

By: Kolkhorst

S.B. No. 812

A BILL TO BE ENTITLED

1 AN ACT
2 relating to repayment of money contributed by the Texas Department
3 of Transportation or the Texas Transportation Commission for toll
4 projects and to a limitation on toll 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. The heading to Subchapter E, Chapter 228,
20 Transportation Code, is amended to read as follows:

21 SUBCHAPTER E. LIMITATION ON TOLL FACILITY DESIGNATION
22 ~~[DETERMINATION]~~; CONVERSION OF NONTOLLED STATE HIGHWAY

23 SECTION 3. Section 228.201, Transportation Code, is amended
24 by adding Subsection (c) to read as follows:

1 (c) The department may not operate any part of State Highway
2 255 in Webb County as a toll project.

3 SECTION 4. Section 366.301(c), Transportation Code, is
4 amended to read as follows:

5 (c) An obligation or expense incurred by the commission or
6 department under this section is a part of the cost of the turnpike
7 project for which the obligation or expense was incurred. The
8 commission or department shall [~~may~~] require money contributed by
9 the commission or department under this section to be repaid. The
10 commission or department may require the money to be repaid from
11 tolls or other revenue of the turnpike project or system on which
12 the money was spent. Money repaid as required by the commission or
13 department shall be deposited to the credit of the fund from which
14 the contribution was made. Money deposited as required by this
15 section is exempt from the application of Section 403.095,
16 Government Code.

17 SECTION 5. Section 370.033(m), Transportation Code, is
18 amended to read as follows:

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

21 (1) may use the money only to acquire, design,
22 finance, construct, operate, or maintain a turnpike project under
23 Section 370.003(14)(A) or (D) or a transit system under Section
24 370.351; and

25 (2) must repay the money.

26 SECTION 6. Sections 370.301(c) and (f), Transportation
27 Code, are amended to read as follows:

1 (c) An obligation or expense incurred by the commission or
 2 department under this section is a part of the cost of the turnpike
 3 project for which the obligation or expense was incurred. The
 4 commission or department shall ~~[may]~~ require money contributed by
 5 the commission or department under this section to be repaid. The
 6 commission or department may require the money to be repaid from
 7 tolls or other revenue of the turnpike project on which the money
 8 was spent. Money repaid as required by the commission or department
 9 shall be deposited to the credit of the fund from which the
 10 contribution was made. Money deposited as required by this section
 11 is exempt from the application of Section 403.095, Government Code.

12 (f) The commission may ~~[grant or]~~ loan department money to
 13 an authority for the acquisition of land for or the construction,
 14 maintenance, or operation of a turnpike project. The commission
 15 shall ~~[may]~~ require the authority to repay money loaned ~~[provided]~~
 16 under this section. The commission may require the money to be
 17 repaid from toll revenue or other sources on terms established by
 18 the commission.

19 SECTION 7. Subchapter A, Chapter 372, Transportation Code,
 20 is amended by adding Section 372.002 to read as follows:

21 Sec. 372.002. REPAYMENT OF MONEY CONTRIBUTED BY DEPARTMENT.
 22 A toll project entity shall repay to the department any money
 23 contributed by the department as participation in the cost of the
 24 entity's toll projects, including money from the state highway
 25 fund, the Texas Mobility Fund, or other sources available to the
 26 department.

27 SECTION 8. The changes in law made by this Act apply only to

1 a loan, grant, or other contribution made by the Texas Department of
2 Transportation or the Texas Transportation Commission on or after
3 the effective date of this Act. A loan, grant, or other
4 contribution made before the effective date of this Act is governed
5 by the law in effect on the date the loan, grant, or other
6 contribution is made, and the former law is continued in effect for
7 that purpose.

8 SECTION 9. This Act takes effect September 1, 2017.