

Suspending limitations on conference committee
jurisdiction, H.B. No. 2481 (Bonnen/Harris)

By: Bonnen

H.R. No. 2250

R E S O L U T I O N

1 BE IT RESOLVED by the House of Representatives of the State of
2 Texas, 79th Legislature, Regular Session, 2005, That House Rule 13,
3 Section 9(a), be suspended in part as provided by House Rule 13,
4 Section 9(f), to enable the conference committee appointed to
5 resolve the differences on House Bill 2481 (air contaminant
6 emissions reductions, including the continuation and provisions of
7 the Texas emissions reduction plan and the use of money currently
8 dedicated to the Texas emissions reduction plan fund; authorizing
9 the issuance of bonds) to consider and take action on the following
10 matter:

11 (1) House Rule 13, Section 9(a)(4), is suspended to permit
12 the committee to add new Subsection (d), Section 386.252, Health
13 and Safety Code, to read as follows:

14 (d) The awarding of a grant from the fund is solely at the
15 discretion of the commission.

16 Explanation: The change is necessary to clarify that the
17 awarding of grants from the Texas emissions reduction plan fund is
18 solely at the discretion of the Texas Commission on Environmental
19 Quality.

20 (2) House Rule 13, Section 9(a)(4), is suspended to permit
21 the committee to add new Section 386.253, Health and Safety Code, to
22 read as follows:

23 Sec. 386.253. USE OF FUND FOR BONDS FOR TRANSPORTATION
24 PROJECTS. (a) Notwithstanding Sections 386.251 and 386.252, in

1 each state fiscal biennium an amount of money in the fund equal to
2 the difference between the amount of money deposited to the credit
3 of the fund in that biennium and the amount of money in the fund
4 appropriated for the purposes described by those sections for that
5 biennium may be appropriated only to the commission to pay the
6 principal of and interest on bonds issued under this section.

7 (b) The commission and the Texas Department of
8 Transportation may enter into an intergovernmental agreement under
9 which the commission agrees to request the Texas Public Finance
10 Authority to issue on behalf of the commission and department bonds
11 the proceeds of which are to be used to finance transportation
12 projects selected by the department. The agreement must require
13 the Texas Department of Transportation to remit to the comptroller
14 for deposit to the credit of the fund an amount of discretionary and
15 unobligated money that is available to the department, that is not
16 dedicated to or appropriated for other specific purposes, and that
17 is sufficient to reimburse the fund for any money in the fund that
18 is used to pay the principal of and interest on the bonds authorized
19 by the agreement.

20 (c) The Texas Public Finance Authority may issue bonds on
21 the request of the commission as provided by this section.

22 (d) Before September 1, 2010, bonds issued under this
23 section are payable only from the part of the money in the fund
24 appropriated under Subsection (a) for the payment of the bonds. On
25 or after September 1, 2010, bonds issued under this section are
26 payable from discretionary and unobligated money that is available
27 to the department and that is not dedicated to or appropriated for

1 other purposes.

2 (e) The comptroller may create within the fund accounts,
3 reserves, and subfunds for purposes the comptroller finds
4 appropriate and necessary in connection with the issuance of bonds
5 under this section.

6 (f) The proceeds of bonds issued under this section may not
7 be used to construct, maintain, or operate a toll road, toll bridge,
8 or turnpike.

9 (g) Bonds may not be issued under this section on or after
10 September 1, 2010.

11 Explanation: The change is necessary to permit the Texas
12 Public Finance Authority at the request of the Texas Commission on
13 Environmental Quality to issue bonds payable from revenue in the
14 Texas emissions reduction plan fund to finance transportation
15 projects selected by the Texas Department of Transportation and to
16 permit the department to reimburse the fund for the revenue in the
17 fund used to pay the bonds.

18 (3) House Rule 13, Section 9(a)(1), is suspended to permit
19 the committee to change the text of added Section 501.138(b-3),
20 Transportation Code, to read as follows:

21 (b-3) This subsection and Subsection (b-2) expire September
22 1, 2013.

23 Explanation: The change is necessary to extend until
24 September 1, 2013, the period for which the Texas Department of
25 Transportation is required to transfer to the Texas emissions
26 reduction plan fund an amount of money equal to the amount of
27 certain fees imposed under Section 501.138, Transportation Code,

1 and deposited to the credit of the Texas Mobility Fund.

2 (4) House Rule 13, Section 9(a)(4), is suspended to permit
3 the committee to add a new section to read as follows:

4 SECTION 29. The dedication of money in the Texas emissions
5 reduction plan fund account made by Section 386.253, Health and
6 Safety Code, as added by this Act, prevails over any provision of
7 S.B. No. 1605 or any other Act of the 79th Legislature, Regular
8 Session, 2005, that purports to abolish a dedication of revenue for
9 a particular purpose by an Act of the 79th Legislature, Regular
10 Session, 2005, that becomes law, regardless of the relative dates
11 of enactment of this Act and the other Act.

12 Explanation: The change is necessary to prevent the
13 dedication of money in the Texas emissions reduction plan fund
14 account made by Section 386.253, Health and Safety Code, as added by
15 the bill, from being abolished.

16 (5) House Rule 13, Section 9(a)(4), is suspended to permit
17 the committee to add a new section to read as follows:

18 SECTION 30. For the state fiscal biennium beginning
19 September 1, 2005, an amount of money in the Texas emissions
20 reduction plan fund account equal to the difference between the
21 amount of money deposited to the credit of the account during that
22 state fiscal biennium and the amount of money in the account
23 appropriated for that state fiscal biennium by the 79th
24 Legislature, Regular Session, 2005, for the purposes described by
25 Sections 386.251 and 386.252, Health and Safety Code, is
26 appropriated to the Texas Commission on Environmental Quality for
27 the purposes described by Section 386.253, Health and Safety Code,

1 as added by this Act.

2 Explanation: The change is necessary to appropriate for the
3 state fiscal biennium beginning September 1, 2005, money in the
4 Texas emissions reduction plan fund account to be used to pay any
5 bonds issued under Section 386.253, Health and Safety Code, as
6 added by the bill.