

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 86TH LEGISLATIVE REGULAR SESSION

April 22, 2019

TO: Honorable J. M. Lozano, Chair, House Committee on Environmental Regulation

FROM: John McGeady, Assistant Director Sarah Keyton, Assistant Director
Legislative Budget Board

IN RE: **HB1746** by Lozano (Relating to the sources of funding for the Texas emissions reduction plan.), **Committee Report 1st House, Substituted**

Estimated Two-year Net Impact to General Revenue Related Funds for HB1746, Committee Report 1st House, Substituted: an impact of \$0 through the biennium ending August 31, 2021.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2020	\$0
2021	\$0
2022	\$0
2023	\$0
2024	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from <i>State Highway Fund</i> 6	Probable Revenue Gain/(Loss) from <i>Texas Emissions Reduction Plan</i> 5071
2020	(\$150,826,000)	\$265,295,000
2021	(\$152,334,000)	\$272,526,000
2022	(\$153,858,000)	\$277,656,000
2023	(\$155,396,000)	\$282,908,000
2024	(\$156,950,000)	\$288,287,000

Fiscal Analysis

The bill would extend the sources of funding for the Texas Emissions Reduction Plan (TERP), which are set to expire on August 31, 2019 under current law. The bill would amend the Tax Code to extend fee and surcharge revenues deposited to the credit of General Revenue-Dedicated Texas Emissions Reduction Plan Account No. 5071 (TERP Fund) for each active or revoked ozone National Ambient Air Quality Standard (NAAQS) until all areas in Texas have been designated by the Environmental Protection Agency as either in attainment or unclassifiable or the EPA has approved a redesignation substitute making a finding of attainment. The bill would prohibit TERP programs from expiring until there is no pending judicial review of those EPA actions, and the final notice of such action is published in the Texas Register. The bill would provide the Texas Commission on Environmental Quality with an allocation of up to \$1.0 million for contract labor to support the grant program in addition to the TERP allocation for administration.

The bill would amend the Transportation Code to continue the deposit to the credit of the TERP Fund from the State Highway Fund each fiscal year in an amount equal to the amount deposited to the credit of the Texas Mobility Fund from Vehicle Title Fees.

The bill would take effect August 30, 2019.

Methodology

Amounts reflected in the table above are based on revenue estimates provided by the Comptroller of Public Accounts for TERP Fund fees and surcharges and on Vehicle Title Fee revenue amounts deposited to the credit of the Texas Mobility Fund as reported in the Comptroller of Public Accounts Biennial Revenue Estimate.

Local Government Impact

No significant fiscal implication to units of local government is anticipated. The bill would require local and other governmental entities to continue paying the TERP fees relating to heavy-duty motor vehicle sales and use fees when purchasing or leasing heavy-duty vehicles and equipment.

Source Agencies: 582 Commission on Environmental Quality, 304 Comptroller of Public Accounts, 601 Department of Transportation

LBB Staff: WP, GDz, SZ, MW, TG, LCO