By:  Darby, Zerwas, Howard, Ashby, Raymond H.B. No. 2802

A BILL TO BE ENTITLED

AN ACT

relating to the amounts, availability, and use of certain statutorily dedicated revenue and accounts; reducing or affecting the amounts of certain statutorily dedicated fees.

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

SECTION 1.  Article 102.015, Code of Criminal Procedure, is amended by amending Subsection (g) and adding Subsections (g-1) and (h-1) to read as follows:

(g)  The comptroller shall deposit the funds received under this article to the credit of a dedicated account in the general revenue fund to be known as the truancy prevention and diversion fund. Subject to Subsection (g-1), the [~~The~~] legislature may appropriate money from the account only to:

(1)  the criminal justice division of the governor's office for distribution to local governmental entities for truancy prevention and intervention services; and

(2)  the Texas Education Agency for distribution to school districts for truancy prevention and intervention services and programs.

(g-1)  The legislature may appropriate money from the truancy prevention and diversion fund to the Texas Education Agency for a state fiscal biennium only if:

(1)  the amount of money appropriated from the fund to the criminal justice division of the governor's office for that biennium is at least equal to the amount of money appropriated from the fund to the criminal justice division of the governor's office for the previous state fiscal biennium; and

(2)  the amount of money appropriated from the fund for that biennium does not exceed the amount of money that the comptroller will deposit into the fund for that biennium, as estimated by the comptroller's biennial revenue estimate.

(h-1)  A school district may request an amount of money from the Texas Education Agency for providing truancy prevention and intervention services and programs. The agency may award the requested amount based on the availability of appropriated money and subject to the application procedures and eligibility requirements as determined by agency rules.

SECTION 2.  Section 56.0092(e), Education Code, is amended to read as follows:

(e)  An appropriation under Subsection (d) must be made in accordance with a formula, adopted by coordinating board rule, that [~~the coordinating board determines fairly~~] allocates the appropriated amount only to those eligible institutions at which the Texas B-On-time student loan program was underutilized.  For purposes of this subsection, the Texas B-On-time student loan program is considered to have been underutilized by students of an institution [~~in any period~~] if the [~~institution's percentage of the~~] total amount of tuition set aside by the institution [~~all institutions~~] under the program during the period beginning with the 2007 state fiscal year and ending with the 2015 state fiscal year [~~during the period~~] was greater than the total amount of assistance received by the institution's students [~~institution's percentage of all students who received a Texas B-On-time student loan~~] under the program during that [~~for the same~~] period. The formula must allocate the appropriated amount among those institutions so that each institution receives a percentage of the amount appropriated that is proportional to the institution's share of the total amount of unused set-asides for the period contributed by those institutions. For purposes of this subsection, the amount of an institution's unused set-asides is the amount by which the total amount of tuition set aside by the institution under the program exceeds the total amount of assistance received by the institution's students under the program [~~The coordinating board shall base the coordinating board's determination on a period of academic years occurring before the 2015-2016 academic year that the coordinating board considers representative of eligible institutions' student participation in the Texas B-On-time student loan program~~].

SECTION 3.  Section 134.004(b), Education Code, is amended to read as follows:

(b)  Grants may be awarded under this chapter [~~from the Jobs and Education for Texans (JET) fund~~] to defray the start-up costs associated with the development of new career and technical education programs at public junior colleges, public technical institutes, public state colleges, and independent school districts described under Section 134.007 that meet the requirements of Section 134.006.

SECTION 4.  Section 403.095, Government Code, is amended by amending Subsections (b), (d), and (f) and adding Subsection (e) to read as follows:

(b)  Notwithstanding any law dedicating or setting aside revenue for a particular purpose or entity, dedicated revenues that on August 31, 2021 [~~2019~~], are estimated to exceed the amount appropriated by the General Appropriations Act or other laws enacted by the 86th [~~85th~~] Legislature are available for general governmental purposes and are considered available for the purpose of certification under Section 403.121.

(d)  Following certification of the General Appropriations Act and other appropriations measures enacted by the 86th [~~85th~~] Legislature, the comptroller shall reduce each dedicated account as directed by the legislature by an amount that may not exceed the amount by which estimated revenues and unobligated balances exceed appropriations. The reductions may be made in the amounts and at the times necessary for cash flow considerations to allow all the dedicated accounts to maintain adequate cash balances to transact routine business. The legislature may authorize, in the General Appropriations Act, the temporary delay of the excess balance reduction required under this subsection. This subsection does not apply to revenues or balances in:

(1)  funds outside the treasury;

(2)  trust funds, which for purposes of this section include funds that may or are required to be used in whole or in part for the acquisition, development, construction, or maintenance of state and local government infrastructures, recreational facilities, or natural resource conservation facilities;

(3)  funds created by the constitution or a court; or

(4)  funds for which separate accounting is required by federal law.

(e)  Notwithstanding Subsection (b), dedicated revenues in the following accounts or funds or that by law are directed to be deposited to the credit of the following accounts or funds are not available for general governmental purposes and are not considered available for certification under Section 403.121:

(1)  the Texas Department of Insurance operating account no. 0036;

(2)  the lifetime license endowment account no. 0544;

(3)  the permanent fund for health and tobacco education and enforcement account no. 5044;

(4)  the permanent fund for children and public health account no. 5045;

(5)  the permanent fund for emergency medical services and trauma care account no. 5046;

(6)  the permanent fund for rural health facility capital improvement account no. 5047;

(7)  the permanent hospital fund for capital improvements and the Texas Center for Infectious Disease account no. 5048;

(8)  the child abuse and neglect prevention operating fund account no. 5084;

(9)  the child abuse and neglect prevention trust fund account no. 5085; and

(10)  the separate fund account of each institution of higher education in the general revenue fund.

(f)  This section expires September 1, 2021 [~~2019~~].

SECTION 5.  Section 386.051(b), Health and Safety Code, is amended to read as follows:

(b)  Under the plan, the commission and the comptroller shall provide grants or other funding for:

(1)  the diesel emissions reduction incentive program established under Subchapter C, including for infrastructure projects established under that subchapter;

(2)  the motor vehicle purchase or lease incentive program established under Subchapter D;

(3)  the air quality research support program established under Chapter 387;

(4)  the clean school bus program established under Chapter 390;

(5)  the new technology implementation grant program established under Chapter 391;

(6)  the regional air monitoring program established under Section 386.252(a);

(7)  a health effects study as provided by Section 386.252(a);

(8)  air quality planning activities as provided by Section 386.252(d);

(9)  a contract with the Energy Systems Laboratory at the Texas A&M Engineering Experiment Station for computation of creditable statewide emissions reductions as provided by Section 386.252(a);

(10)  the clean fleet program established under Chapter 392;

(11)  the alternative fueling facilities program established under Chapter 393;

(12)  the natural gas vehicle grant program established under Chapter 394;

(13)  other programs the commission may develop that lead to reduced emissions of nitrogen oxides, particulate matter, or volatile organic compounds in a nonattainment area or affected county;

(14)  other programs the commission may develop that support congestion mitigation to reduce mobile source ozone precursor emissions;

(15)  the seaport and rail yard areas emissions reduction program established under Subchapter D-1;

(16)  conducting research and other activities associated with making any necessary demonstrations to the United States Environmental Protection Agency to account for the impact of foreign emissions or an exceptional event;

(17)  studies of or pilot programs for incentives for port authorities located in nonattainment areas or affected counties as provided by Section 386.252(a); [~~and~~]

(18)  the governmental alternative fuel fleet grant program established under Chapter 395;

(19)  energy efficiency upgrades for state facilities;

(20)  a vehicle emissions inspection and maintenance program administered by the Department of Public Safety; and

(21)  a contract with the Texas A&M Transportation Institute to conduct a study as provided by Section 386.252(a).

SECTION 6.  Section 386.252(a), Health and Safety Code, is amended to read as follows:

(a)  Money in the fund may be used only to implement and administer programs established under the plan.  Subject to the reallocation of funds by the commission under Subsection (h), money appropriated to the commission to be used for the programs under Section 386.051(b) shall initially be allocated as follows:

(1)  four percent may be used for the clean school bus program under Chapter 390;

(2)  three percent may be used for the new technology implementation grant program under Chapter 391, from which at least $1 million will be set aside for electricity storage projects related to renewable energy;

(3)  five percent may be used for the Texas clean fleet program under Chapter 392;

(4)  not more than $3 million may be used by the commission to fund a regional air monitoring program in commission Regions 3 and 4 to be implemented under the commission's oversight, including direction regarding the type, number, location, and operation of, and data validation practices for, monitors funded by the program through a regional nonprofit entity located in North Texas having representation from counties, municipalities, higher education institutions, and private sector interests across the area;

(5)  10 percent may be used for the Texas natural gas vehicle grant program under Chapter 394;

(6)  not more than $6 million may be used for the Texas alternative fueling facilities program under Chapter 393, of which a specified amount may be used for fueling stations to provide natural gas fuel, except that money may not be allocated for the Texas alternative fueling facilities program for the state fiscal year ending August 31, 2019;

(7)  not more than $750,000 may be used each year to support research related to air quality as provided by Chapter 387;

(8)  not more than $200,000 may be used for a health effects study;

(9)  at least $6 million but not more than $8 million is allocated to the commission for administrative costs, including all direct and indirect costs for administering the plan, costs for conducting outreach and education activities, and costs attributable to the review or approval of applications for marketable emissions reduction credits;

(10)  six percent may be used by the commission for the seaport and rail yard areas emissions reduction program established under Subchapter D-1;

(11)  five percent may be used for the light-duty motor vehicle purchase or lease incentive program established under Subchapter D;

(12)  not more than $216,000 is allocated to the commission to contract with the Energy Systems Laboratory at the Texas A&M Engineering Experiment Station annually for the development and annual computation of creditable statewide emissions reductions obtained through wind and other renewable energy resources for the state implementation plan;

(13)  not more than $500,000 may be used for studies of or pilot programs for incentives for port authorities located in nonattainment areas or affected counties to encourage cargo movement that reduces emissions of nitrogen oxides and particulate matter; [~~and~~]

(14)  not more than $250,000 shall be allocated to the commission to contract with the Texas A&M Transportation Institute to conduct a study to evaluate the relationship between traffic congestion and ozone precursors and to identify effective strategies in reducing nitrogen oxide emissions from transportation sources; and

(15)  the balance is to be used by the commission for the diesel emissions reduction incentive program under Subchapter C as determined by the commission.

SECTION 7.  Section 40.151, Natural Resources Code, is amended by amending Subsections (a) and (b) and adding Subsection (e) to read as follows:

(a)  The purpose of this subchapter is to provide immediately available funds for:

(1)  response to all unauthorized discharges, [~~for~~] cleanup of pollution from unauthorized discharges of oil, and [~~for~~] payment of damages from unauthorized discharges of oil;

(2)  [~~, and for~~] erosion response projects under Subchapter H, Chapter 33; and

(3)  coastal resiliency projects identified in the Texas Coastal Resiliency Master Plan published by the General Land Office in 2017 or a successor plan.

(b)  The coastal protection fund is established in the state treasury to be used by the commissioner as a nonlapsing revolving fund only for carrying out the purposes of this chapter and other purposes listed in Subsection (a) [~~of Subchapter H, Chapter 33~~]. To this fund shall be credited all fees, penalties, judgments, reimbursements, proceeds from the sale of a vessel or structure removed under Section 40.108, money forfeited under Section 77.119(e), Parks and Wildlife Code, interest or income on the fund, and charges provided for in this chapter and the fee revenues levied, collected, and credited pursuant to this chapter. The fund shall not exceed $50 million.

(e)  This subchapter does not authorize the General Land Office to carry out a coastal resiliency project described by Subsection (a)(3) that the General Land Office is not authorized by other law to carry out.

SECTION 8.  Section 40.152(a), Natural Resources Code, is amended to read as follows:

(a)  Money in the fund may be disbursed for the following purposes and no others:

(1)  administrative expenses, personnel and training expenses, and equipment maintenance and operating costs related to implementation and enforcement of this chapter;

(2)  response costs related to abatement and containment of actual or threatened unauthorized discharges of oil incidental to unauthorized discharges of hazardous substances;

(3)  response costs and damages related to actual or threatened unauthorized discharges of oil;

(4)  assessment, restoration, rehabilitation, or replacement of or mitigation of damage to natural resources damaged by an unauthorized discharge of oil;

(5)  in an amount not to exceed $50,000 annually, the small spill education program;

(6)  in an amount not to exceed $1,250,000 annually, interagency contracts under Section 40.302;

(7)  the purchase of response equipment under Section 40.105 within two years of the effective date of this chapter, in an amount not to exceed $4 million; thereafter, for the purchase of equipment to replace equipment that is worn or obsolete;

(8)  other costs and damages authorized by this chapter;

(9)  in an amount not to exceed the interest accruing to the fund annually, erosion response projects under Subchapter H, Chapter 33; [~~and~~]

(10)  coastal resiliency projects identified in the Texas Coastal Resiliency Master Plan published by the General Land Office in 2017 or a successor plan; and

(11)  in conjunction with the Railroad Commission of Texas, costs related to the plugging of abandoned or orphaned oil wells located on state-owned submerged lands.

SECTION 9.  Section 40.153, Natural Resources Code, is amended to read as follows:

Sec. 40.153.  REIMBURSEMENT OF FUND. The commissioner shall recover to the use of the fund, either from persons responsible for the unauthorized discharge or otherwise liable or from the federal fund, jointly and severally, all sums owed to or expended from the fund. This section does not apply to sums expended under Section 40.152(a)(9) or (10).

SECTION 10.  Section 40.161(c), Natural Resources Code, is amended to read as follows:

(c)  This section does not apply to a sum expended under Section 40.152(a)(9) or (10).

SECTION 11.  The following are repealed:

(1)  Section 134.002, Education Code;

(2)  Section 411.042(e), Government Code; and

(3)  Section 111.060, Human Resources Code.

SECTION 12.  As soon as practicable after the effective date of this Act, the comptroller of public accounts shall abolish the following accounts and transfer any unobligated and unexpended balances in those accounts to the general revenue fund:

(1)  the Comprehensive Rehabilitation Account No. 0107;

(2)  the Jobs and Education for Texans (JET) Account No. 5143; and

(3)  the Operators and Chauffeurs License Account No. 0099.

SECTION 13.  This Act takes effect September 1, 2019.