

## CHAPTER 703

H.B. No. 938

An Act relating to the administration, allocation, and distribution of money in the public transportation fund.

*Be it enacted by the Legislature of the State of Texas:*

**SECTION 1.** Subsections (a), (e), (f), and (g), Section 3, Chapter 679, Acts of the 64th Legislature, Regular Session, 1975 (Article 6663c, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) The commission shall administer the formula program and allocate 80 [60] percent of the funds in the public transportation fund to that program.

(e) *Upon receipt of* [Within 30 days after] an application for funds under the formula program [is received], if there are unallocated formula funds for the applicant, the commission shall certify to the federal government that the state share of the local share requirement is available. The application must contain a certification by the designated recipient that:

(1) funds are available to provide 35 percent of the local share requirement of federally assisted programs; and

(2) the proposed public transportation project is consistent with ongoing, continuing, cooperative, and comprehensive regional transportation planning being carried out in accordance with the provisions of the Urban Mass Transportation Act of 1964, as amended, and the Federal-Aid Highway Act of 1973, as amended.

(f) If the commission has previously certified that *there are sufficient funds in the public transportation fund for the state share [is available]* for a project, the commission shall direct that payment of the state share be made to the designated recipient within 30 days after federal approval of a proposed transportation project proposal.

(g) Funds allocated by the department for use in the formula program which are unencumbered and unexpended *at [one year after]* the close of the fiscal year for which the funds were originally allocated shall be transferred at that time by the commission for use in the discretionary program.

**SECTION 2.** Subsections (a), (b), and (e), Section 4, Chapter 679, Acts of the 64th Legislature, Regular Session, 1975 (Article 6663c, Vernon's Texas Civil Statutes), are amended to read as follows:

(a) The commission shall allocate 20 ~~[40]~~ percent of the funds annually credited to the public transportation fund to the discretionary program, which shall be administered by the commission.

(b) Except as provided in Subsections (e) and (f) of this section, only rural and urban areas of the state other than urbanized areas eligible for participation in the formula program are eligible for participation in the discretionary program. Any local government having the power to operate or maintain a public transportation system, *or other entity that is designated as a recipient of federal funds by the governor with the concurrence of the Secretary of the United States Department of Transportation to operate a general public transportation system under a federal program solely for areas other than urbanized*, may be a designated recipient of funds from the discretionary program.

(e) Designated recipients in urbanized areas eligible for participation in the formula program and any local government having the power to operate or maintain a public transportation system within an urbanized area are also eligible to apply for and receive funds allocated by the commission for use in the discretionary program which are unexpended and unencumbered *at [180 days after]* the close of the fiscal year for which the funds were originally allocated and all unexpended and unencumbered funds transferred from the formula program to the discretionary program. The commission shall make grants out of the discretionary fund to designated recipients under the provisions of this section.

**SECTION 3.** This Act takes effect September 1, 1985.

**SECTION 4.** The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed by the House on May 6, 1985, by a non-record vote; passed by the Senate on May 26, 1985; by a viva-voce vote.

Approved: June 14, 1985

Effective: September 1, 1985