

By: McClendon

H.B. No. 377

A BILL TO BE ENTITLED

AN ACT

relating to the expenditure of money from the general revenue fund for rail projects.

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

SECTION 1. Section 91.036, Transportation Code, is amended to read as follows:

Sec. 91.036. EXPENDITURE OF FUNDS. Subject to Sections ~~[Section]~~ 91.071(b) and (c), the department may receive, accept, and expend funds from this state, a federal agency, or other public or private source for:

(1) rail planning;

(2) studies to determine the viability of a rail facility for rail transportation service;

(3) studies to determine the necessity for the department's acquisition or construction of a rail facility; and

(4) the acquisition, construction, maintenance, or operation of a rail facility under this chapter, including the assessment and remediation of environmental contamination existing in or on a rail facility.

SECTION 2. Section 91.071, Transportation Code, is amended to read as follows:

Sec. 91.071. FUNDING. (a) Subject to Subsections ~~[Except as provided in Subsection]~~ (b) and (c), the department may use any available funds to implement this chapter, including funds from the

1 state infrastructure bank.

2 (b) Except as provided by Subsection (c) [~~for money received~~  
3 ~~from the Texas economic development bank fund under Section~~  
4 ~~489.102, Government Code~~], the department may not spend money from  
5 the general revenue fund to implement this chapter except pursuant  
6 to a line-item appropriation.

7 (c) The department may spend money from the general revenue  
8 fund to implement this chapter without the need for a line-item  
9 appropriation if the money is:

10 (1) received from the Texas economic development bank  
11 fund under Section 489.102, Government Code; or

12 (2) appropriated to the Texas rail relocation and  
13 improvement fund.

14 SECTION 3. This Act takes effect immediately if it receives  
15 a vote of two-thirds of all the members elected to each house, as  
16 provided by Section 39, Article III, Texas Constitution. If this  
17 Act does not receive the vote necessary for immediate effect, this  
18 Act takes effect September 1, 2011.