

By: Harper-Brown

H.B. No. 3394

A BILL TO BE ENTITLED

AN ACT

relating to the permissible uses of the state highway fund.

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

SECTION 1. Section 411.013(c), Government Code, is amended to read as follows:

(c) Appropriations for the Texas Highway Patrol must be made from the general revenue [~~state highway~~] fund.

SECTION 2. Section 411.0205(g), Government Code, is amended to read as follows:

(g) Funds collected under this section shall be deposited in the state treasury to the credit of the general revenue [~~state highway~~] fund, and money deposited to the general revenue [~~state highway~~] fund under this section may be used only to defray the cost of administering this section or Subchapter G.

SECTION 3. Section 411.145(c), Government Code, is amended to read as follows:

(c) A fee collected under this section shall be deposited in the state treasury to the credit of the general revenue [~~state highway~~] fund, and money deposited to the general revenue [~~state highway~~] fund under this section and under Articles 42.12 and 102.020(h), Code of Criminal Procedure, may be used only to defray the cost of administering this subchapter and Section 411.0205.

SECTION 4. Section 201.115(d), Transportation Code, is amended to read as follows:

1 (d) Notwithstanding Section 222.001, money in the state  
2 highway fund may be used to repay a loan under this section, if  
3 permissible under the Texas Constitution and appropriated by the  
4 legislature for that purpose.

5 SECTION 5. Section 222.001, Transportation Code, is amended  
6 to read as follows:

7 Sec. 222.001. USE OF STATE HIGHWAY FUND. (a) Money that is  
8 required to be used for public roadways by the Texas Constitution or  
9 federal law and that is deposited in the state treasury to the  
10 credit of the state highway fund, including money deposited to the  
11 credit of the state highway fund under Title 23, United States Code,  
12 may be used only:

- 13 (1) to improve the state highway system; or  
14 (2) to mitigate adverse environmental effects that  
15 result directly from construction or maintenance of a state highway  
16 by the department [~~;~~ ~~or~~  
17 [~~(3) by the Department of Public Safety to police the~~  
18 ~~state highway system and to administer state laws relating to~~  
19 ~~traffic and safety on public roads~~].

20 (b) Except as otherwise provided by this code, money in the  
21 state highway fund that is not described by Subsection (a) may be  
22 used only to improve the state highway system.

23 SECTION 6. Section 222.073, Transportation Code, is amended  
24 to read as follows:

25 Sec. 222.073. PURPOSES OF INFRASTRUCTURE BANK. To the  
26 extent permissible under [~~Notwithstanding~~] Section 222.001, the  
27 commission shall use money deposited in the bank to:

1           (1) encourage public and private investment in  
2 transportation facilities both within and outside of the state  
3 highway system, including facilities that contribute to the  
4 multimodal and intermodal transportation capabilities of the  
5 state; and

6           (2) develop financing techniques designed to:

7                   (A) expand the availability of funding for  
8 transportation projects and to reduce direct state costs;

9                   (B) maximize private and local participation in  
10 financing projects; and

11                   (C) improve the efficiency of the state  
12 transportation system.

13           SECTION 7. Section 501.100(e), Transportation Code, is  
14 amended to read as follows:

15           (e) On or after the 31st day after the date the department  
16 receives a rebuilder fee under Subsection (d), the department shall  
17 deposit [~~\$50 of~~] the fee to the credit of the general revenue fund,  
18 of which \$50 shall [state highway fund to] be used only by the  
19 Department of Public Safety to enforce this chapter [~~and \$15 to the~~  
20 ~~credit of the general revenue fund~~].

21           SECTION 8. Article 102.020(h), Code of Criminal Procedure,  
22 is amended to read as follows:

23           (h) The comptroller shall deposit 35 percent of the funds  
24 received under this article in the state treasury to the credit of  
25 the general revenue [state highway] fund to be used only to defray  
26 the cost of administering Subchapter G, Chapter 411, Government  
27 Code, and Section 411.0205, Government Code, and 65 percent of the

1 funds received under this article to the credit of the criminal  
2 justice planning account in the general revenue fund.

3 SECTION 9. Section 222.002, Transportation Code, is  
4 repealed.

5 SECTION 10. Sections 1, 4, 5, 6, and 9 of this Act take  
6 effect only if the constitutional amendment proposed by the 81st  
7 Legislature, Regular Session, 2009, to limit the purposes for which  
8 revenues from motor vehicle registration fees, taxes on motor fuels  
9 and lubricants, and certain revenues received from the federal  
10 government may be used is approved by the voters. If that amendment  
11 is not approved by the voters, Sections 1, 4, 5, 6, and 9 of this Act  
12 have no effect.

13 SECTION 11. Except as otherwise provided by this Act, this  
14 Act takes effect September 1, 2011.