

1-1 By: Hinojosa, Estes S.B. No. 1105
1-2 (In the Senate - Filed February 27, 2017; March 7, 2017,
1-3 read first time and referred to Committee on Natural Resources &
1-4 Economic Development; April 3, 2017, reported favorably by the
1-5 following vote: Yeas 10, Nays 0; April 3, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12	X			
1-13	X			
1-14	X			
1-15			X	
1-16	X			
1-17	X			
1-18	X			

1-19 A BILL TO BE ENTITLED
1-20 AN ACT

1-21 relating to the abolishment of the used oil recycling account,
1-22 deposits of used oil recycling fees, and use of the water resource
1-23 management account.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Section 371.0245(e), Health and Safety Code, is
1-26 amended to read as follows:

1-27 (e) Reimbursements made under this section shall be paid out
1-28 of the water resource management account [~~used oil recycling~~
1-29 ~~account~~] and may not exceed an aggregate amount of \$500,000 each
1-30 fiscal year.

1-31 SECTION 2. Section 371.0246(d), Health and Safety Code, is
1-32 amended to read as follows:

1-33 (d) All claims for reimbursement filed under this section
1-34 and Section 371.0245 are subject to funds available for
1-35 disbursement in the water resource management account [~~used oil~~
1-36 ~~recycling account~~] and to Section 371.0245(e). This subchapter
1-37 does not create an entitlement to money in the water resource
1-38 management account [~~used oil recycling account~~] or any other fund.

1-39 SECTION 3. The heading to Subchapter D, Chapter 371, Health
1-40 and Safety Code, is amended to read as follows:

1-41 SUBCHAPTER D. USED OIL RECYCLING [~~ACCOUNT,~~] FEES

1-42 SECTION 4. Section 371.061, Health and Safety Code, is
1-43 amended to read as follows:

1-44 Sec. 371.061. DEPOSIT OF FEES; USE OF FEE REVENUE [~~USED OIL~~
1-45 ~~RECYCLING ACCOUNT~~]. (a) [~~The used oil recycling account is in the~~
1-46 ~~state treasury.~~

1-47 [(b)] The following amounts shall be deposited to the water
1-48 resource management account [~~consists of~~]:

1-49 (1) fees collected under Sections 371.024, 371.026,
1-50 and 371.062;

1-51 (2) interest and penalties imposed under this chapter
1-52 for late payment of fees, failure to file a report, or other
1-53 violations of this chapter; and

1-54 (3) gifts, grants, donations, or other financial
1-55 assistance the commission is authorized to receive under Section
1-56 371.027.

1-57 (b) In addition to other authorized uses of money in the
1-58 water resource management account, the [(e) ~~The~~] commission may
1-59 use money in that [~~the~~] account [~~only~~] for purposes authorized by
1-60 this chapter, including:

1-61 (1) public education regarding used oil recycling;

2-1 (2) grants to public and private do-it-yourselfer used
2-2 oil collection centers and used oil collection centers;

2-3 (3) registration of do-it-yourselfer used oil
2-4 collection centers, used oil collection centers, and used oil
2-5 handlers other than generators; and

2-6 (4) administrative costs of implementing this
2-7 chapter.

2-8 [~~(d) The account is exempt from the application of Section~~
2-9 ~~403.095, Government Code.~~

2-10 [~~(e) For the purpose of consolidating appropriations, the~~
2-11 ~~commission may transfer any amount authorized under Subsection~~
2-12 ~~(c)(4) or by legislative appropriation to the waste management~~
2-13 ~~account subject to the limitations and requirements of this~~
2-14 ~~chapter.]~~

2-15 SECTION 5. Section 371.062(1), Health and Safety Code, is
2-16 amended to read as follows:

2-17 (1) The comptroller may deduct a percentage of the fees
2-18 collected under this section in an amount sufficient to pay the
2-19 reasonable and necessary costs of administering and enforcing this
2-20 section. The comptroller shall credit the amount deducted to the
2-21 general revenue fund. The balance of fees and all penalties and
2-22 interest collected under this section shall be deposited to the
2-23 credit of the water resource management account [~~used oil recycling~~
2-24 ~~account~~].

2-25 SECTION 6. Section 5.701(q), Water Code, is amended to read
2-26 as follows:

2-27 (q) Notwithstanding any other law, fees collected for
2-28 deposit to the water resource management account under the
2-29 following statutes may be appropriated and used to protect water
2-30 resources in this state, including assessment of water quality,
2-31 reasonably related to the activities of any of the persons required
2-32 to pay a fee under:

2-33 (1) Subsections (b) and (c), to the extent those fees
2-34 are collected in connection with water use or water quality
2-35 permits;

2-36 (2) Subsections (h)-(l);

2-37 (3) Section 11.138(g);

2-38 (4) Section 11.145;

2-39 (5) Section 26.0135(h);

2-40 (6) Sections 26.0291, 26.044, and 26.0461; or

2-41 (7) Sections 341.041, 366.058, [~~and~~] 366.059,
2-42 371.024, 371.026, and 371.062, Health and Safety Code.

2-43 SECTION 7. On September 1, 2017, money remaining in the used
2-44 oil recycling account is transferred to the water resource
2-45 management account, and the used oil recycling account is
2-46 abolished.

2-47 SECTION 8. This Act takes effect September 1, 2017.

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