

BILL ANALYSIS

Senate Research Center
82R519 JAM-D

S.B. 135
By: Wentworth
Finance
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As Filed

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

The state highway fund includes revenue from motor vehicle registration fees, federal highway funds, the sales tax on motor lubricants, and a portion of the motor fuel tax revenue. Money in the state highway fund, the primary purpose of which is to fund the construction and maintenance of the state highway system, is used to fund many functions of the Department of Public Safety and the Texas Department of Transportation.

Under current law, money in the state highway fund may be used to improve state highways, mitigate adverse environmental effects that result directly from construction or maintenance of a state highway, or for the Department of Public Safety to police the state highway system and administer state laws relating to traffic and safety on public roads.

As proposed, S.B. 135 requires money in the state highway fund to be used only for improving the state highway system and mitigating adverse environmental effects that result directly from construction or maintenance of a state highway.

As proposed, S.B. 135 amends current law relating to the permissible uses of the state highway fund.

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 (Use of State Highway Fund), 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, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Authorizes money that is required to be used for public roadways by the Texas Constitution or federal law and that is deposited in the state treasury to the credit of the state highway fund, including money deposited to the credit of the state highway fund under Title 23, United States Code, to be used only to improve the state highway system or to mitigate adverse environmental effects that result directly from construction or maintenance of a state highway by the department. Deletes existing text authorizing money in 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.

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

SECTION 3. Amends Section 222.073, Transportation Code, to require the Texas Transportation Commission to the extent permissible under Section 222.001, rather than notwithstanding Section 222.001, to use money deposited in the infrastructure bank to encourage certain investments and to develop financing techniques designed to achieve certain purposes.

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

SECTION 5. Effective date: September 1, 2013.

SECTION 6. Makes application of this Act contingent upon approval by the voters of the constitutional amendment proposed by the 82nd Legislature, Regular Session, 2011, to limit the purposes for which revenues from motor vehicle registration fees, taxes on motor fuels and lubricants, and certain revenues received from the federal government may be used.