

By: Carona

S.B. No. 216

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 201.115(d), Transportation Code, is amended to read as follows:

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

SECTION 2. Section 222.001, Transportation Code, is amended to read as follows:

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

(1) to improve the state highway system; or

(2) to mitigate adverse environmental effects that result directly from construction or maintenance of a state highway by the department [~~, or~~

~~[(3) 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].~~

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

4 SECTION 3. Section 222.073, Transportation Code, is amended
5 to read as follows:

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

9 (1) encourage public and private investment in
10 transportation facilities both within and outside of the state
11 highway system, including facilities that contribute to the
12 multimodal and intermodal transportation capabilities of the
13 state; and

14 (2) develop financing techniques designed to:

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

17 (B) maximize private and local participation in
18 financing projects; and

19 (C) improve the efficiency of the state
20 transportation system.

21 SECTION 4. Section 222.002, Transportation Code, is
22 repealed.

23 SECTION 5. This Act takes effect September 1, 2011.

24 SECTION 6. This Act takes effect only if the constitutional
25 amendment proposed by the 81st Legislature, Regular Session, 2009,
26 limiting the purposes for which revenue from taxes on motor fuels
27 and lubricants may be used and authorizing the legislature to

1 provide for automatic adjustments of the rates of motor fuels taxes
2 is approved by the voters. If that amendment is not approved by the
3 voters, this Act has no effect.