

By: Pickett

H.B. No. 2611

A BILL TO BE ENTITLED

AN ACT

1
2 relating to repayment of money contributed by the Texas Department
3 of Transportation or the Texas Transportation Commission for toll
4 projects.

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

6 SECTION 1. Section 222.103(a), Transportation Code, is
7 amended to read as follows:

8 (a) The department may participate, by spending money from
9 any available source, in the cost of the acquisition, construction,
10 maintenance, or operation of a toll facility of a public or private
11 entity on terms and conditions established by the commission. The
12 commission[+]

13 ~~[(1) may require the repayment of any money spent by~~
14 ~~the department for the cost of a toll facility of a public entity,~~
15 ~~and~~

16 ~~[(2)] shall require the repayment of any money spent~~
17 ~~[by the department for the cost of a toll facility of a private~~
18 ~~entity].~~

19 SECTION 2. Section 366.301(c), Transportation Code, is
20 amended to read as follows:

21 (c) An obligation or expense incurred by the commission or
22 department under this section is a part of the cost of the turnpike
23 project for which the obligation or expense was incurred. The
24 commission or department shall ~~[may]~~ require money contributed by

1 the commission or department under this section to be repaid. The
2 commission or department may require the money to be repaid from
3 tolls or other revenue of the turnpike project or system on which
4 the money was spent. Money repaid as required by the commission or
5 department shall be deposited to the credit of the fund from which
6 the contribution was made. Money deposited as required by this
7 section is exempt from the application of Section 403.095,
8 Government Code.

9 SECTION 3. Section 370.033(m), Transportation Code, is
10 amended to read as follows:

11 (m) If an authority receives money from the general revenue
12 fund, the Texas Mobility Fund, or the state highway fund, it:

13 (1) may use the money only to acquire, design,
14 finance, construct, operate, or maintain a turnpike project under
15 Section 370.003(14)(A) or (D) or a transit system under Section
16 370.351; and

17 (2) must repay the money.

18 SECTION 4. Section 370.301(c), Transportation Code, is
19 amended to read as follows:

20 (c) An obligation or expense incurred by the commission or
21 department under this section is a part of the cost of the turnpike
22 project for which the obligation or expense was incurred. The
23 commission or department shall [~~may~~] require money contributed by
24 the commission or department under this section to be repaid. The
25 commission or department may require the money to be repaid from
26 tolls or other revenue of the turnpike project on which the money
27 was spent. Money repaid as required by the commission or department

1 shall be deposited to the credit of the fund from which the
2 contribution was made. Money deposited as required by this section
3 is exempt from the application of Section 403.095, Government Code.

4 SECTION 5. Subchapter A, Chapter 372, Transportation Code,
5 is amended by adding Section 372.002 to read as follows:

6 Sec. 372.002. REPAYMENT OF MONEY CONTRIBUTED BY DEPARTMENT.

7 A toll project entity shall repay to the department any money
8 contributed by the department as participation in the cost of the
9 entity's toll projects, including money from the state highway
10 fund, the Texas Mobility Fund, or other sources available to the
11 department.

12 SECTION 6. The changes in law made by this Act apply only to
13 a loan, grant, or other contribution made by the Texas Department of
14 Transportation or the Texas Transportation Commission on or after
15 the effective date of this Act. A loan, grant, or other
16 contribution made before the effective date of this Act is governed
17 by the law in effect on the date the loan, grant, or other
18 contribution is made, and the former law is continued in effect for
19 that purpose.

20 SECTION 7. This Act takes effect September 1, 2015.