

Amend SB 1727 (house committee report) as follows:

(1) On page 24, line 11, strike "and".

(2) On page 24, line 14, between "2011" and the period, insert the following:

; and

(7) Section 501.138(b-3), Transportation Code

(3) Add the following appropriately numbered SECTION to the bill and renumber subsequent SECTIONS of the bill accordingly:

SECTION \_\_\_\_\_. (a) Section 501.138, Transportation Code, is amended by amending Subsections (b-1) and (b-2) and adding Subsection (c-1) to read as follows:

(b-1) Fees collected under Subsection (b) to be sent to the comptroller shall be deposited to the credit of the Texas Mobility Fund, except that \$5 of each fee imposed under Subsection (a)(1) [~~and deposited on or after September 1, 2008, and before September 1, 2015,~~] shall be deposited to the credit of the Texas rail relocation and improvement [~~emissions reduction plan~~] fund.

(b-2) The comptroller shall establish a record of the amount of the fees deposited to the credit of the Texas Mobility Fund under Subsection (b-1) and shall monitor transfers to and from the Texas emissions reduction plan fund. On or before the fifth workday of each month, the Texas Department of Transportation [~~department~~] shall remit to the comptroller for deposit to the credit of the Texas emissions reduction plan fund an amount of money, not to exceed [~~equal to~~] the amount of the fees deposited by the comptroller to the credit of the Texas Mobility Fund under Subsection (b-1) in the preceding month, the comptroller determines is necessary to meet amounts appropriated from the Texas emissions reduction plan fund or, after consultation with the Texas Commission on Environmental Quality, if a fee is imposed on stationary sources in a county located in a nonattainment area as provided by 42 U.S.C. Section 7511d, an amount of money not to exceed the amount of the total of fees attributable to applicants for titles, other than the state or political subdivisions of the state, who reside in a county located in a nonattainment area or in an affected county, as described by Subsection (a)(1). The Texas Department of Transportation [~~department~~] shall use for remittance

to the comptroller as required by this subsection money in the state highway fund that is not required to be used for a purpose specified by Section 7-a, Article VIII, Texas Constitution, and may not use for that remittance money received by this state under the congestion mitigation and air quality improvement program established under 23 U.S.C. Section 149. The Texas Transportation Commission may designate for congestion mitigation projects or for deposit to the Texas rail relocation and improvement fund eligible amounts retained in the state highway fund because the amounts were not required to be remitted under this subsection on the condition that the Texas Commission on Environmental Quality, after a public hearing, finds that the use of the funds for those purposes will be at least as effective as other eligible uses of those funds under the Texas emissions reduction plan in maintaining or attaining compliance with the federal Clean Air Act and notifies the Texas Transportation Commission of that finding. Unless that condition is met, the amounts shall be deposited to the credit of the Texas emissions reduction plan fund. The Texas Commission on Environmental Quality by rule shall adopt criteria for making the finding required by this subsection.

(c-1) Money deposited to the Texas rail relocation and improvement fund under Subsections (b-1) and (b-2) may be used to fund an infrastructure project to reduce air pollution and relieve congestion through rail relocation or improvement, including an infrastructure project described by Section 386.109(a)(4), Health and Safety Code.

(b) This section takes effect September 1, 2013.

(4) In SECTION 19 of the bill (page 24, line 15), strike "This" and substitute "Except as otherwise provided by this Act, this".