

By: Phillips

H.B. No. 35

A BILL TO BE ENTITLED

AN ACT

relating to 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 by amending Subsection (a) and adding Subsection (c) to read as
14 follows:

15 (a) Money that is required to be used for public roadways by
16 the Texas Constitution or federal law and that is deposited in the
17 state treasury to the credit of the state highway fund, including
18 money deposited to the credit of the state highway fund under Title
19 23, United States Code, 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 (c) 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, 2015, but only
23 if the constitutional amendment proposed by the 83rd Legislature,
24 1st Called Session, 2013, prescribing the purposes for which
25 revenue from motor vehicle registration fees, taxes on motor fuels
26 and lubricants and motor vehicle tires and parts, and certain
27 revenues received from the federal government may be used is

H.B. No. 35

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