

By: Thompson of Brazoria

H.B. No. 1344

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the Texas emissions reduction plan fund, including the  
3 establishment and use of the non-road diesel subaccount.

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

5 SECTION 1. Section 386.251(c), Health and Safety Code, is  
6 amended to read as follows:

7 (c) The fund consists of:

8 (1) the amount of money deposited to the credit of the  
9 fund under:

10 (A) Section 386.056;

11 (B) Section [~~Sections 151.0515 and~~] 152.0215,  
12 Tax Code; and

13 (C) Sections 501.138, 502.358, and 548.5055,  
14 Transportation Code; and

15 (2) grant money recaptured under Section 386.111(d)  
16 and Chapter 391.

17 SECTION 2. Section 386.252, Health and Safety Code, is  
18 amended by adding Subsection (i) to read as follows:

19 (i) Notwithstanding any other provision of this section,  
20 money in the fund, other than money in the non-road diesel  
21 subaccount established under Section 386.253, may not be used for a  
22 purpose described by Section 386.253(c).

23 SECTION 3. Subchapter F, Chapter 386, Health and Safety  
24 Code, is amended by adding Section 386.253 to read as follows:

1       Sec. 386.253. NON-ROAD DIESEL SUBACCOUNT; USE OF  
2 SUBACCOUNT. (a) The non-road diesel subaccount is established in  
3 the fund.

4       (b) The subaccount consists of the amount of money deposited  
5 to the credit of the subaccount under Section 151.0515, Tax Code.  
6 Interest earned on the subaccount shall be credited to the  
7 subaccount.

8       (c) Money in the subaccount may be used only to:

9           (1) provide grants for non-road diesels, as that term  
10 is described by Section 386.101, under a program established under  
11 the plan; and

12           (2) implement and administer a program described by  
13 Subdivision (1), but only to the extent that the program relates to  
14 the issuance of grants for non-road diesels.

15       SECTION 4. Sections 151.0515(c) and (d), Tax Code, are  
16 amended to read as follows:

17       (c) The surcharge shall be collected at the same time and in  
18 the same manner and shall be administered and enforced in the same  
19 manner as the tax imposed under this chapter. The comptroller shall  
20 adopt any additional procedures needed for the collection,  
21 administration, and enforcement of the surcharge authorized by this  
22 section and shall deposit all remitted surcharges to the credit of  
23 the non-road diesel subaccount in the Texas emissions reduction  
24 plan fund.

25       (d) This section expires on the last day of the state fiscal  
26 biennium during which the Texas Commission on Environmental Quality  
27 publishes in the Texas Register the notice required by Section

1 382.037, Health and Safety Code [~~August 31, 2019~~].

2           SECTION 5. The change in law made by this Act to Section  
3 151.0515, Tax Code, applies only to a surcharge collected on or  
4 after the effective date of this Act. A surcharge collected before  
5 the effective date of this Act is governed by the law in effect  
6 immediately before that date, and the former law is continued in  
7 effect for that purpose.

8           SECTION 6. This Act takes effect August 30, 2019.