

By: Nelson

S.B. No. 1276

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the amounts, availability, and use of certain
3 statutorily dedicated revenue and accounts; reducing or affecting
4 the amounts or rates of certain statutorily dedicated fees and
5 assessments.

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

7 SECTION 1. Section 102.055, Business & Commerce Code, is
8 amended to read as follows:

9 Sec. 102.055. ALLOCATION OF ADDITIONAL REVENUE. [~~(a)~~] The
10 comptroller shall deposit all amounts received from the fee imposed
11 under this subchapter after the first \$25 million in a state fiscal
12 biennium to the credit of the general revenue fund [~~in the Texas~~
13 ~~health opportunity pool established under Subchapter N, Chapter~~
14 ~~531, Government Code. Money deposited in the pool under this~~
15 ~~section may be used only to provide health benefits coverage~~
16 ~~premium payment assistance to low-income persons through a premium~~
17 ~~payment assistance program developed under that subchapter].~~

18 [~~(b) This section takes effect only if Senate Bill No. 10,~~
19 ~~Acts of the 80th Legislature, Regular Session, 2007, becomes law~~
20 ~~and the Texas health opportunity pool is established under that~~
21 ~~Act. If that Act does not become law, or that Act becomes law but~~
22 ~~the pool is not established, this section has no effect, and the~~
23 ~~revenue is deposited as provided by Section 47.0551.]~~

24 SECTION 2. Section 21.703, Education Code, is amended to

1 read as follows:

2 Sec. 21.703. [~~EDUCATOR EXCELLENCE INNOVATION FUND,~~] AMOUNT
3 OF GRANT AWARD. (a) [~~Each state fiscal year, the commissioner~~
4 ~~shall deposit an amount determined by the General Appropriations~~
5 ~~Act to the credit of the educator excellence innovation fund in the~~
6 ~~general revenue fund.~~] Each state fiscal year, the agency shall
7 [~~use money in the educator excellence innovation fund to~~] provide
8 each school district approved on a competitive basis under this
9 subchapter with a grant in an amount determined by the agency in
10 accordance with commissioner rule.

11 (b) Not later than April 1 of each state fiscal year, the
12 agency shall provide written notice to each school district that
13 will be provided a grant under this section that the district will
14 be provided the grant and the amount of that grant.

15 SECTION 3. Section 56.463, Education Code, is amended by
16 amending Subsection (b) and adding Subsection (c) to read as
17 follows:

18 (b) Money in the Texas B-On-time student loan account may be
19 appropriated [~~used~~] only:

20 (1) to pay any costs of the coordinating board related
21 to the operation of the Texas B-On-time loan program and as
22 otherwise provided by this subchapter; or

23 (2) to the institutions of higher education that
24 contribute to the account as provided by Section 56.465 and only for
25 a purpose other than the Texas B-On-time loan program.

26 (c) Appropriations under Subsection (b)(2) must be made so
27 that each of the institutions of higher education receives an

1 amount that is in proportion to the net amount the institution
2 contributed to the Texas B-On-time student loan account.

3 SECTION 4. Section 61.5391(a), Education Code, is amended
4 to read as follows:

5 (a) The physician education loan repayment program account
6 is an account in the general revenue fund. The account is composed
7 of:

- 8 (1) gifts and grants contributed to the account;
- 9 (2) earnings on the principal of the account; and
- 10 (3) other amounts deposited to the credit of the
11 account, including:
 - 12 (A) money deposited under Section [~~61.539(b)~~ or]
13 61.5392;
 - 14 (B) legislative appropriations; and
 - 15 (C) money deposited under Section 155.2415, Tax
16 Code.

17 SECTION 5. Subchapter B, Chapter 403, Government Code, is
18 amended by adding Section 403.0143 to read as follows:

19 Sec. 403.0143. REPORT ON USE OF GENERAL REVENUE-DEDICATED
20 ACCOUNTS. After each regular session of the legislature, the
21 comptroller shall issue a report that itemizes each general
22 revenue-dedicated account and the estimated balance and revenue in
23 each account that is considered available for the purposes of
24 certification of appropriations as provided by Section 403.095.
25 The comptroller shall publish the report on the comptroller's
26 Internet website.

27 SECTION 6. Section 420.008(c), Government Code, is amended

1 to read as follows:

2 (c) The legislature may appropriate money deposited to the
3 credit of the fund only to:

4 (1) the attorney general, for:

5 (A) sexual violence awareness and prevention
6 campaigns;

7 (B) grants to faith-based groups, independent
8 school districts, and community action organizations for programs
9 for the prevention of sexual assault and programs for victims of
10 human trafficking;

11 (C) grants for equipment for sexual assault nurse
12 examiner programs, to support the preceptorship of future sexual
13 assault nurse examiners, and for the continuing education of sexual
14 assault nurse examiners;

15 (D) grants to increase the level of sexual
16 assault services in this state;

17 (E) grants to support victim assistance
18 coordinators;

19 (F) grants to support technology in rape crisis
20 centers;

21 (G) grants to and contracts with a statewide
22 nonprofit organization exempt from federal income taxation under
23 Section 501(c)(3), Internal Revenue Code of 1986, having as a
24 primary purpose ending sexual violence in this state, for programs
25 for the prevention of sexual violence, outreach programs, and
26 technical assistance to and support of youth and rape crisis
27 centers working to prevent sexual violence; and

1 (H) grants to regional nonprofit providers of
2 civil legal services to provide legal assistance for sexual assault
3 victims;

4 (2) the Department of State Health Services, to
5 measure the prevalence of sexual assault in this state and for
6 grants to support programs assisting victims of human trafficking;

7 (3) the Institute on Domestic Violence and Sexual
8 Assault at The University of Texas at Austin, to conduct research on
9 all aspects of sexual assault and domestic violence;

10 (4) Texas State University, for training and technical
11 assistance to independent school districts for campus safety;

12 (5) the office of the governor, for grants to support
13 sexual assault and human trafficking prosecution projects;

14 (6) the department [~~Department of Public Safety~~], to
15 support sexual assault training for commissioned officers;

16 (7) the comptroller's judiciary section, for
17 increasing the capacity of the sex offender civil commitment
18 program;

19 (8) the Texas Department of Criminal Justice:

20 (A) for pilot projects for monitoring sex
21 offenders on parole; and

22 (B) for increasing the number of adult
23 incarcerated sex offenders receiving treatment;

24 (9) the Texas Juvenile Justice Department [~~Youth
25 Commission~~], for increasing the number of incarcerated juvenile sex
26 offenders receiving treatment;

27 (10) the comptroller, for the administration of the

1 fee imposed on sexually oriented businesses under Section 102.052,
2 Business & Commerce Code; ~~and~~

3 (11) the supreme court, to be transferred to the Texas
4 ~~Equal~~ Access to Justice Foundation, or a similar entity, to
5 provide victim-related legal services to sexual assault victims,
6 including legal assistance with protective orders,
7 relocation-related matters, victim compensation, and actions to
8 secure privacy protections available to victims under law; and

9 (12) any state agency or organization for the purpose
10 of conducting human trafficking enforcement programs.

11 SECTION 7. Section 614.104, Government Code, is amended by
12 amending Subsections (a) and (b) and adding Subsection (d) to read
13 as follows:

14 (a) The volunteer fire department assistance fund is an
15 account in the general revenue fund and is composed of money
16 collected under Chapter 2007 ~~[Article 5.102]~~, Insurance Code, and
17 contributions to the fund from any other source.

18 (b) Except as provided by Subsections ~~[Subsection]~~ (c) and
19 (d), money in the fund may be used only for a purpose under this
20 subchapter.

21 (d) Money in the fund may be appropriated for a contribution
22 to the Texas Emergency Services Retirement System subject to
23 Section 865.015.

24 SECTION 8. Section 382.0622(a), Health and Safety Code, is
25 amended to read as follows:

26 (a) Clean Air Act fees consist of:

27 (1) fees collected by the commission under Sections

1 382.062, 382.0621, 382.202, and 382.302 and as otherwise provided
2 by law;

3 (2) \$2 from the portion of each fee collected for
4 inspections of vehicles other than mopeds and remitted to the state
5 under Sections [~~Section~~] 548.501 and 548.503, Transportation Code;
6 and

7 (3) fees collected that are required under Section 185
8 of the federal Clean Air Act (42 U.S.C. Section 7511d).

9 SECTION 9. Section 771.071(b), Health and Safety Code, is
10 amended to read as follows:

11 (b) The amount of the fee may not exceed 50 cents a month for
12 each line. The commission shall suspend the fees established under
13 this section for the duration of any state fiscal biennium for which
14 the unencumbered balance of the 9-1-1 services fee account and the
15 anticipated revenue to be deposited to the account from fees on
16 wireless telecommunications connections imposed under Section
17 771.0711 are sufficient to pay for all of the appropriations from
18 that account. The commission may reinstate its imposition of the
19 fees under this section if the commission anticipates that in the
20 next succeeding state fiscal biennium the unencumbered balance of
21 the 9-1-1 services fee account will not otherwise be sufficient to
22 pay for all of the appropriations from that account.

23 SECTION 10. Sections 771.0711(a) and (b), Health and Safety
24 Code, are amended to read as follows:

25 (a) To provide for automatic number identification and
26 automatic location identification of wireless 9-1-1 calls, the
27 commission shall impose on each wireless telecommunications

1 connection a 9-1-1 emergency service fee in an amount determined by
2 the commission to be sufficient, when considered together with the
3 anticipated revenue from the 9-1-1 emergency service fees imposed
4 under Section 771.071, to fund all entities in this state that
5 provide emergency communications services but not more than 50
6 cents a month for each connection. A political subdivision may not
7 impose another fee on a wireless service provider or subscriber for
8 9-1-1 emergency service.

9 (b) A wireless service provider shall collect the fee [~~in an~~
10 ~~amount equal to 50 cents a month~~] for each wireless
11 telecommunications connection from its subscribers and shall pay
12 the money collected to the comptroller not later than the 30th day
13 after the last day of the month during which the fees were
14 collected. The comptroller may establish alternative dates for
15 payment of fees under this section. The wireless service provider
16 may retain an administrative fee of one percent of the amount
17 collected. The comptroller shall deposit the money from the fees to
18 the credit of the 9-1-1 services fee account. Until deposited to
19 the credit of the 9-1-1 services fee account as required by
20 Subsection (c), money the comptroller collects under this
21 subsection remains in a trust fund with the state treasury.

22 SECTION 11. The heading to Section 780.002, Health and
23 Safety Code, is amended to read as follows:

24 Sec. 780.002. CERTAIN DEPOSITS TO ACCOUNT.

25 SECTION 12. Section 780.003(b), Health and Safety Code, is
26 amended to read as follows:

27 (b) The account is composed of money deposited to the credit

1 of the account under Sections 542.406 and 707.008, Transportation
2 Code, and under Section 780.002 of this code~~[, and the earnings of~~
3 ~~the account]~~.

4 SECTION 13. Section 2007.002, Insurance Code, is amended to
5 read as follows:

6 Sec. 2007.002. ASSESSMENT. The comptroller shall assess
7 against all insurers to which this chapter applies amounts for each
8 state fiscal year necessary, as determined by the commissioner, to
9 collect a combined total equal to the lesser of:

10 (1) the total amount that the General Appropriations
11 Act appropriates from the volunteer fire department assistance fund
12 account in the general revenue fund for that state fiscal year other
13 than appropriations for contributions to the Texas Emergency
14 Services Retirement System made under Section 614.104(d),
15 Government Code; or ~~[and]~~

16 (2) \$30 million.

17 SECTION 14. Section 1701.156, Occupations Code, is amended
18 by adding Subsection (c) to read as follows:

19 (c) The Department of Public Safety may use money
20 appropriated to the department from the account to award grants to
21 local law enforcement agencies for training on incident-based
22 reporting systems to be used for reporting information and
23 statistics concerning criminal offenses committed in this state.
24 The department shall adopt rules governing the award of grants by
25 the department under this subsection.

26 SECTION 15. Section 1701.157, Occupations Code, is amended
27 by adding Subsection (a-1) to read as follows:

1 (a-1) Subsection (a) does not apply to money appropriated to
2 the Department of Public Safety from the account for the purpose of
3 awarding grants to local law enforcement agencies for training on
4 incident-based reporting systems under Section 1701.156(c).

5 SECTION 16. Section 155.2415, Tax Code, is amended to read
6 as follows:

7 Sec. 155.2415. ALLOCATION OF CERTAIN REVENUE TO PROPERTY
8 TAX RELIEF FUND AND CERTAIN OTHER FUNDS. Notwithstanding Section
9 155.241, the proceeds from the collection of taxes imposed by
10 Section 155.0211 shall be allocated as follows:

11 (1) the amount of the proceeds that is equal to the
12 amount that, if the taxes imposed by Section 155.0211 were imposed
13 at a rate of 40 percent of the manufacturer's list price, exclusive
14 of any trade discount, special discount, or deal, would be
15 attributable to the portion of that tax rate in excess of 35.213
16 percent, shall be deposited to the credit of the property tax relief
17 fund under Section 403.109, Government Code;

18 (2) the amount of the proceeds that is equal to the
19 amount that would be attributable to a tax rate of 35.213 percent of
20 the manufacturer's list price, exclusive of any trade discount,
21 special discount, or deal, if the taxes were imposed by Section
22 155.0211 at that rate, shall be deposited to the credit of the
23 general revenue fund; and

24 (3) 100 percent of the remaining proceeds shall be
25 deposited to the credit of:

26 (A) the physician education loan repayment
27 program account established under Subchapter J, Chapter 61,

1 Education Code; or

2 (B) the general revenue fund, if the comptroller
3 determines that the unencumbered beginning balance of the physician
4 education loan repayment account established under Subchapter J,
5 Chapter 61, Education Code, is sufficient to fund appropriations
6 and other direct and indirect costs from that account for the
7 current state fiscal year.

8 SECTION 17. Section 542.406(c), Transportation Code, is
9 amended to read as follows:

10 (c) Not later than the 60th day after the end of a local
11 authority's fiscal year, after deducting amounts the local
12 authority is authorized by Subsection (d) to retain, the local
13 authority shall:

14 (1) send 50 percent of the revenue derived from civil
15 or administrative penalties collected by the local authority under
16 this section to the comptroller for deposit to the credit of the
17 designated [~~regional~~] trauma facility and emergency medical
18 services account established under Section 780.003 [~~782.002~~],
19 Health and Safety Code; and

20 (2) deposit the remainder of the revenue in a special
21 account in the local authority's treasury that may be used only to
22 fund traffic safety programs, including pedestrian safety
23 programs, public safety programs, intersection improvements, and
24 traffic enforcement.

25 SECTION 18. Section 707.008(a), Transportation Code, is
26 amended to read as follows:

27 (a) Not later than the 60th day after the end of a local

1 authority's fiscal year, after deducting amounts the local
2 authority is authorized by Subsection (b) to retain, the local
3 authority shall:

4 (1) send 50 percent of the revenue derived from civil
5 or administrative penalties collected by the local authority under
6 this section to the comptroller for deposit to the credit of the
7 designated [~~regional~~] trauma facility and emergency medical
8 services account established under Section 780.003 [~~782.002~~],
9 Health and Safety Code; and

10 (2) deposit the remainder of the revenue in a special
11 account in the local authority's treasury that may be used only to
12 fund traffic safety programs, including pedestrian safety
13 programs, public safety programs, intersection improvements, and
14 traffic enforcement.

15 SECTION 19. Section 708.103, Transportation Code, is
16 amended by amending Subsection (b) and adding Subsection (c) to
17 read as follows:

18 (b) Except as provided by Subsection (c), the [~~The~~] amount
19 of a surcharge under this section is \$250 per year.

20 (c) The amount of a surcharge under this section is \$125 per
21 year if the person:

22 (1) has been convicted of an offense under Section
23 601.191, and no other offense described by Subsection (a); and

24 (2) establishes financial responsibility under
25 Section 601.051 not later than the 60th day after the date of the
26 offense through a motor vehicle liability insurance policy that:

27 (A) complies with Subchapter D, Chapter 601; and

1 (B) is prepaid and valid for at least a six-month
2 period.

3 SECTION 20. Section 708.104, Transportation Code, is
4 amended by amending Subsection (b) and adding Subsection (b-1) to
5 read as follows:

6 (b) Except as provided by Subsection (b-1), the ~~[The]~~ amount
7 of a surcharge under this section is \$100 per year.

8 (b-1) The amount of a surcharge under this section is \$50
9 per year if the person obtains a driver's license not later than the
10 60th day after the date of the offense.

11 SECTION 21. Section 39.903(m), Utilities Code, is amended
12 to read as follows:

13 (m) This section expires September 1, 2017 ~~[2016]~~.

14 SECTION 22. Section 39.9039, Utilities Code, is amended to
15 read as follows:

16 Sec. 39.9039. ELIMINATION OF SYSTEM BENEFIT FUND BALANCE.

17 (a) Notwithstanding Section 39.903(b), the commission shall set the
18 nonbypassable system benefit fund fee at the amount of zero cents
19 per megawatt hour for the period beginning September 1, 2013, and
20 ending September 1, 2017 ~~[2016]~~.

21 (b) Notwithstanding Section 39.903(e), money in the system
22 benefit fund may be appropriated:

23 (1) ~~[for the state fiscal year beginning September 1,~~
24 ~~2013, a program established by the commission to assist low-income~~
25 ~~electric customers by providing a reduced rate for the months of~~
26 ~~September, 2013, and May through August, 2014, in the manner~~
27 ~~prescribed by Section 39.903(h) at a rate of up to 82 percent,~~

1 ~~[(2)]~~ for the state fiscal year beginning September 1,
2 2014, a program established by the commission to assist low-income
3 electric customers by providing a reduced rate for the months of
4 September, 2014, and May through August, 2015, in the manner
5 prescribed by Section 39.903(h) at a rate of up to 15 percent;

6 (2) ~~[(3)]~~ for the state fiscal year beginning
7 September 1, 2015, a program established by the commission to
8 assist low-income electric customers by providing a reduced rate
9 for the months of September, 2015, and May through August, 2016, in
10 the manner prescribed by Section 39.903(h) at a rate of up to 33
11 ~~[15]~~ percent;

12 (3) for the state fiscal year beginning September 1,
13 2016, a program established by the commission to assist low-income
14 electric customers by providing a reduced rate for the months of
15 September, 2016, and May through August, 2017, in the manner
16 prescribed by Section 39.903(h) at a rate of up to 33 percent; and

17 (4) for customer education programs and
18 administrative expenses incurred by the commission in implementing
19 and administering this chapter.

20 (c) This section expires September 1, 2017 ~~[2016]~~.

21 SECTION 23. Section 26.3574(b-1), Water Code, is amended to
22 read as follows:

23 (b-1) The commission by rule shall set the amount of the fee
24 in Subsection (b) in an amount not to exceed the amount necessary to
25 cover the agency's costs of administering this subchapter, as
26 indicated by the amount appropriated by the legislature from the
27 petroleum storage tank remediation account for that purpose, not

1 including any amount appropriated by the legislature from the
2 petroleum storage tank remediation account for the purpose of the
3 monitoring or remediation of releases occurring on or before
4 December 22, 1998.

5 SECTION 24. The following provisions of law are repealed:

- 6 (1) Section 61.539, Education Code;
7 (2) Section 780.003(c), Health and Safety Code; and
8 (3) Chapter 782, Health and Safety Code.

9 SECTION 25. Not later than January 1, 2016, the Department
10 of Public Safety shall adopt rules as required by Section
11 1701.156(c), Occupations Code, as added by this Act.

12 SECTION 26. The changes in law made by this Act to Sections
13 708.103 and 708.104, Transportation Code, apply to a surcharge
14 pending on the effective date of this Act, regardless of when the
15 surcharge was assessed.

16 SECTION 27. Not later than the 90th day of the state fiscal
17 year beginning September 1, 2015, the comptroller shall transfer
18 any remaining balance in the educator excellence innovation fund
19 account No. 5135 to the credit of the general revenue fund.

20 SECTION 28. Not later than the 90th day of the state fiscal
21 year beginning September 1, 2015, the comptroller shall transfer
22 any remaining balance in the regional trauma account No. 5137 to the
23 credit of the designated trauma facility and EMS account No. 5111 in
24 the general revenue fund.

25 SECTION 29. This Act takes effect September 1, 2015.