

By: Pickett

H.B. No. 3393

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to the extension of fees and surcharges providing revenue  
3 to the Texas emissions reduction plan fund.

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

5 SECTION 1. Section 386.251(c), Health and Safety Code, is  
6 amended to read as follows:

7 (c) The fund consists of:

8 (1) the amount of money deposited to the credit of the  
9 fund under:

10 (A) Section 386.056;

11 (B) Sections 151.0515 and 152.0215, Tax Code; and

12 (C) Sections [~~501.138~~] 502.358[~~7~~] and 548.5055,  
13 Transportation Code; and

14 (2) grant money recaptured under Section 386.111(d)  
15 and Chapter 391.

16 SECTION 2. Section 151.0515, Tax Code, is amended to add  
17 Section (c-1) and to amend Section (d) read as follows:

18 (c-1) (1) Collection of the surcharge imposed by this  
19 section shall be suspended for a period beginning September 1,  
20 2017, and ending August 31, 2025, with collections to resume  
21 September 1, 2025, provided that this section has not expired prior  
22 to that date.

23 (2) During the period of suspension in (1), should the  
24 Texas commission on environmental quality estimate a balance in the

1 fund at an amount that continued appropriations, transfers, and  
2 other deductions out of the fund for the following state fiscal  
3 biennium at then-current levels will cause the balance in the fund  
4 to fall below \$500 million during that biennium, the commission  
5 shall notify the comptroller that the fund is estimated to be below  
6 the desired base level. If the comptroller concurs with that  
7 estimate, the suspension period will terminate early, and the  
8 comptroller shall cause collection of the surcharge to resume  
9 beginning September 1 of the following state fiscal biennium or as  
10 soon thereafter as is feasible, provided that this section has not  
11 expired prior to that date.

12 (d) This section expires on the last day of the state fiscal  
13 biennium containing the date marking five years from the United  
14 States Environmental Protection Agency publication of  
15 certification in the Federal Register that, with respect to each  
16 national ambient air quality standard for ozone under 40 C.F.R.  
17 Section 81.344, the United States Environmental Protection Agency  
18 has, for each designated area in Texas under that section:

19 (1) designated the area as attainment or  
20 unclassifiable; or

21 (2) approved a redesignation substitute making a  
22 finding of attainment for the area [August 31, 2019].

23 SECTION 28. Section 152.0215, Tax Code, is amended to add  
24 subsection (b-1) and to amend subsection (c) to read as follows:

25 (b-1) (1) Collection of the surcharge imposed by this  
26 section shall be suspended for a period beginning September 1,  
27 2017, and ending August 31, 2025, with collections to resume

1 September 1, 2025, provided that this section has not expired prior  
2 to that date.

3 (2) During the period of suspension in (1), should the  
4 Texas commission on environmental quality estimate a balance in the  
5 Texas emissions reduction plan fund at an amount that continued  
6 appropriations, transfers, and other deductions out of the fund for  
7 the following state fiscal biennium at then-current levels will  
8 cause the balance in the fund to fall below \$500 million during that  
9 biennium, the commission shall notify the comptroller that the fund  
10 is estimated to be below the desired base level. If the comptroller  
11 concurs with that estimate, the suspension period will terminate  
12 early, and the comptroller shall cause collection of the surcharge  
13 to resume beginning September 1 of the following state fiscal  
14 biennium or as soon thereafter as is feasible, provided that this  
15 section has not expired prior to that date.

16 (c) This section expires on the last day of the state fiscal  
17 biennium containing the date marking five years from the United  
18 States Environmental Protection Agency publication of  
19 certification in the Federal Register that, with respect to each  
20 national ambient air quality standard for ozone under 40 C.F.R.  
21 Section 81.344, the United States Environmental Protection Agency  
22 has, for each designated area in Texas under that section:

23 (1) designated the area as attainment or  
24 unclassifiable; or

25 (2) approved a redesignation substitute making a  
26 finding of attainment for the area [August 31, 2019].

27 SECTION 3. Section 501.138(b-1), Transportation Code, is

1 amended to read as follows:

2 (b-1) Fees collected under Subsection (b) to be sent to the  
3 comptroller shall be deposited to the credit of the Texas Mobility  
4 Fund[~~, except that \$5 of each fee imposed under Subsection (a)(1)~~  
5 ~~and deposited on or after September 1, 2008, and before September 1,~~  
6 ~~2015, shall be deposited to the credit of the Texas emissions~~  
7 ~~reduction plan fund].~~

8 SECTION 4. Section 502.358, Transportation Code, is amended  
9 so add Subsection (b-1) and to amend Subsection (c) to read as  
10 follows:

11 (b-1) (1) Collection of the surcharge imposed by this  
12 section shall be suspended for a period beginning September 1,  
13 2017, and ending August 31, 2025, with collections to resume  
14 September 1, 2025, provided that this section has not expired prior  
15 to that date.

16 (2) During the period of suspension in (1), should the  
17 Texas commission on environmental quality estimate a balance in the  
18 Texas emissions reduction plan fund at an amount that continued  
19 appropriations, transfers, and other deductions out of the fund for  
20 the following state fiscal biennium at then-current levels will  
21 cause the balance in the fund to fall below \$500 million during that  
22 biennium, the commission shall notify the comptroller that the fund  
23 is estimated to be below the desired base level. If the comptroller  
24 concurs with that estimate, the suspension period will terminate  
25 early, and the comptroller shall cause collection of the surcharge  
26 to resume beginning September 1 of the following state fiscal  
27 biennium or as soon thereafter as is feasible, provided that this

1 section has not expired prior to that date.

2 (c) This section expires on the last day of the state fiscal  
3 biennium containing the date marking five years from the United  
4 States Environmental Protection Agency publication of  
5 certification in the Federal Register that, with respect to each  
6 national ambient air quality standard for ozone under 40 C.F.R.  
7 Section 81.344, the United States Environmental Protection Agency  
8 has, for each designated area in Texas under that section:

9 (1) designated the area as attainment or  
10 unclassifiable; or

11 (2) approved a redesignation substitute making a  
12 finding of attainment for the area [August 31, 2019].

13 SECTION 5. The heading to Section 548.5055, Transportation  
14 Code, is amended to read as follows:

15 Sec. 548.5055. TEXAS EMISSIONS [~~EMISSION~~] REDUCTION PLAN  
16 FEE.

17 SECTION 6. Sections 548.5055, Transportation Code, is  
18 amended to add Subsection (b-1) and to amend Subsections (b) and (c)  
19 to read as follows:

20 (b) The department shall remit fees collected under this  
21 section to the comptroller at the time and in the manner prescribed  
22 by the comptroller for deposit in the Texas emissions [~~emission~~]  
23 reduction plan fund.

24 (b-1) Collection of the fee imposed by this section shall be  
25 suspended for a period beginning September 1, 2017, and ending  
26 August 31, 2025, with collections to resume September 1, 2025,  
27 provided that this section has not expired prior to that date.

1           (2) During the period of suspension in (1), should the  
2 Texas commission on environmental quality estimate a balance in the  
3 Texas emissions reduction plan fund at an amount that continued  
4 appropriations, transfers, and other deductions out of the fund for  
5 the following state fiscal biennium at then-current levels will  
6 cause the balance in the fund to fall below \$500 million during that  
7 biennium, the commission shall notify the comptroller and the  
8 department that the fund is estimated to be below the desired base  
9 level. If the comptroller agrees with that estimate, the  
10 comptroller shall notify the department and the suspension period  
11 will terminate early. Upon notification, the department shall cause  
12 collection of the fee to resume beginning September 1 of the  
13 following state fiscal biennium or as soon thereafter as is  
14 feasible, provided that this section has not expired prior to that  
15 date.

16           (c) This section expires on the last day of the state fiscal  
17 biennium containing the date marking five years from the United  
18 States Environmental Protection Agency publication of  
19 certification in the Federal Register that, with respect to each  
20 national ambient air quality standard for ozone under 40 C.F.R.  
21 Section 81.344, the United States Environmental Protection Agency  
22 has, for each designated area in Texas under that section:

23                   (1) designated the area as attainment or  
24 unclassifiable; or

25                   (2) approved a redesignation substitute making a  
26 finding of attainment for the area [August 31, 2019].

27           SECTION 7. Sections 501.138(b-2) and (b-3), Transportation

1 Code, are repealed.

2           SECTION 8. The changes in law made by this Act apply only to  
3 a fee or surcharge collected on or after the effective date of this  
4 Act. A fee or surcharge collected before the effective date of this  
5 Act is governed by the law in effect when the fee or surcharge was  
6 collected, and the former law is continued in effect for that  
7 purpose.

8           SECTION 9. This Act takes effect September 1, 2017.