

By: Lavender

H.B. No. 62

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to providing funding for certain transportation projects,  
3 including port-related transportation projects; making  
4 appropriations.

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

6 SECTION 1. Subchapter G, Chapter 152, Tax Code, is amended  
7 by adding Section 152.1223 to read as follows:

8 Sec. 152.1223. ALLOCATION OF CERTAIN TAX REVENUE TO STATE  
9 HIGHWAY FUND. (a) Notwithstanding Section 152.122, in each state  
10 fiscal year beginning on or after September 1, 2015, the  
11 comptroller shall deposit to the credit of the state highway fund an  
12 amount of money that is equal to 33-1/3 percent of the money that:

13 (1) is received under Sections 152.043, 152.045,  
14 152.047, and 152.121 and is remaining after the comptroller makes  
15 the allocation required by Section 152.1222; and

16 (2) exceeds the first \$3 billion of money described by  
17 Subdivision (1) that is received in that fiscal year.

18 (b) Money deposited to the credit of the state highway fund  
19 under this section may be appropriated only:

20 (1) for a purpose authorized by Section 7-a, Article  
21 VIII, Texas Constitution;

22 (2) to repay the principal and interest on general  
23 obligation bonds issued as authorized by Section 49-p, Article III,  
24 Texas Constitution; or

1           (3) to pay for a function performed by or under the  
2 supervision of the Texas Department of Transportation.

3           SECTION 2. Section 55.002, Transportation Code, is amended  
4 by adding Subsection (e) to read as follows:

5           (e) The commission may use money from the Texas mobility  
6 fund to provide funding, including through a loan, for a port  
7 security project, a port transportation project, or a project  
8 eligible for funding under Subsection (c).

9           SECTION 3. (a) In this section, "biennial state taxes and  
10 fees general revenue estimate" means the amount of revenue stated  
11 in the comptroller's estimate provided in advance of the regular  
12 legislative session as required by Section 49a, Article III, Texas  
13 Constitution, that, based on the laws in effect at the time the  
14 estimate is made, is anticipated to be received by and for the state  
15 from collections of taxes and fees the revenue from which is  
16 anticipated to be deposited to the credit of the general revenue  
17 fund and is not set aside by law for a particular purpose or entity.

18           (b) On the 91st day of the state fiscal biennium beginning  
19 September 1, 2013, an amount of money determined as provided by this  
20 subsection is appropriated from the general revenue fund to the  
21 Texas Department of Transportation for the two-year period  
22 beginning on the effective date of this Act for the purposes of  
23 constructing, maintaining, and acquiring rights-of-way for public  
24 roadways other than toll roads. The amount of money appropriated  
25 under this subsection is the amount by which revenue received by  
26 this state during the state fiscal biennium ending August 31, 2013,  
27 from collections of taxes and fees that is anticipated to be

1 deposited to the credit of the general revenue fund and is not set  
2 aside for a particular purpose or entity exceeds the estimated  
3 amount of that revenue for that fiscal biennium as contained in the  
4 biennial state taxes and fees general revenue estimate for the  
5 state fiscal biennium ending August 31, 2013. The amount of money  
6 appropriated to the Texas Department of Transportation under this  
7 subsection may not exceed an amount that, when added to all other  
8 appropriations of state tax revenues not dedicated by the  
9 constitution made for the state fiscal biennium ending August 31,  
10 2013, would exceed the maximum permissible amount of appropriations  
11 of those revenues for that biennium, as provided by Section 22,  
12 Article VIII, Texas Constitution.

13 (c) On the 91st day of the state fiscal biennium beginning  
14 September 1, 2015, the comptroller of public accounts shall deposit  
15 an amount of money determined as provided by this subsection to the  
16 credit of the state highway fund. The amount of money deposited  
17 under this subsection is the amount by which revenue received by  
18 this state during the state fiscal biennium ending August 31, 2015,  
19 from collections of taxes and fees that is anticipated to be  
20 deposited to the credit of the general revenue fund and is not set  
21 aside for a particular purpose or entity exceeds the estimated  
22 amount of that revenue for that fiscal biennium as contained in the  
23 biennial state taxes and fees general revenue estimate for the  
24 state fiscal biennium ending August 31, 2015. The amount of money  
25 deposited to the credit of the state highway fund under this  
26 subsection may not exceed \$2,000,000,000.

27 (d) This section expires January 1, 2016.

H.B. No. 62

1           SECTION 4. This Act takes effect on the 91st day after the  
2 last day of the legislative session.