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H.B. No. 2802

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

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

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

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

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

23 (1) the amount of money appropriated from the fund to  
24 the criminal justice division of the governor's office for that

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

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

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

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

16 (e) An appropriation under Subsection (d) must be made in  
17 accordance with a formula, adopted by coordinating board rule, that  
18 ~~[the coordinating board determines fairly]~~ allocates the  
19 appropriated amount only to those eligible institutions at which  
20 the Texas B-On-time student loan program was underutilized. For  
21 purposes of this subsection, the Texas B-On-time student loan  
22 program is considered to have been underutilized by students of an  
23 institution ~~[in any period]~~ if the ~~[institution's percentage of~~  
24 ~~the]~~ total amount of tuition set aside by the institution ~~[all~~  
25 ~~institutions]~~ under the program during the period beginning with  
26 the 2007 state fiscal year and ending with the 2015 state fiscal  
27 year ~~[during the period]~~ was greater than the total amount of

1 assistance received by the institution's students [~~institution's~~  
2 ~~percentage of all students who received a Texas B-On-time student~~  
3 ~~loan~~] under the program during that [~~for the same~~] period. The  
4 formula must allocate the appropriated amount among those  
5 institutions so that each institution receives a percentage of the  
6 amount appropriated that is proportional to the institution's share  
7 of the total amount of unused set-asides for the period contributed  
8 by those institutions. For purposes of this subsection, the amount  
9 of an institution's unused set-asides is the amount by which the  
10 total amount of tuition set aside by the institution under the  
11 program exceeds the total amount of assistance received by the  
12 institution's students under the program [~~The coordinating board~~  
13 ~~shall base the coordinating board's determination on a period of~~  
14 ~~academic years occurring before the 2015-2016 academic year that~~  
15 ~~the coordinating board considers representative of eligible~~  
16 ~~institutions' student participation in the Texas B-On-time student~~  
17 ~~loan program~~].

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

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

27 SECTION 4. Section 403.095, Government Code, is amended by

1 amending Subsections (b), (d), and (f) and adding Subsection (e) to  
2 read as follows:

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

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

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

1           (3) funds created by the constitution or a court; or  
2           (4) funds for which separate accounting is required by  
3 federal law.

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

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

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

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

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

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

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

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

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

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

27           (10) the separate fund account of each institution of

1 higher education in the general revenue fund.

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

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

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

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

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

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

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

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

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

20 (7) a health effects study as provided by Section  
21 386.252(a);

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

24 (9) a contract with the Energy Systems Laboratory at  
25 the Texas A&M Engineering Experiment Station for computation of  
26 creditable statewide emissions reductions as provided by Section  
27 386.252(a);

1           (10) the clean fleet program established under Chapter  
2 392;

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

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

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

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

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

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

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

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

25           (19) energy efficiency upgrades for state facilities;

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

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

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

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

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

12           (2) three percent may be used for the new technology  
13 implementation grant program under Chapter 391, from which at least  
14 \$1 million will be set aside for electricity storage projects  
15 related to renewable energy;

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

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

27           (5) 10 percent may be used for the Texas natural gas



1 vehicle grant program under Chapter 394;

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

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

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

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

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

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

24 (12) not more than \$216,000 is allocated to the  
25 commission to contract with the Energy Systems Laboratory at the  
26 Texas A&M Engineering Experiment Station annually for the  
27 development and annual computation of creditable statewide

1 emissions reductions obtained through wind and other renewable  
2 energy resources for the state implementation plan;

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

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

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

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

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

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

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

27 (3) coastal resiliency projects identified in the

1 Texas Coastal Resiliency Master Plan published by the General Land  
2 Office in 2017 or a successor plan.

3 (b) The coastal protection fund is established in the state  
4 treasury to be used by the commissioner as a nonlapsing revolving  
5 fund only for carrying out the purposes of this chapter and other  
6 purposes listed in Subsection (a) [of Subchapter H, Chapter 33]. To  
7 this fund shall be credited all fees, penalties, judgments,  
8 reimbursements, proceeds from the sale of a vessel or structure  
9 removed under Section 40.108, money forfeited under Section  
10 77.119(e), Parks and Wildlife Code, interest or income on the fund,  
11 and charges provided for in this chapter and the fee revenues  
12 levied, collected, and credited pursuant to this chapter. The fund  
13 shall not exceed \$50 million.

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

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

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

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

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

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

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

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

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

10 (7) the purchase of response equipment under Section  
11 40.105 within two years of the effective date of this chapter, in an  
12 amount not to exceed \$4 million; thereafter, for the purchase of  
13 equipment to replace equipment that is worn or obsolete;

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

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

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

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

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

27 Sec. 40.153. REIMBURSEMENT OF FUND. The commissioner shall

1 recover to the use of the fund, either from persons responsible for  
2 the unauthorized discharge or otherwise liable or from the federal  
3 fund, jointly and severally, all sums owed to or expended from the  
4 fund. This section does not apply to sums expended under Section  
5 [40.152\(a\)\(9\) or \(10\)](#).

6 SECTION 10. Section [40.161\(c\)](#), Natural Resources Code, is  
7 amended to read as follows:

8 (c) This section does not apply to a sum expended under  
9 Section [40.152\(a\)\(9\) or \(10\)](#).

10 SECTION 11. The following are repealed:

- 11 (1) Section [134.002](#), Education Code;
- 12 (2) Section [411.042\(e\)](#), Government Code; and
- 13 (3) Section [111.060](#), Human Resources Code.

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

- 18 (1) the Comprehensive Rehabilitation Account  
19 No. 0107;
- 20 (2) the Jobs and Education for Texans (JET) Account  
21 No. 5143; and
- 22 (3) the Operators and Chauffeurs License Account  
23 No. 0099.

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