

By: Hinojosa, et al.
(Phelan)

S.B. No. 1105

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the abolishment of the used oil recycling account,
3 deposits of used oil recycling fees, and use of the water resource
4 management account.

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

6 SECTION 1. Section 371.0245(e), Health and Safety Code, is
7 amended to read as follows:

8 (e) Reimbursements made under this section shall be paid out
9 of the water resource management account [~~used oil recycling~~
10 ~~account~~] and may not exceed an aggregate amount of \$500,000 each
11 fiscal year.

12 SECTION 2. Section 371.0246(d), Health and Safety Code, is
13 amended to read as follows:

14 (d) All claims for reimbursement filed under this section
15 and Section 371.0245 are subject to funds available for
16 disbursement in the water resource management account [~~used oil~~
17 ~~recycling account~~] and to Section 371.0245(e). This subchapter
18 does not create an entitlement to money in the water resource
19 management account [~~used oil recycling account~~] or any other fund.

20 SECTION 3. The heading to Subchapter D, Chapter 371, Health
21 and Safety Code, is amended to read as follows:

22 SUBCHAPTER D. USED OIL RECYCLING [~~ACCOUNT,~~] FEES

23 SECTION 4. Section 371.061, Health and Safety Code, is
24 amended to read as follows:

1 Sec. 371.061. DEPOSIT OF FEES; USE OF FEE REVENUE [~~USED OIL~~
2 ~~RECYCLING ACCOUNT~~]. (a) [~~The used oil recycling account is in the~~
3 ~~state treasury.~~

4 ~~[(b)]~~ The following amounts shall be deposited to the water
5 resource management account [~~consists of~~]:

6 (1) fees collected under Sections 371.024, 371.026,
7 and 371.062;

8 (2) interest and penalties imposed under this chapter
9 for late payment of fees, failure to file a report, or other
10 violations of this chapter; and

11 (3) gifts, grants, donations, or other financial
12 assistance the commission is authorized to receive under Section
13 371.027.

14 (b) In addition to other authorized uses of money in the
15 water resource management account, the [~~(c) The~~] commission may
16 use money in that [~~the~~] account [~~only~~] for purposes authorized by
17 this chapter, including:

18 (1) public education regarding used oil recycling;

19 (2) grants to public and private do-it-yourselfer used
20 oil collection centers and used oil collection centers;

21 (3) registration of do-it-yourselfer used oil
22 collection centers, used oil collection centers, and used oil
23 handlers other than generators; and

24 (4) administrative costs of implementing this
25 chapter.

26 ~~[(d) The account is exempt from the application of Section~~
27 ~~403.095, Government Code.~~

1 ~~[(c) For the purpose of consolidating appropriations, the~~
2 ~~commission may transfer any amount authorized under Subsection~~
3 ~~(c)(4) or by legislative appropriation to the waste management~~
4 ~~account subject to the limitations and requirements of this~~
5 ~~chapter.]~~

6 SECTION 5. Section 371.062(1), Health and Safety Code, is
7 amended to read as follows:

8 (1) The comptroller may deduct a percentage of the fees
9 collected under this section in an amount sufficient to pay the
10 reasonable and necessary costs of administering and enforcing this
11 section. The comptroller shall credit the amount deducted to the
12 general revenue fund. The balance of fees and all penalties and
13 interest collected under this section shall be deposited to the
14 credit of the water resource management account ~~[used oil recycling~~
15 ~~account]~~.

16 SECTION 6. Section 5.701(q), Water Code, is amended to read
17 as follows:

18 (q) Notwithstanding any other law, fees collected for
19 deposit to the water resource management account under the
20 following statutes may be appropriated and used to protect water
21 resources in this state, including assessment of water quality,
22 reasonably related to the activities of any of the persons required
23 to pay a fee under:

24 (1) Subsections (b) and (c), to the extent those fees
25 are collected in connection with water use or water quality
26 permits;

27 (2) Subsections (h)-(l);

- 1 (3) Section 11.138(g);
- 2 (4) Section 11.145;
- 3 (5) Section 26.0135(h);
- 4 (6) Sections 26.0291, 26.044, and 26.0461; or
- 5 (7) Sections 341.041, 366.058, [~~and~~] 366.059,
- 6 371.024, 371.026, and 371.062, Health and Safety Code.

7 SECTION 7. On September 1, 2017, money remaining in the used
8 oil recycling account is transferred to the water resource
9 management account, and the used oil recycling account is
10 abolished.

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