonsubstantive changes.

SECTION 5.04. Amends Section 227.023(c), Transportation Code, as added by House Bill No. 3588, Acts of the 78th Legislature, Regular Session, 2003, to authorize TxDOT, to the extent and in the manner that it may enter into comprehensive development agreements under Chapter 361 with regard to turnpikes, to enter into a comprehensive development agreement under this chapter that provides for the financing, development, design, construction, or operation of a facility or a combination

of facilities on the Trans-Texas Corridor.

SECTION 5.05. Amends Section 284.061(c), Transportation Code, to include an exception as provided by Section 361.1375, if applicable.

SECTION 5.06. Amends Subchapter D, Chapter 361, Transportation Code, by adding Section 361.1375, as follows:

Sec. 361.1375. DECLARATION OF TAKING BY CERTAIN COUNTIES. (a) Provides that this section applies only to a county with a population of 3.3 million or more that operates under Chapter 284.

(b) Provides that if, in connection with projects under Chapter 284, the director of TxDOT authorizes the county to proceed in the manner provided by Section 361.137, the county may file a declaration of taking and proceed in the manner provided by Section 361.137 on any project of the county under Chapter 284; and a reference to the department in Section 361.137 means the county.

SECTION 5.07. Amends Section 370.003(1), Transportation Code, as added by House Bill No. 3588, Acts of the 78th Legislature, Regular Session, 2003, to redefine "authority."

SECTION 5.08. Amends Sections 502.1715(a) and (b), Transportation Code, as added by House Bill No. 3588, Acts of the 78th Legislature, Regular Session, 2003, as follows:

(a) Provides that, in addition to other fees imposed for registration of a motor vehicle, at the time of application for registration of a motor vehicle that is subject to Section 501.0234, the applicant shall pay a fee of \$1.

(b) Provides that, before August 31, 2005, fees collected under this section, rather than subchapter, shall be deposited to the credit of the state highway fund. Requires that the money be used by DPS for certain purposes.

SECTION 5.09. Amends Section 504.202(f), Transportation Code, as added by House Bill No. 2971, Acts of the 78th Legislature, Regular Session, 2003, to provide that there is no fee for each additional set of license plates.

SECTION 5.10. (a) Provides that the one percent of surcharges collected during the state fiscal biennium beginning September 1, 2003, by DPS, as provided by House Bill No. 3588, Acts of the 78th Legislature, Regular Session, 2003, that is deposited to the general revenue fund and dedicated to the administration of the driver responsibility program by Section 780.002(b), Health and Safety Code, as added by that bill, is appropriated to DPS for the state fiscal biennium beginning September 1, 2003, for the purposes of administering the driver responsibility program operated by DPS under Chapter 708, Transportation Code, as added by that bill. Provides that the number of full-time equivalent positions (FTE) indicated in DPS' bill pattern is increased by 11 during the biennium.

(b) Provides that all fees collected during the state fiscal biennium beginning September 1, 2003, by TxDOT under Section 502.1715, Transportation Code, as added by House Bill No. 3588, Acts of the 78th Legislature, Regular Session, 2003, are appropriated to DPS for the state fiscal biennium beginning September 1, 2003, for the purposes described by that section. Provides that the number of full-time equivalent positions (FTE) indicated in DPS' bill pattern is increased by 28 during the biennium.

ARTICLE 6. REPEALER; EFFECTIVE DATE; TRANSITION

SECTION 6.01. Repealers: Sections 361.181 (Expenditures for Feasibility Studies), 361.182 (Texas

Turnpike Authority Feasibility Study Fund), and 361.184 (Texas Turnpike Authority Project Revolving Fund), Transportation Code, and Section 361.3025 (Performance and Payment Security), Transportation Code, as added by Section 61, House Bill No. 3184, Acts of the 78th Legislature, Regular Session, 2003.

SECTION 6.02. Repealers:

(1) Section 521.427(c) (regarding disposition of fees), Transportation Code, as added by Section 11.04, House Bill No. 3588, Acts of the 78th Legislature, Regular Session, 2003; and

(2) Section 542.4031(j) (regarding court costs), Transportation Code, as added by Section 12.01, House Bill No. 3588, Acts of the 78th Legislature, Regular Session, 2003.

SECTION 6.03. Effective date: upon passage or on the 91st day after the last day of the legislative session.