86R12312 BRG-D

By:  Darby 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.  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 2.  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; and

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

SECTION 3.  Section 771.0711, Health and Safety Code, is amended by amending Subsections (a) and (b) and adding Subsection (a-1) to read as follows:

(a)  To provide for automatic number identification and automatic location identification of wireless 9-1-1 calls, the commission shall impose on each wireless telecommunications connection a 9-1-1 emergency service fee in an amount equal to 50 cents a month for each wireless telecommunications connection. A political subdivision may not impose another fee on a wireless service provider or subscriber for 9-1-1 emergency service.

(a-1)  The commission may reduce the amount of the fee under Subsection (a) if the commission determines that the reduction will not prevent entities providing 9-1-1 service from receiving adequate funding.

(b)  A wireless service provider shall collect the fee imposed under Subsection (a) [~~in an amount equal to 50 cents a month for each wireless telecommunications connection~~] from its subscribers and shall pay the money collected to the comptroller not later than the 30th day after the last day of the month during which the fees were collected. The comptroller may establish alternative dates for payment of fees under this section. The wireless service provider may retain an administrative fee of one percent of the amount collected. The comptroller shall deposit the money from the fees to the credit of the 9-1-1 services fee account. Until deposited to the credit of the 9-1-1 services fee account as required by Subsection (c), money the comptroller collects under this subsection remains in a trust fund with the state treasury.

SECTION 4.  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 5.  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 6.  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 7.  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 8.  Section 11.033, Parks and Wildlife Code, is amended by amending Subsection (a) and adding Subsection (c) to read as follows:

(a)  To the extent allowed by federal law, money in the game, fish, and water safety account may be used for the following purposes:

(1)  enforcement of fish, shrimp, and oyster laws, game laws, and laws pertaining to sand, shell, and gravel;

(2)  dissemination of information pertaining to marine life, wild animal life, wildlife values, and wildlife management;

(3)  scientific investigation and survey of marine life for the better protection and conservation of marine life;

(4)  establishment and maintenance of fish hatcheries, fish sanctuaries, tidal water fish passes, wildlife management areas, and public hunting grounds;

(5)  propagation and distribution of marine life, game animals, and wild birds;

(6)  protection of wild birds, fish, and game;

(7)  purchase, repair, and operation of boats and dredges;

(8)  research, management, and protection of the fish and wildlife resources of this state, including alligators and fur-bearing animals;

(9)  salaries of employees and other expenses necessary to carry out the duties of the department under laws relating to fish, shrimp, oysters, game, water safety, and sand, shell, and gravel;

(10)  expansion and development of additional opportunities of hunting and fishing in state-owned land and water;

(11)  removing rough fish from public water;

(12)  administration and enforcement of the water safety laws as set out in Chapter 31;

(13)  purchasing all necessary forms and supplies, including reimbursement of the department for any material produced by its existing facilities or work performed by other divisions of the department;

(14)  purchase, construction, and maintenance of boat ramps on or near public waters as provided in Chapter 31;

(15)  resource protection activities; [~~and~~]

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

(17)  any other use provided by law.

(c)  This section does not authorize the General Land Office to carry out a coastal resiliency project described by Subsection (a)(16) that the General Land Office is not authorized by other law to carry out.

SECTION 9.  This Act takes effect September 1, 2019.