

## **BILL ANALYSIS**

Senate Research Center  
83R163 JAM-D

S.B. 309  
By: Paxton  
Finance  
3/28/2013  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The State Highway Fund was established to provide resources to plan, construct, and maintain public roads. The State of Texas is in need of additional funds dedicated to the State Highway Fund. The purpose of S.B. 309 is to dedicate additional revenues to the State Highway Fund and limit the permissible uses of the State Highway Fund.

As proposed, S.B. 309 amends current law relating to 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 151.801, Tax Code, by amending Subsections (a) and (d) and adding Subsection (b-1), as follows:

(a) Requires that all proceeds, except for the amounts allocated under Subsections (b), (b-1), and (c) (relating to the requirement that certain proceeds from the collection of certain taxes imposed by on the sale, storage, or use of sporting goods are to be deposited, as per certain guidelines) from the collection of the taxes imposed by this chapter be deposited to the credit of the general fund.

(b-1) Requires that the amount of the proceeds from the collection of the taxes imposed by this chapter on the sale, storage, or use of new and used motor vehicle tires and new and used motor vehicle parts be deposited to the credit of the state highway fund.

(d) Makes conforming and nonsubstantive changes.

SECTION 2. Amends Section 162.5045, Tax Code, to require the comptroller of public accounts of the State of Texas (comptroller), from the number of gallons so determined, to compute the amount of taxes that were paid on that undyed diesel fuel and to require the comptroller to allocate and deposit that amount to the credit of the state highway fund, rather than the general revenue fund.

SECTION 3. Amends Section 201.115(d), Transportation Code, to authorize money in the state highway fund, notwithstanding 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 4. Amends Section 222.001, Transportation Code, by amending Subsection (a) and adding Subsection (c), as follows:

(a) Deletes existing text authorizing 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 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) Authorizes money in the state highway fund that is not described by Subsection (a), except as otherwise provided by this code, to be used only to improve the state highway system.

SECTION 5. Amends Section 222.073, Transportation Code, as follows:

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

- (1) encourage public and private investment in transportation facilities both within and outside of the state highway system, including facilities that contribute to the multimodal and intermodal transportation capabilities of the state; and
- (2) develop financing techniques designed to expand the availability of funding for transportation projects and to reduce direct state costs, maximize private and local participation in financing projects, and improve the efficiency of the state transportation system.

SECTION 6. Repealer: Section 222.002 (Use of State Highway Fund for Department Functions), Transportation Code.

SECTION 7. Effective date: September 1, 2015.

SECTION 8. Effective date: contingent upon approval by the voters of the constitutional amendment proposed by the 83rd Legislature, Regular Session, 2013, prescribing the purposes for which revenue from motor vehicle registration fees, taxes on motor fuels and lubricants and motor vehicle tires and parts, and certain revenues received from the federal government to be used.