By: Pickett, Hamric, Krusee, Raymond,   H.B. No. 471
     Gutierrez, et al.

A BILL TO BE ENTITLED

1   AN ACT

2   relating to the borrowing of money by the Texas Department of

3   Transportation.

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

5   SECTION 1. Subchapter C, Chapter 201, Transportation Code,

6   is amended by adding Section 201.115 to read as follows:

7   Sec. 201.115. BORROWING MONEY. (a) The commission may

8   authorize the department to borrow money from the state treasury or

9   any other source to carry out the functions of the department.

10   (b) A contract for a loan under this section may contain any

11   provisions the department considers appropriate, except:

12   (1) the term of the loan may not exceed five years;

13   (2) the amount of the loan, combined with any amounts

14   outstanding on other loans under this section, may not exceed the

15   average monthly revenue deposited to the state highway fund for the

16   12 months preceding the month of the loan; and

17   (3) the loan may not create general obligation of the

18   state and is payable only as authorized by legislative

19   appropriation.

20   (c) The comptroller may contract with the department for a

21   loan of money in the state treasury, other than money in the state

22   highway fund, that is not dedicated to a specific purpose.

23   (d) Notwithstanding Section 222.001, money in the state

24   highway fund may be used to repay a loan under this section, if

1   appropriated by the legislature for that purpose.

2   SECTION 2. This Act takes effect on the date on which the

3   constitutional amendment proposed by the 78th Legislature, Regular

4   Session, 2003, providing for authorization of the borrowing of

5   money on a short-term basis by a state transportation agency for

6   transportation-related projects takes effect. If that amendment is

7   not approved by the voters, this Act has no effect.

1 <u>COMMITTEE AMENDMENT NO. 1</u>

2 Amend H.B. 471 on page 1, line 12, by striking "<u>five</u>" and

3 substituting "<u>two</u>".

4 78R9124 DWS-D   Pickett