

By: Huffines

S.B. No. 639

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the use of money in the state highway fund for toll
3 projects.

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

5 SECTION 1. Section 162.503, Tax Code, is amended to read as
6 follows:

7 Sec. 162.503. ALLOCATION OF GASOLINE TAX. [~~a~~] On or
8 before the fifth workday after the end of each month, the
9 comptroller, after making all deductions for refund purposes and
10 for the amounts allocated under Sections 162.502 and 162.5025,
11 shall allocate the net remainder of the taxes collected under
12 Subchapter B as follows:

13 (1) one-fourth of the tax shall be deposited to the
14 credit of the available school fund;

15 (2) one-half of the tax shall be deposited to the
16 credit of the state highway fund for the construction and
17 maintenance of the state road system, other than toll roads, under
18 existing law; and

19 (3) from the remaining one-fourth of the tax the
20 comptroller shall:

21 (A) deposit to the credit of the county and road
22 district highway fund all the remaining tax receipts until a total
23 of \$7,300,000 has been credited to the fund each fiscal year; and

24 (B) after the amount required to be deposited to

1 the county and road district highway fund has been deposited,
2 deposit to the credit of the state highway fund the remainder of the
3 one-fourth of the tax, the amount to be provided on the basis of
4 allocations made each month of the fiscal year, which sum shall be
5 used by the Texas Department of Transportation for the
6 construction, improvement, and maintenance of farm-to-market
7 roads.

8 SECTION 2. Section 201.002(c), Transportation Code, is
9 amended to read as follows:

10 (c) All money authorized to be appropriated in accordance
11 with this section for the operation of the department and the
12 purchase of equipment shall be appropriated from the state highway
13 fund. The commission shall use the amount remaining in the fund for
14 the furtherance of public road construction, other than toll roads,
15 and for establishing a system of state highways.

16 SECTION 3. Section 202.002(a), Transportation Code, is
17 amended to read as follows:

18 (a) The commission shall use automobile registration fees
19 in the state highway fund to maintain state highways, other than
20 toll roads, and may not divert funds from automobile registration
21 fees for another use.

22 SECTION 4. Section 222.001, Transportation Code, is amended
23 by adding Subsection (c) to read as follows:

24 (c) Notwithstanding Section 222.103, the legislature may
25 not appropriate money deposited to the credit of the state highway
26 fund to construct, maintain, or acquire rights-of-way for a toll
27 project or system.

1 SECTION 5. Section 222.002, Transportation Code, is amended
2 to read as follows:

3 Sec. 222.002. USE OF STATE HIGHWAY FUND FOR DEPARTMENT
4 FUNCTIONS. Money in the state highway fund that is not required to
5 be spent for public roadways by the Texas Constitution or federal
6 law may be used for any function performed by the department other
7 than a function related to a toll project or system.

8 SECTION 6. Section 222.004(g), Transportation Code, is
9 amended to read as follows:

10 (g) Bonds may be issued for one or more of the following
11 purposes:

12 (1) to pay all or part of the costs of highway
13 improvement projects, other than an improvement project for a toll
14 road; and

15 (2) to pay:

16 (A) the costs of administering projects
17 authorized under this section;

18 (B) the cost or expense of the issuance of the
19 bonds; or

20 (C) all or part of a payment owed or to be owed
21 under a credit agreement.

22 SECTION 7. Section 228.006(a), Transportation Code, is
23 amended to read as follows:

24 (a) The commission shall authorize the use of surplus
25 revenue of a toll project or system to pay the costs of a
26 transportation project or [7] highway project, other than a toll
27 project, or an air quality project within a region in which any part

1 of the toll project is located.

2 SECTION 8. Section 228.053(f), Transportation Code, is
3 amended to read as follows:

4 (f) The revenue and disbursements for each toll project or
5 system shall be kept separately. The revenue from one project may
6 not be used to pay the cost of another project except as authorized
7 by Section [~~Sections~~] 228.0055 [~~and 228.006~~].

8 SECTION 9. Section 228.104(a), Transportation Code, is
9 amended to read as follows:

10 (a) The principal of, interest on, and any redemption
11 premium on bonds issued by the commission under this subchapter are
12 payable solely from:

13 (1) the revenue of the toll project or system for which
14 the bonds are issued, including tolls pledged to pay the bonds;

15 (2) the proceeds of bonds issued for the project or
16 system;

17 (3) the amounts deposited in a debt service reserve
18 fund as required by the trust agreement securing bonds issued for
19 the project or system;

20 (4) amounts received under a credit agreement relating
21 to the project or system for which the bonds are issued; and

22 [~~surplus revenue of another project or system as~~
23 ~~authorized by Section 228.006, and~~

24 [~~6~~] amounts received by the department:

25 (A) as pass-through tolls under Section 222.104;

26 (B) under an agreement with a local governmental
27 entity entered into under Section 228.254;

1 (C) under other agreements with a local
2 governmental entity relating to the project or system for which the
3 bonds are issued; and

4 (D) under a comprehensive development agreement
5 entered into under Section 223.201.

6 SECTION 10. Section 228.105, Transportation Code, is
7 amended to read as follows:

8 Sec. 228.105. SOURCES OF PAYMENT OF AND SECURITY FOR TOLL
9 REVENUE BONDS. Notwithstanding any other provisions of this
10 subchapter, toll revenue bonds issued by the commission may:

11 (1) be payable from and secured by:

12 (A) payments made under an agreement with a local
13 governmental entity as provided by Section 228.254;

14 (B) the proceeds of bonds issued for the toll
15 project or system; or

16 (C) amounts deposited in a debt service reserve
17 fund as required by the trust agreement securing bonds issued for
18 the project or system; ~~or~~

19 ~~[(D) surplus revenue of another toll project or~~
20 ~~system as authorized by Section 228.006,] and~~

21 (2) state on their faces any pledge of revenue or taxes
22 and any security for the bonds under the agreement.

23 SECTION 11. Section 366.174(b), Transportation Code, is
24 amended to read as follows:

25 (b) An authority may transfer into its revolving fund money
26 from any permissible source, including:

27 (1) money from a turnpike project if the transfer does

1 not diminish the money available for the project or the system, if
2 any, of which it is a part to less than an amount required to be
3 retained by the bond proceedings pertaining to the project or
4 system;

5 (2) money received by the authority from any source
6 and not otherwise committed, including money from the transfer of a
7 turnpike project or system or sale of authority assets; and

8 ~~(3) [money received from the state highway fund; and~~
9 ~~[(4)]~~ contributions, loans, grants, or assistance
10 from the United States, another state, a political subdivision of
11 this state, a foreign governmental entity, including the United
12 Mexican States or a state of the United Mexican States, a local
13 governmental entity, any private enterprise, or any person.

14 SECTION 12. Section 370.033(m), Transportation Code, is
15 amended to read as follows:

16 (m) If an authority receives money from the general revenue
17 fund or [7] the Texas Mobility Fund, [~~or the state highway fund~~] it
18 may use the money only to acquire, design, finance, construct,
19 operate, or maintain a turnpike project under Section
20 370.003(14)(A) or (D) or a transit system under Section 370.351. If
21 an authority receives money from the state highway fund, it may use
22 the money only to acquire, design, finance, construct, operate, or
23 maintain a transportation project under Section 370.003(14)(D).

24 SECTION 13. Section 373.102(d), Transportation Code, is
25 amended to read as follows:

26 (d) Money received by the department under this section
27 shall be deposited in the state highway fund and, except for

1 reimbursement for costs owed to a third party, used to fund
2 additional projects, other than toll projects, in the department
3 district in which the toll project is located.

4 SECTION 14. Sections 228.204 and 228.206, Transportation
5 Code, are repealed.

6 SECTION 15. The changes in law made by this Act do not
7 prohibit use of money in the state highway fund that is necessary to
8 comply with the terms of a bond resolution or other agreement in
9 effect on the effective date of this Act governing the issuance of
10 bonds or other obligations secured by money in the fund.

11 SECTION 16. This Act takes effect September 1, 2017.