

By: Phillips

H.B. No. 3793

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 151.801, Tax Code, is amended by amending Subsections (a) and (d) and adding Subsection (b-1) to read as follows:

(a) Except for the amounts allocated under Subsections (b), (b-1), and (c), all proceeds from the collection of the taxes imposed by this chapter shall be deposited to the credit of the general revenue fund.

(b-1) The amount of the proceeds from the collection of the taxes imposed by this chapter on the sale, storage, or use of new and used motor vehicle tires and new and used motor vehicle parts shall be deposited to the credit of the state highway fund.

(d) The comptroller shall determine the amount to be deposited to the highway fund under Subsections [~~Subsection~~] (b) and (b-1) according to available statistical data indicating the estimated average or actual consumption or sales of lubricants used to propel motor vehicles over the public roadways, new and used motor vehicle tires, and new and used motor vehicle parts. The comptroller shall determine the amounts to be deposited to the funds or accounts under Subsection (c) according to available statistical data indicating the estimated or actual total receipts in this state from taxable sales of sporting goods. If satisfactory

1 data are not available, the comptroller may require taxpayers who  
2 make taxable sales or uses of those lubricants, motor vehicle  
3 tires, motor vehicle parts, or ~~of~~ sporting goods to report to the  
4 comptroller as necessary to make the allocation required by  
5 Subsection (b), (b-1), or (c).

6 SECTION 2. Section 201.115(d), Transportation Code, is  
7 amended to read as follows:

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

12 SECTION 3. Section 222.001, Transportation Code, is amended  
13 to read as follows:

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

- 20 (1) to improve the state highway system; or  
21 (2) to mitigate adverse environmental effects that  
22 result directly from construction or maintenance of a state highway  
23 by the department [~~, or~~

24 [~~(3) by the Department of Public Safety to police the~~  
25 ~~state highway system and to administer state laws relating to~~  
26 ~~traffic and safety on public roads]~~.

27 (b) Except as otherwise provided by this code, money in the

1 state highway fund that is not described by Subsection (a) may be  
2 used only to improve the state highway system.

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

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

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

13 (2) develop financing techniques designed to:

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

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

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

20 SECTION 5. Section 222.002, Transportation Code, is  
21 repealed.

22 SECTION 6. This Act takes effect September 1, 2011.

23 SECTION 7. This Act takes effect only if the constitutional  
24 amendment proposed by the 81st Legislature, Regular Session, 2009,  
25 limiting the purposes for which revenue from taxes on motor fuels  
26 and lubricants may be used and authorizing the legislature to  
27 provide for automatic adjustments of the rates of motor fuels taxes

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1 is approved by the voters. If that amendment is not approved by the  
2 voters, this Act has no effect.