

BILL ANALYSIS

Senate Research Center
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S.B. 216
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Transportation & Homeland Security
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

More than \$1.5 billion was diverted from the State Highway Fund for non-transportation purposes during the 80th Legislature.

As proposed, S.B. 216 authorizes money in the state highway fund to be used to repay certain loans, if permissible under the Texas Constitution and appropriated by the legislature for that purpose. The bill deletes language authorizing the use of certain state highway fund money by the Texas Department of Public Safety to police the state highway system and to administer state laws relating to traffic and safety on public roads, and provides that except as otherwise provided by this code, money in the state highway fund may be used only to improve the state highway system. S.B. 216 requires the Texas Transportation Commission to use, to the extent permissible under Section 222.001, money deposited in the infrastructure bank for certain specified purposes. Finally, S.B. 216 repeals Section 222.002 (Use of State Highway Fund For Department Functions), Transportation Code.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 201.115(d), Transportation Code, to authorize money in the state highway fund, notwithstanding Section 222.001, to be used to repay a loan under this section if permissible under the Texas Constitution and appropriated by the legislature for that purpose.

SECTION 2. Amends Section 222.001, Transportation Code, to create Subdivision (a) from existing text. Deletes existing text relating to the authorization for certain money deposited in the state treasury to the credit of the state highway fund to be used by the Department of Public Safety to police the state highway system and to administer state laws relating to traffic and safety on public roads.

(b) Provides that except as otherwise provided by this code, money in the state highway fund that is not described by Subsection (a) is authorized to be used only to improve the state highway system.

SECTION 3. Amends Section 222.073, Transportation Code, as follows:

Sec. 222.073. PURPOSES OF THE INFRASTRUCTURE BANK. Requires the Texas Transportation Commission to the extent permissible under, rather than notwithstanding, Section 222.001 (Use of State Highway Fund), to use money deposited in the bank for certain purposes.

SECTION 4. Repealer: Section 222.002 (Use of State Highway Fund for Department Functions), Transportation Code.

SECTION 5. Effective date: September 1, 2011.

SECTION 6. Makes application of this Act contingent upon approval by the voters of the constitutional amendment relating to limiting the purposes for which revenue from taxes on

motor fuels and lubricants is authorized to be used and authorizing the legislature to provide for automatic adjustments of the rates of motor fuels taxes.