

By: Estes

S.B. No. 1046

A BILL TO BE ENTITLED

AN ACT

relating to sources of funding for the Texas emissions reduction plan.

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

SECTION 1. Section 151.0515(d), Tax Code, is amended to read as follows:

(d) This section expires on the last day of the state fiscal biennium during which the Texas Commission on Environmental Quality publishes in the Texas Register certification that, with respect to each national ambient air quality standard for ozone under 40 C.F.R. Section 81.344, the United States Environmental Protection Agency has, for each designated area under that section:

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

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

SECTION 2. Section 152.0215(c), Tax Code, is amended to read as follows:

(c) This section expires on the last day of the state fiscal biennium during which the Texas Commission on Environmental Quality publishes in the Texas Register certification that, with respect to each national ambient air quality standard for ozone under 40 C.F.R. Section 81.344, the United States Environmental Protection Agency has, for each designated area under that section:

1 (1) designated the area as attainment or
2 unclassifiable; or

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

5 SECTION 3. Section 501.138, Transportation Code, is amended
6 by amending Subsections (b-1), (b-2), and (b-3) and adding
7 Subsection (b-4) to read as follows:

8 (b-1) Except as provided by Subsection (b-4), fees [Fees]
9 collected under Subsection (b) to be sent to the comptroller shall
10 be deposited to the credit of the Texas ~~[Mobility Fund, except that~~
11 ~~\$5 of each fee imposed under Subsection (a)(1) and deposited on or~~
12 ~~after September 1, 2008, and before September 1, 2015, shall be~~
13 ~~deposited to the credit of the Texas]~~ emissions reduction plan
14 fund.

15 (b-2) The comptroller shall establish a record of the amount
16 of the fees deposited to the credit of the Texas emissions reduction
17 plan fund ~~[Mobility Fund]~~ under Subsection (b-1). On or before the
18 fifth workday of each month, the Texas Department of Transportation
19 shall remit to the comptroller for deposit to the credit of the
20 Texas Mobility Fund ~~[emissions reduction plan fund]~~ an amount of
21 money equal to the amount of the fees deposited by the comptroller
22 to the credit of the Texas emissions reduction plan fund ~~[Mobility~~
23 ~~Fund]~~ under Subsection (b-1) in the preceding month. The Texas
24 Department of Transportation shall use for remittance to the
25 comptroller as required by this subsection money in the state
26 highway fund that is not required to be used for a purpose specified
27 by Section 7-a, Article VIII, Texas Constitution, and may not use

1 for that remittance money received by this state under the
2 congestion mitigation and air quality improvement program
3 established under 23 U.S.C. Section 149.

4 (b-3) This subsection and Subsections (b-1) and
5 [Subsection] (b-2) expire on the last day of the state fiscal
6 biennium during which the Texas Commission on Environmental Quality
7 publishes in the Texas Register certification that, with respect to
8 each national ambient air quality standard for ozone under 40
9 C.F.R. Section 81.344, the United States Environmental Protection
10 Agency has, for each designated area under that section:

11 (1) designated the area as attainment or
12 unclassifiable; or

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

15 (b-4) Fees collected under Subsection (b) to be sent to the
16 comptroller shall be deposited to the credit of the Texas Mobility
17 Fund if the fees are collected on or after the last day of the state
18 fiscal biennium during which the Texas Commission on Environmental
19 Quality publishes in the Texas Register certification that, with
20 respect to each national ambient air quality standard for ozone
21 under 40 C.F.R. Section 81.344, the United States Environmental
22 Protection Agency has, for each designated area 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.

27 SECTION 4. Section 502.358(c), Transportation Code, is

amended to read as follows:

(c) This section expires on the last day of the state fiscal biennium during which the Texas Commission on Environmental Quality publishes in the Texas Register certification that, with respect to each national ambient air quality standard for ozone under 40 C.F.R. Section 81.344, the United States Environmental Protection Agency has, for each designated area under that section:

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

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

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

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

SECTION 6. Sections 548.5055(b) and (c), Transportation Code, are amended to read as follows:

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

(c) This section expires on the last day of the state fiscal biennium during which the conservation commission publishes in the Texas Register certification that, with respect to each national ambient air quality standard for ozone under 40 C.F.R. Section 81.344, the United States Environmental Protection Agency has, for each designated area under that section:

1 (1) designated the area as attainment or
2 unclassifiable; or

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

5 SECTION 7. The changes in law made by this Act to Section
6 [501.138](#), Transportation Code, apply only to a fee collected on or
7 after the effective date of this Act. A fee collected before the
8 effective date of this Act is governed by the law in effect when the
9 fee was collected, and the former law is continued in effect for
10 that purpose.

11 SECTION 8. This Act takes effect September 1, 2017, but only
12 if S.B. 26, or similar legislation of the 85th Legislature, Regular
13 Session, 2017, that changes the expiration dates for the Texas
14 emissions reduction plan and certain programs funded under that
15 plan becomes law. If such a bill does not become law, this Act has no
16 effect.