

By: Darby

H.B. No. 2802

A BILL TO BE ENTITLED

AN ACT

1
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. Section 403.095, Government Code, is amended by
7 amending Subsections (b), (d), and (f) and adding Subsection (e) to
8 read as follows:

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

16 (d) Following certification of the General Appropriations
17 Act and other appropriations measures enacted by the 86th [~~85th~~]
18 Legislature, the comptroller shall reduce each dedicated account as
19 directed by the legislature by an amount that may not exceed the
20 amount by which estimated revenues and unobligated balances exceed
21 appropriations. The reductions may be made in the amounts and at the
22 times necessary for cash flow considerations to allow all the
23 dedicated accounts to maintain adequate cash balances to transact
24 routine business. The legislature may authorize, in the General

1 Appropriations Act, the temporary delay of the excess balance
2 reduction required under this subsection. This subsection does not
3 apply to revenues or balances in:

4 (1) funds outside the treasury;

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

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

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

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

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

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

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

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

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

27 (6) the permanent fund for rural health facility

1 capital improvement account no. 5047;

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

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

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

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

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

12 SECTION 2. Section [386.051\(b\)](#), Health and Safety Code, is
13 amended to read as follows:

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

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

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

21 (3) the air quality research support program
22 established under Chapter [387](#);

23 (4) the clean school bus program established under
24 Chapter [390](#);

25 (5) the new technology implementation grant program
26 established under Chapter [391](#);

27 (6) the regional air monitoring program established

1 under Section 386.252(a);

2 (7) a health effects study as provided by Section
3 386.252(a);

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

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

10 (10) the clean fleet program established under Chapter
11 392;

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

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

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

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

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

25 (16) conducting research and other activities
26 associated with making any necessary demonstrations to the United
27 States Environmental Protection Agency to account for the impact of

1 foreign emissions or an exceptional event;

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

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

7 (19) energy efficiency upgrades for state facilities;
8 and

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

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

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

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

25 (b) A wireless service provider shall collect the fee
26 imposed under Subsection (a) ~~[in an amount equal to 50 cents a month~~
27 ~~for each wireless telecommunications connection]~~ from its

1 subscribers and shall pay the money collected to the comptroller
2 not later than the 30th day after the last day of the month during
3 which the fees were collected. The comptroller may establish
4 alternative dates for payment of fees under this section. The
5 wireless service provider may retain an administrative fee of one
6 percent of the amount collected. The comptroller shall deposit the
7 money from the fees to the credit of the 9-1-1 services fee account.
8 Until deposited to the credit of the 9-1-1 services fee account as
9 required by Subsection (c), money the comptroller collects under
10 this subsection remains in a trust fund with the state treasury.

11 SECTION 4. Section [40.151](#), Natural Resources Code, is
12 amended by amending Subsections (a) and (b) and adding Subsection
13 (e) to read as follows:

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

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

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

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

24 (b) The coastal protection fund is established in the state
25 treasury to be used by the commissioner as a nonlapsing revolving
26 fund only for carrying out the purposes of this chapter and other
27 purposes listed in Subsection (a) ~~of Subchapter H, Chapter [33](#)~~. To

1 this fund shall be credited all fees, penalties, judgments,
2 reimbursements, proceeds from the sale of a vessel or structure
3 removed under Section 40.108, money forfeited under Section
4 77.119(e), Parks and Wildlife Code, interest or income on the fund,
5 and charges provided for in this chapter and the fee revenues
6 levied, collected, and credited pursuant to this chapter. The fund
7 shall not exceed \$50 million.

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

12 SECTION 5. Section 40.152(a), Natural Resources Code, is
13 amended to read as follows:

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

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

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

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

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

27 (5) in an amount not to exceed \$50,000 annually, the

1 small spill education program;

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

4 (7) the purchase of response equipment under Section
5 40.105 within two years of the effective date of this chapter, in an
6 amount not to exceed \$4 million; thereafter, for the purchase of
7 equipment to replace equipment that is worn or obsolete;

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

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

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

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

19 SECTION 6. Section 40.153, Natural Resources Code, is
20 amended to read as follows:

21 Sec. 40.153. REIMBURSEMENT OF FUND. The commissioner shall
22 recover to the use of the fund, either from persons responsible for
23 the unauthorized discharge or otherwise liable or from the federal
24 fund, jointly and severally, all sums owed to or expended from the
25 fund. This section does not apply to sums expended under Section
26 40.152(a)(9) or (10).

27 SECTION 7. Section 40.161(c), Natural Resources Code, is

1 amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

27 (9) salaries of employees and other expenses necessary

1 to carry out the duties of the department under laws relating to
2 fish, shrimp, oysters, game, water safety, and sand, shell, and
3 gravel;

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

6 (11) removing rough fish from public water;

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

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

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

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

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

19 (17) any other use provided by law.

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

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