

BILL ANALYSIS

H.B. 1047
By: Deshotel
Transportation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

The state highway fund includes revenue from the state motor fuels tax, motor vehicle registration fees, federal highway funds, and the sales tax on motor lubricants. Motor fuel tax revenue is deposited to the general revenue fund and a portion is allocated to the state highway fund. Money in the state highway fund, which was intended to fund the construction and maintenance of the state highway system, is also used to fund many other functions of the Texas Department of Transportation, as well as to fund the Department of Public Safety.

H.B. 1047 requires money in the state highway fund to be used only for improving the state highway system or the mitigation of adverse environmental effects that result directly from construction or maintenance of a state highway.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 1047 amends the Transportation Code to specify that the authorization to use money in the state highway fund to repay a loan to carry out the functions of the Texas Department of Transportation (TxDOT), if appropriated by the legislature for that purpose, is contingent on that use being permissible under the Texas Constitution.

H.B. 1047 removes the provision authorizing money that is deposited in the state treasury to the credit of the state highway fund, to be used by the Department of Public Safety to police the state highway system and to administer state laws relating to traffic and safety on public roads. The bill specifies that, except as otherwise provided by the Transportation Code, money in the state highway fund that is not required to be used for public roadways by the Texas Constitution or federal law may be used only to improve the state highway system. The bill specifies that the requirement for the Texas Transportation Commission to use money in the infrastructure bank for certain purposes is to the extent permissible under the law relating to use of the state highway fund rather than notwithstanding that law. The bill repeals the provision authorizing money in the state highway fund that is not required to be spent for public roadways by the Texas Constitution or federal law to be used for any function performed by TxDOT.

H.B. 1047 repeals Section 222.002, Transportation Code.

EFFECTIVE DATE

September 1, 2011, if the constitutional amendment to limit the purposes for which revenues from motor vehicle registration fees, taxes on motor fuels and lubricants, and certain revenues received from the federal government may be used is approved by the voters.