

1-1 By: Watson, Davis S.B. No. 1923
1-2 (In the Senate - Filed March 12, 2009; March 24, 2009, read
1-3 first time and referred to Committee on Transportation and Homeland
1-4 Security; April 6, 2009, reported adversely, with favorable
1-5 Committee Substitute by the following vote: Yeas 6, Nays 2;
1-6 April 6, 2009, sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 1923 By: Watson

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to funding sources for the Texas rail relocation and
1-11 improvement fund.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Section 201.971, Transportation Code, is amended
1-14 by adding Subdivision (6-a) to read as follows:

1-15 (6-a) "Program" means the rail relocation program.

1-16 SECTION 2. Subchapter O, Chapter 201, Transportation Code,
1-17 is amended by adding Section 201.979 to read as follows:

1-18 Sec. 201.979. RAIL RELOCATION ADVISORY GROUP. (a) The
1-19 rail relocation advisory group is created to advise the department
1-20 on the implementation and administration of the program.

1-21 (b) The advisory group consists of stakeholders in the
1-22 railroad industry, appointed by the chair of the Senate Committee
1-23 on Transportation and Homeland Security and by the chair of the
1-24 House Committee on Transportation. The chairs shall determine the
1-25 number of members appropriate to accomplish the duties of the
1-26 advisory group.

1-27 (c) The advisory group meets at the call of the chairs and
1-28 shall advise the department on the best use of money available in
1-29 the fund and on accomplishing the goals of the program, including
1-30 strategies for:

1-31 (1) alleviating traffic congestion;

1-32 (2) improving passenger and freight mobility;

1-33 (3) reducing noise in residential areas; and

1-34 (4) mitigating adverse effects on the environment.

1-35 (d) The department shall provide administrative support,
1-36 including staff, as necessary to assist the advisory group in
1-37 accomplishing its duties.

1-38 (e) A member of the advisory group is not entitled to
1-39 compensation for service on the committee but is entitled to
1-40 reimbursement of travel expenses incurred by the member while
1-41 conducting the business of the advisory group, as provided by the
1-42 General Appropriations Act.

1-43 SECTION 3. Subsection (d), Section 501.097, Transportation
1-44 Code, is amended to read as follows:

1-45 (d) The fee collected under Subsection (a)(1) shall be
1-46 credited to the Texas rail relocation and improvement [~~state~~
1-47 ~~highway]~~ fund [~~to defray the costs of administering this subchapter~~
1-48 ~~and the costs to the department for issuing the title].~~

1-49 SECTION 4. Subsection (e), Section 501.100, Transportation
1-50 Code, is amended to read as follows:

1-51 (e) On or after the 31st day after the date the department
1-52 receives a rebuild fee under Subsection (d), the department shall
1-53 deposit \$50 of the fee to the credit of the Texas rail relocation
1-54 and improvement [~~state highway]~~ fund [~~to be used only by the~~
1-55 ~~Department of Public Safety to enforce this chapter]~~ and \$15 to the
1-56 credit of the general revenue fund.

1-57 SECTION 5. Subsection (a), Section 501.134, Transportation
1-58 Code, is amended to read as follows:

1-59 (a) If a certificate of title is lost or destroyed, the
1-60 owner or lienholder disclosed on the certificate may obtain, in the
1-61 manner provided by this section and department rule, a certified
1-62 copy of the lost or destroyed certificate of title directly from the
1-63 department by applying on a form prescribed by the department and

2-1 paying a fee of \$2. A fee collected under this subsection shall be
2-2 deposited to the credit of the Texas rail relocation and
2-3 improvement [state highway] fund [and may be spent only as provided
2-4 by Section 501.138].

2-5 SECTION 6. Subsection (c), Section 501.138, Transportation
2-6 Code, is amended to read as follows:

2-7 (c) Of the amount received under Subsection (b)(2), the
2-8 department shall deposit:

- 2-9 (1) \$5 in the general revenue fund; and
- 2-10 (2) \$3 to the credit of the Texas rail relocation and
2-11 improvement [state highway] fund [to recover the expenses necessary
2-12 to administer this chapter].

2-13 SECTION 7. Section 502.008, Transportation Code, is amended
2-14 by adding Subsection (e) to read as follows:

2-15 (e) Any fees collected by the department for responding to
2-16 an inquiry under this section shall be deposited to the credit of
2-17 the Texas rail relocation and improvement fund.

2-18 SECTION 8. Subsection (b), Section 502.179, Transportation
2-19 Code, is amended to read as follows:

2-20 (b) The office issuing a duplicate receipt shall retain the
2-21 fee received as a fee of office. If the department issued the
2-22 receipt, the fee shall be deposited in the Texas rail relocation and
2-23 improvement fund.

2-24 SECTION 9. Subsection (d), Section 503.007, Transportation
2-25 Code, is amended to read as follows:

2-26 (d) A fee collected under this section shall be deposited to
2-27 the credit of the Texas rail relocation and improvement [state
2-28 highway] fund.

2-29 SECTION 10. Subsection (d), Section 503.008,
2-30 Transportation Code, is amended to read as follows:

2-31 (d) A fee collected under this section shall be deposited to
2-32 the credit of the Texas rail relocation and improvement [state
2-33 highway] fund.

2-34 SECTION 11. Subsection (f), Section 503.0615,
2-35 Transportation Code, is amended to read as follows:

2-36 (f) Of each fee collected by the department under this
2-37 section:

2-38 (1) \$1.25 shall be deposited to the credit of the Texas
2-39 rail relocation and improvement [state highway] fund [to defray the
2-40 cost of administering this section]; and

2-41 (2) the remainder shall be deposited to the credit of
2-42 the general revenue fund.

2-43 SECTION 12. Subsection (a), Section 621.353,
2-44 Transportation Code, is amended to read as follows:

2-45 (a) The comptroller shall send \$50 of each base fee
2-46 collected under Section 623.011 for an excess weight permit to the
2-47 counties of the state, with each county receiving an amount
2-48 determined according to the ratio of the total number of miles of
2-49 county roads maintained by the county to the total number of miles
2-50 of county roads maintained by all of the counties of this state.
2-51 The comptroller shall deposit \$25 of each base fee, plus each fee
2-52 collected under Section 623.0112, to the credit of the Texas rail
2-53 relocation and improvement [state highway] fund. [Money deposited
2-54 to the credit of that fund under this subsection may be appropriated
2-55 only to the department to administer this section and Sections
2-56 623.011, 623.0111, and 623.0112.]

2-57 SECTION 13. Subsection (c), Section 623.0111,
2-58 Transportation Code, is amended to read as follows:

2-59 (c) Of the fees collected under Subsection (a) the following
2-60 amounts shall be deposited to the general revenue fund and the
2-61 remainder shall be deposited to the credit of the Texas rail
2-62 relocation and improvement [state highway] fund:

2-63	Number of Counties	Amount Allocated to
2-64	Designated	General Revenue Fund
2-65	1-5	\$125
2-66	6-20	\$125
2-67	21-40	\$345
2-68	41-60	\$565
2-69	61-80	\$785

3-1 81-100 \$900
3-2 101-254 \$1,000

3-3 SECTION 14. Subsections (a-1) and (c), Section 623.076,
3-4 Transportation Code, are amended to read as follows:

3-5 (a-1) The following amounts collected under Subsection (a)
3-6 shall be deposited to the general revenue fund and the remainder
3-7 deposited to the credit of the Texas rail relocation and
3-8 improvement [state highway] fund:

3-9 Amount of Fee Amount Allocated to General Revenue Fund

3-10 \$60 (single-trip permit) \$30

3-11 \$120 (30-day permit) \$60

3-12 \$180 \$90

3-13 \$240 \$120

3-14 \$270 \$135

3-15 (c) An application for a permit under Section 623.071(c)(3)
3-16 or (d) must be accompanied by the permit fee established by the
3-17 commission for the permit, not to exceed \$7,000. Of each fee
3-18 collected under this subsection, the department shall send:

3-19 (1) the first \$1,000 to the comptroller for deposit to
3-20 the credit of the general revenue fund; and

3-21 (2) any amount in excess of \$1,000 to the comptroller
3-22 for deposit to the credit of the Texas rail relocation and
3-23 improvement [state highway] fund.

3-24 SECTION 15. Subsection (b), Section 623.077,
3-25 Transportation Code, is amended to read as follows:

3-26 (b) The department shall send each fee collected under
3-27 Subsection (a) to the comptroller for deposit to the credit of the
3-28 Texas rail relocation and improvement [state highway] fund.

3-29 SECTION 16. Subsection (a), Section 623.096,
3-30 Transportation Code, is amended to read as follows:

3-31 (a) The department shall collect a fee of \$40 for each
3-32 permit issued under this subchapter. Of each fee, \$19.70 shall be
3-33 deposited to the credit of the general revenue fund and the
3-34 remainder deposited to the credit of the Texas rail relocation and
3-35 improvement [state highway] fund.

3-36 SECTION 17. Subsection (b), Section 623.124,
3-37 Transportation Code, is amended to read as follows:

3-38 (b) The department shall send each fee collected under this
3-39 section to the comptroller. Of each fee received from the
3-40 department, the comptroller shall deposit \$7.50 to the credit of
3-41 the general revenue fund and \$7.50 to the credit of the Texas rail
3-42 relocation and improvement [state highway] fund.

3-43 SECTION 18. Section 623.147, Transportation Code, is
3-44 amended to read as follows:

3-45 Sec. 623.147. DEPOSIT OF FEE IN TEXAS RAIL RELOCATION AND
3-46 IMPROVEMENT [STATE HIGHWAY] FUND. A fee collected under this
3-47 subchapter shall be deposited to the credit of the Texas rail
3-48 relocation and improvement [state highway] fund.

3-49 SECTION 19. Section 2301.156, Occupations Code, is amended
3-50 to read as follows:

3-51 Sec. 2301.156. DEPOSIT OF REVENUE. Notwithstanding any
3-52 other law to the contrary, all money collected by the board under
3-53 this chapter shall be deposited in the state treasury to the credit
3-54 of the Texas rail relocation and improvement [state highway] fund.

3-55 SECTION 20. Subsection (d), Section 2301.264, Occupations
3-56 Code, is amended to read as follows:

3-57 (d) The board may refund from funds deposited under Section
3-58 2301.156 [appropriated to the board for that purpose] a fee
3-59 collected under this chapter that is not due or that exceeds the
3-60 amount due.

3-61 SECTION 21. Not later than the 60th day after the effective
3-62 date of this Act, the Texas Department of Transportation shall
3-63 report to the Legislative Budget Board and the Governor's Office of
3-64 Budget and Planning on the availability of funds under federal

4-1 matching programs for the rail relocation program under Subchapter
4-2 O, Chapter 201, Transportation Code, as amended by this Act, and on
4-3 how to secure such funds for financing the program.

4-4 SECTION 22. Not later than January 1, 2011, the Texas
4-5 Department of Transportation shall submit a comprehensive report to
4-6 the governor, to the chair of the Senate Committee on
4-7 Transportation and Homeland Security, and to the chair of the House
4-8 Committee on Transportation regarding the progress of the rail
4-9 relocation program under Subchapter O, Chapter 201, Transportation
4-10 Code, as amended by this Act, and the status of program financing,
4-11 including:

4-12 (1) the dollar amount of the bonds issued for the
4-13 program;

4-14 (2) a description of the projects being financed by
4-15 the program;

4-16 (3) the status and estimated date of completion of
4-17 each project;

4-18 (4) a description of the projects to be financed in the
4-19 2012-2013 fiscal biennium;

4-20 (5) the estimated debt service requirement in the
4-21 2012-2013 fiscal biennium for the projects; and

4-22 (6) the availability of any funds under federal
4-23 matching programs.

4-24 SECTION 23. The Texas Department of Transportation, in
4-25 coordination with the comptroller of public accounts, shall produce
4-26 recommendations for supplemental revenue sources for the Texas rail
4-27 relocation and improvement fund for consideration by the 82nd
4-28 Legislature.

4-29 SECTION 24. (a) If the comptroller of public accounts
4-30 files a certification with the secretary of state that the
4-31 following items enacted by the 81st Legislature result in a net gain
4-32 in the 2010-2011 fiscal biennium as compared to the 2008-2009
4-33 fiscal biennium, then this Act takes effect September 1, 2009:

4-34 (1) the net impact of revenue measures enacted,
4-35 including this Act, on State Highway Fund No. 0006;

4-36 (2) as a gain, any reduction in the appropriations
4-37 from State Highway Fund No. 0006 made to agencies other than the
4-38 Texas Department of Transportation; and

4-39 (3) as a loss, any reduction in the appropriations to
4-40 the Texas Department of Transportation from the general revenue
4-41 fund.

4-42 (b) If the comptroller of public accounts does not file the
4-43 certification described by Subsection (a) of this section, this Act
4-44 has no effect.

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