

By: Darby

H.B. No. 3418

A BILL TO BE ENTITLED

AN ACT

relating to state fiscal matters related to natural resources and the environment.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

ARTICLE 1. REDUCTION OF EXPENDITURES AND IMPOSITION OF CHARGES

GENERALLY

SECTION 1.01. This article applies to any state agency that receives an appropriation under Article VI of the General Appropriations Act.

SECTION 1.02. Notwithstanding any other statute of this state, each state agency to which this article applies is authorized to reduce or recover expenditures by:

(1) consolidating any reports or publications the agency is required to make and filing or delivering any of those reports or publications exclusively by electronic means;

(2) extending the effective period of any license, permit, or registration the agency grants or administers;

(3) entering into a contract with another governmental entity or with a private vendor to carry out any of the agency's duties;

(4) adopting additional eligibility requirements for persons who receive benefits under any law the agency administers to ensure that those benefits are received by the most deserving persons consistent with the purposes for which the benefits are

1 provided;

2 (5) providing that any communication between the  
3 agency and another person and any document required to be delivered  
4 to or by the agency, including any application, notice, billing  
5 statement, receipt, or certificate, may be made or delivered by  
6 e-mail or through the Internet; and

7 (6) adopting and collecting fees or charges to cover  
8 any costs the agency incurs in performing its lawful functions.

9 ARTICLE 2. FISCAL MATTERS CONCERNING ANIMAL HEALTH REGULATION

10 SECTION 2.01. Section 161.060, Agriculture Code, is amended  
11 to read as follows:

12 Sec. 161.060. AUTHORITY TO SET AND COLLECT ~~[INSPECTION]~~  
13 FEES. The commission by rule may set and collect a fee for any  
14 service provided ~~[charge a fee, as provided by commission rule, for~~  
15 ~~an inspection made]~~ by the commission, including:

- 16 (1) the inspection of animals or facilities;  
17 (2) the testing of animals for disease;  
18 (3) obtaining samples from animals for disease  
19 testing;  
20 (4) disease eradication and treatment efforts;  
21 (5) services related to the transport of livestock;  
22 (6) control and eradication of ticks and other pests;  
23 and  
24 (7) any other service for which the commission incurs  
25 a cost.

26 ARTICLE 3. FISCAL MATTERS REGARDING PETROLEUM INDUSTRY REGULATION

27 SECTION 3.01. Section 26.3574(b), Water Code, is amended to

1 read as follows:

2 (b) A fee is imposed on the delivery of a petroleum product  
3 on withdrawal from bulk of that product as provided by this  
4 subsection. Each operator of a bulk facility on withdrawal from  
5 bulk of a petroleum product shall collect from the person who orders  
6 the withdrawal a fee in an amount determined as follows:

7 (1) \$3.75 for each delivery into a cargo tank having a  
8 capacity of less than 2,500 gallons [~~for the state fiscal year~~  
9 ~~beginning September 1, 2007, through the state fiscal year ending~~  
10 ~~August 31, 2011~~];

11 (2) \$7.50 for each delivery into a cargo tank having a  
12 capacity of 2,500 gallons or more but less than 5,000 gallons [~~for~~  
13 ~~the state fiscal year beginning September 1, 2007, through the~~  
14 ~~state fiscal year ending August 31, 2011~~];

15 (3) \$11.75 for each delivery into a cargo tank having a  
16 capacity of 5,000 gallons or more but less than 8,000 gallons [~~for~~  
17 ~~the state fiscal year beginning September 1, 2007, through the~~  
18 ~~state fiscal year ending August 31, 2011~~];

19 (4) \$15.00 for each delivery into a cargo tank having a  
20 capacity of 8,000 gallons or more but less than 10,000 gallons [~~for~~  
21 ~~the state fiscal year beginning September 1, 2007, through the~~  
22 ~~state fiscal year ending August 31, 2011~~]; and

23 (5) \$7.50 for each increment of 5,000 gallons or any  
24 part thereof delivered into a cargo tank having a capacity of 10,000  
25 gallons or more [~~for the state fiscal year beginning September 1,~~  
26 ~~2007, through the state fiscal year ending August 31, 2011~~].

27 ARTICLE 4. FISCAL MATTERS REGARDING FUNDING FOR STATE SITES

1 SECTION 4.01. Chapter 11, Parks and Wildlife Code, is  
2 amended by adding Subchapter J-1 to read as follows:

3 SUBCHAPTER J-1. FOR-PROFIT PARTNERSHIPS

4 Sec. 11.221. DEFINITIONS. In this subchapter:

5 (1) "Official corporate partner" means a for-profit  
6 entity that:

7 (A) is designated an official corporate partner  
8 by the department;

9 (B) works with the department to raise funds for  
10 state site operations and maintenance; and

11 (C) is selected as provided under Section 11.222.

12 (2) "State site" means a state park, natural area, or  
13 historic site under the jurisdiction of the department.

14 Sec. 11.222. SELECTION; CONTRACT. (a) Subject to  
15 commission approval, the department may select a for-profit entity  
16 as an official corporate partner.

17 (b) The department may contract with an official corporate  
18 partner to raise funds for state site operations and maintenance.

19 Sec. 11.223. GIFTS AND GRANTS; FUND-RAISING. (a) To raise  
20 funds for state site operations and maintenance, an official  
21 corporate partner may accept contributions, gifts, grants, and  
22 promotional campaign proceeds on behalf of the department. The  
23 department shall ensure that an official corporate partner  
24 transfers the contributions, gifts, grants, and promotional  
25 campaign proceeds to the department as soon as possible.

26 (b) The department may contract with an official corporate  
27 partner to conduct joint promotional campaigns or other

1 fund-raising efforts conducted by the department to raise funds for  
2 state site operations and maintenance.

3 Sec. 11.224. USE OF FUNDS. Money received by the department  
4 under this subchapter, including money received under a contract or  
5 licensing or other agreement or as a gift or grant, may be used only  
6 for state site operations and maintenance.

7 Sec. 11.225. RULES. The commission shall adopt rules to  
8 implement this subchapter, including rules that establish  
9 guidelines or best practices for official corporate partners.

10 SECTION 4.02. Subchapter A, Chapter 13, Parks and Wildlife  
11 Code, is amended by adding Sections 13.0151 and 13.0155 to read as  
12 follows:

13 Sec. 13.0151. STATE PARK PASSES. (a) The department may  
14 contract with any entity the department considers appropriate to  
15 sell state park passes in any of the entity's retail locations.

16 (b) The commission may adopt rules to implement this  
17 section.

18 Sec. 13.0155. USE OF PARKS AND WILDLIFE DEPARTMENT BRAND.

19 (a) The department may contract with any entity the department  
20 considers appropriate to use the Parks and Wildlife Department  
21 brand in exchange for licensing fees paid by the entity to the  
22 department.

23 (b) The department shall use the licensing fees received  
24 under Subsection (a) only for the operation and maintenance of  
25 state sites as defined by Section 11.221.

26 (c) The commission may adopt rules to implement this  
27 section.

1 SECTION 4.03. Subchapter B, Chapter 13, Parks and Wildlife  
2 Code, is amended by adding Section 13.103 to read as follows:

3 Sec. 13.103. ADVERTISING. The commission by rule may  
4 assess and limit commercial advertising in state parks, natural  
5 areas, historic sites, or other sites under the jurisdiction of the  
6 department to preserve the integrity of the sites and to minimize  
7 distractions that may interfere with the enjoyment of the sites by  
8 visitors.

9 ARTICLE 5. FISCAL MATTERS REGARDING PARKS AND WILDLIFE DEPARTMENT

10 SECTION 5.01. Subchapter D, Chapter 502, Transportation  
11 Code, is amended by adding Section 502.1747 to read as follows:

12 Sec. 502.1747. VOLUNTARY CONTRIBUTION TO PARKS AND WILDLIFE  
13 DEPARTMENT. (a) When a person registers or renews the registration  
14 of a motor vehicle under this chapter, the person may contribute \$5  
15 or more to the Parks and Wildlife Department.

16 (b) The county assessor-collector shall send any  
17 contribution made under this section to the comptroller for credit  
18 to the Parks and Wildlife Department. Money received by the Parks  
19 and Wildlife Department under this section may be used only for the  
20 operation and maintenance of state parks, historic sites, or  
21 natural areas under the jurisdiction of the Parks and Wildlife  
22 Department.

23 ARTICLE 6. FISCAL MATTERS REGARDING PRESERVATION OF NATURAL  
24 RESOURCES

25 SECTION 6.01. Section 33.603(f), Natural Resources Code, is  
26 amended to read as follows:

27 (f) Notwithstanding Subsections (c) and (e), each biennium

1 the commissioner may undertake at least one erosion response  
2 project without requiring a qualified project partner to pay a  
3 portion of the shared project cost. The [if the] total cost of the  
4 projects undertaken that do not have a cost share requirement may  
5 [does] not exceed one-third [one-half] of the total amount  
6 appropriated to the land office for coastal erosion planning and  
7 response, except that if any of the projects that do not have a cost  
8 share requirement are undertaken in response to erosion associated  
9 with a federally declared disaster:

10 (1) the total cost of the projects undertaken that do  
11 not have a cost share requirement and that are not undertaken in  
12 response to erosion associated with a federally declared disaster  
13 may not exceed one-third of the total amount appropriated to the  
14 land office for coastal erosion planning and response; and

15 (2) the total cost of all of the projects undertaken  
16 that do not have a cost share requirement, whether or not undertaken  
17 in response to erosion associated with a federally declared  
18 disaster, may not exceed one-half of the total amount appropriated  
19 to the land office for coastal erosion planning and response.

20 SECTION 6.02. Sections 33.604(a) and (b), Natural Resources  
21 Code, are amended to read as follows:

22 (a) The coastal erosion response account is an account in  
23 the general revenue fund that may be appropriated only to the  
24 commissioner and used only for the purpose of implementing this  
25 subchapter ~~[and administration of the coastal management program as~~  
26 ~~provided in Subchapter F].~~

27 (b) The account consists of:

- 1           (1) all money appropriated for the purposes of this  
2 subchapter;
- 3           (2) grants to this state from the United States for the  
4 purposes of this subchapter;
- 5           (3) all money received by this state from the sale of  
6 dredged material; ~~and~~
- 7           (4) penalties or costs collected under Section 61.0184  
8 or 63.1814; and
- 9           (5) fees deposited to the credit of the account in  
10 accordance with Section 33.614.

11           SECTION 6.03. Section 33.605, Natural Resources Code, is  
12 amended by amending Subsection (a) and adding Subsection (c) to  
13 read as follows:

14           (a) Money in the account may be used for [+  
15           ~~(1)~~] any action authorized by this subchapter [~~, and~~  
16           ~~(2) the administration of the coastal management~~  
17 ~~program as provided in Subchapter F].~~

18           (c) Notwithstanding Subsection (a), fees deposited to the  
19 credit of the account in accordance with Section 33.614 may be used  
20 only for erosion response projects that directly affect commercial  
21 vessels that dock at ports operated by port authorities or  
22 navigation districts in this state.

23           SECTION 6.04. Section 33.608, Natural Resources Code, is  
24 amended to read as follows:

25           Sec. 33.608. REPORT TO LEGISLATURE. (a) Each biennium, the  
26 commissioner shall submit to the legislature a report listing:

- 27           (1) each critical erosion area;



1 (2) each proposed erosion response study or project;

2 (3) an estimate of the cost of each proposed study or  
3 project described by Subdivision (2);

4 (4) each coastal erosion response study or project  
5 funded under this subchapter during the preceding biennium;

6 (5) the economic and natural resource benefits from  
7 each coastal erosion response study or project described by  
8 Subdivision (4);

9 (6) the financial status of the account; and

10 (7) an estimate of the cost of implementing this  
11 subchapter during the succeeding biennium.

12 (b) The report must include a plan for coastal erosion  
13 response studies and projects that may be funded, wholly or partly,  
14 from money in the account and may be undertaken during the next 10  
15 or more years.

16 SECTION 6.05. Subchapter H, Chapter 33, Natural Resources  
17 Code, is amended by adding Sections 33.614 and 33.615 to read as  
18 follows:

19 Sec. 33.614. COMMERCIAL VESSEL DOCKING FEE. (a) Each port  
20 authority or navigation district shall impose a fee of \$2 for each  
21 foot of vessel length on each owner or operator of a commercial  
22 vessel with a draft of at least 18 feet each time the vessel docks at  
23 the port operated by the port authority or navigation district.

24 (b) A port authority or navigation district that collects a  
25 fee under Subsection (a) shall remit the amount of the fee to the  
26 comptroller.

27 (c) A port authority or navigation district that makes a

1 timely payment to the comptroller of the amount of a fee collected  
2 under Subsection (a) is entitled to retain an amount equal to one  
3 percent of the amount of the fee collected to cover the port  
4 authority's or navigation district's administrative expenses.

5 (d) The comptroller shall deposit the amount of the fees  
6 collected to the credit of the account as provided by Section  
7 33.604.

8 (e) The comptroller shall adopt rules necessary for the  
9 administration, collection, reporting, and payment of the fee.

10 Sec. 33.615. DEDICATION OF OUTER CONTINENTAL SHELF LANDS  
11 ACT REVENUE. One-sixth of the revenue received by this state under  
12 Section 8(g), Outer Continental Shelf Lands Act (43 U.S.C. Section  
13 1337(g)), being one-half of that portion of the revenue credited to  
14 the general revenue fund and not otherwise deposited to the credit  
15 of the permanent school fund pursuant to the Agreed Judgment in  
16 Cause No. 395,483 in the 299th Judicial District Court of Travis  
17 County on file in the Travis County District Clerk's records at  
18 Volume 1396, Page 479, may be appropriated only to the commissioner  
19 for the purpose of implementing this subchapter.

20 SECTION 6.06. Section 162.502(c), Tax Code, is amended to  
21 read as follows:

22 (c) Of the money [~~Money~~] deposited to the credit of the  
23 general revenue fund under Subsection (b)(2):

24 (1) 33-1/3 percent may be appropriated only to the  
25 commissioner of the General Land Office for the purpose of  
26 implementing Subchapter H, Chapter 33, Natural Resources Code; and

27 (2) 66-2/3 percent may be appropriated only to the

1 Parks and Wildlife Department for any lawful purpose.

2 SECTION 6.07. Section 33.614, Natural Resources Code, as  
3 added by this Act, applies only to a vessel that docks at a port on  
4 or after the effective date of this Act.

5 ARTICLE 7. FISCAL MATTERS REGARDING ENVIRONMENTAL PROTECTION

6 SECTION 7.01. Section 386.051(b), Health and Safety Code,  
7 is amended to read as follows:

8 (b) Under the plan, the commission and the comptroller shall  
9 provide grants or other funding for:

10 (1) the diesel emissions reduction incentive program  
11 established under Subchapter C, including for infrastructure  
12 projects established under that subchapter;

13 (2) the motor vehicle purchase or lease incentive  
14 program established under Subchapter D;

15 (3) air quality research under Section 386.059 [~~the~~  
16 ~~new technology research and development program established under~~  
17 ~~Chapter 387~~];

18 (4) the clean school bus program established under  
19 Chapter 390; and

20 (5) the new technology implementation grant program  
21 established under Chapter 391.

22 SECTION 7.02. Section 386.058(b), Health and Safety Code,  
23 is amended to read as follows:

24 (b) The governor shall appoint to the advisory board:

25 (1) a representative of the trucking industry;

26 (2) a representative of the air conditioning  
27 manufacturing industry;

- 1           (3) a representative of the electric utility industry;  
2           (4) a representative of regional transportation; and  
3           (5) a representative of the nonprofit organization  
4 described by Section 386.059 [~~386.252(a)(2)~~].

5           SECTION 7.03. Subchapter B, Chapter 386, Health and Safety  
6 Code, is amended by adding Section 386.059 to read as follows:

7           Sec. 386.059. AIR QUALITY RESEARCH. (a) The commission  
8 shall contract with a nonprofit organization or institution of  
9 higher education to establish and administer a program to support  
10 research related to air quality.

11           (b) The board of directors of a nonprofit organization  
12 establishing and administering the research program related to air  
13 quality under this section may not have more than 11 members, must  
14 include two persons with relevant scientific expertise to be  
15 nominated by the commission, and may not include more than four  
16 county judges selected from counties in the  
17 Houston-Galveston-Brazoria and Dallas-Fort Worth nonattainment  
18 areas. The two persons with relevant scientific expertise to be  
19 nominated by the commission may be employees or officers of the  
20 commission, provided that they do not participate in funding  
21 decisions affecting the granting of funds by the commission to a  
22 nonprofit organization on whose board they serve.

23           (c) The commission shall provide oversight as appropriate  
24 for grants provided under the program established under this  
25 section.

26           (d) A nonprofit organization or institution of higher  
27 education shall submit to the commission for approval a budget for

1 the disposition of funds granted under the program established  
2 under this section.

3 (e) A nonprofit organization or institution of higher  
4 education shall be reimbursed for costs incurred in establishing  
5 and administering the research program related to air quality under  
6 this section. Reimbursable administrative costs of a nonprofit  
7 organization or institution of higher education may not exceed 10  
8 percent of the program budget.

9 (f) A nonprofit organization that receives grants from the  
10 commission under this section is subject to Chapters 551 and 552,  
11 Government Code.

12 SECTION 7.04. Section 386.108(a), Health and Safety Code,  
13 is amended to read as follows:

14 (a) The commission shall provide funding under Section  
15 386.252(a) [386.252(a)(1)] for infrastructure projects.

16 SECTION 7.05. Section 386.252, Health and Safety Code, is  
17 amended by reenacting and amending Subsection (a), as amended by  
18 Chapters 1125 (H.B. 1796) and 1232 (S.B. 1759), Acts of the 81st  
19 Legislature, Regular Session, 2009, and by adding Subsection (a-1)  
20 to read as follows:

21 (a) Of the money [Money] in the fund, 96.5 percent may be  
22 used only to implement and administer programs established under  
23 the plan and shall be allocated as follows:

24 (1) [~~for the diesel emissions reduction incentive~~  
25 ~~program, 87.5 percent of the money in the fund, of which:~~

26 [~~(A)~~] not more than four percent may be used for  
27 the clean school bus program;

1           (2) [~~(B)~~] not more than 10 percent may be used for  
2 on-road diesel purchase or lease incentives; [~~and~~]

3           (3) [~~(C)~~] a specified amount may be used for the new  
4 technology implementation grant program, from which a defined  
5 amount may be set aside for electricity storage projects related to  
6 renewable energy;

7           (4) five percent shall be used for the clean fleet  
8 program;

9           (5) [~~(2)~~ for the new technology research and  
10 development program, nine percent of the money in the fund, of  
11 which:

12                   [~~(A)~~] up to \$200,000 is allocated for a health  
13 effects study;

14           (6) up to [~~(B)~~] \$500,000 is to be deposited in the  
15 state treasury to the credit of the clean air account created under  
16 Section 382.0622 to supplement funding for air quality planning  
17 activities in affected counties;

18           (7) up to \$2 million [~~(C)~~ not less than 20 percent]  
19 is to be allocated annually [~~each year~~] to support research related  
20 to air quality as provided by Section 386.059 [~~387.010~~];

21           (8) up to \$216,000 is allocated annually to the  
22 commission to [~~and~~

23                   [~~(D)~~ the balance is allocated each year to the  
24 ~~commission to be used to:~~

25                                   [~~(i)~~ implement and administer the new  
26 ~~technology research and development program for the purpose of~~  
27 ~~identifying, testing, and evaluating new emissions-reducing~~

1 ~~technologies with potential for commercialization in this state and~~  
2 ~~to facilitate their certification or verification, and~~

3 ~~[(ii)]~~ contract with the Energy Systems  
4 Laboratory at the Texas Engineering Experiment Station for  
5 ~~[\$216,000 annually for]~~ the development and annual computation of  
6 creditable statewide emissions reductions obtained through wind  
7 and other renewable energy resources for the state implementation  
8 plan; and

9 (9) the balance of the money in the fund allocated by  
10 this subsection is allocated to the remaining programs of the  
11 diesel emissions reduction incentive program.

12 (a-1) Two [(3) — two] percent of the money in the fund is  
13 allocated to the commission and 1.5 percent is allocated to the  
14 laboratory for administrative costs incurred by the commission and  
15 the laboratory.

16 SECTION 7.06. Section 447.011(h), Government Code, is  
17 amended to read as follows:

18 (h) The Texas Commission on Environmental Quality shall  
19 obtain information on any fuel-saving technology that appears to  
20 reduce particulate matter, oxides of nitrogen, carbon monoxide, or  
21 hydrocarbon emissions. ~~[The Texas Commission on Environmental~~  
22 ~~Quality may use this information to fund the United States~~  
23 ~~Environmental Protection Agency verification of a technology in~~  
24 ~~accordance with Section 387.003, Health and Safety Code.]~~

25 SECTION 7.07. Chapter 387, Health and Safety Code, is  
26 repealed.

27 SECTION 7.08. A grant issued under Chapter 387, Health and

1 Safety Code, before the effective date of this Act is governed by  
2 Chapter 387, Health and Safety Code, as it existed immediately  
3 before the effective date of this Act, and that law is continued in  
4 effect for that purpose.

5 SECTION 7.09. To the extent of any conflict, this article  
6 prevails over an Act of the 82nd Legislature, Regular Session,  
7 2011, relating to nonsubstantive additions to and corrections in  
8 enacted codes.

9 ARTICLE 8. EFFECTIVE DATE

10 SECTION 8.01. This Act takes effect September 1, 2011.