

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.

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. Sections 370.301(c) and (f), Transportation  
19 Code, are 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 (f) The commission may ~~[grant or]~~ loan department money to  
5 an authority for the acquisition of land for or the construction,  
6 maintenance, or operation of a turnpike project. The commission  
7 shall ~~[may]~~ require the authority to repay money loaned ~~[provided]~~  
8 under this section. The commission may require the money to be  
9 repaid from toll revenue or other sources on terms established by  
10 the commission.

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

13 Sec. 372.002. REPAYMENT OF MONEY CONTRIBUTED BY DEPARTMENT.  
14 A toll project entity shall repay to the department any money  
15 contributed by the department as participation in the cost of the  
16 entity's toll projects, including money from the state highway  
17 fund, the Texas Mobility Fund, or other sources available to the  
18 department.

19 SECTION 6. The changes in law made by this Act apply only to  
20 a loan, grant, or other contribution made by the Texas Department of  
21 Transportation or the Texas Transportation Commission on or after  
22 the effective date of this Act. A loan, grant, or other  
23 contribution made before the effective date of this Act is governed  
24 by the law in effect on the date the loan, grant, or other  
25 contribution is made, and the former law is continued in effect for  
26 that purpose.

27 SECTION 7. This Act takes effect September 1, 2017.