

By: Krusee

H.B. No. 2652

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the creation of a private activity bond program for  
3 highway and surface freight facilities.

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

5 SECTION 1. Subchapter B, Chapter 222, Transportation Code,  
6 is amended by adding Section 222.035 to read as follows:

7 Sec. 222.035. PRIVATE ACTIVITY BONDS. (a) In this section,  
8 "private activity bond" has the meaning assigned by Section 141(a),  
9 Internal Revenue Code (26 U.S.C. Section 141(a)).

10 (b) If the attorney general makes a determination that the  
11 United States Congress has enacted legislation amending the  
12 Internal Revenue Code to include highway facilities or surface  
13 freight transfer facilities among the types of facilities for which  
14 private activity bonds may be used:

15 (1) the determination shall be published in the Texas  
16 Register; and

17 (2) Subsections (d), (e), and (f) take effect on the  
18 30th day after the date on which the attorney general's  
19 determination is published in the Texas Register.

20 (c) The attorney general shall monitor federal legislation  
21 for purposes of this section.

22 (d) The department shall administer a program for private  
23 activity bonds issued for highway facilities or surface freight  
24 transfer facilities in this state.

1       (e) The program, at a minimum, must include a process by  
2 which the department receives and evaluates applications for  
3 issuance of private activity bonds for highway facilities or  
4 surface freight transfer facilities. The department shall approve  
5 an application if the application proposes a project that is a state  
6 priority, as determined by the department.

7       (f) The department shall adopt rules to administer the  
8 program established under this section.

9       SECTION 2. This Act takes effect immediately if it receives  
10 a vote of two-thirds of all the members elected to each house, as  
11 provided by Section 39, Article III, Texas Constitution. If this  
12 Act does not receive the vote necessary for immediate effect, this  
13 Act takes effect September 1, 2005.