By:  Birdwell, Nichols S.B. No. 1263

A BILL TO BE ENTITLED

AN ACT

relating to the Texas emissions reduction plan fund.

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

SECTION 1.  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 Texas clean fleet program established under Chapter 392;

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

(12)  the Texas 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; and

(19)  remittance of funds to the state highway fund for use by the Texas Department of Transportation for congestion mitigation and air quality improvement projects in nonattainment areas.

SECTION 2.  Section 386.057, Health and Safety Code, is amended by adding Subsection (e) to read as follows:

(e)  Not later than October 1 of each year, the Texas Department of Transportation shall report to the commission the following information for all congestion mitigation and air quality improvement projects in nonattainment areas that are planned to be funded, or received initial funding during the preceding 10 years, from money received by the department under Section 386.250:

(1)  projects to mitigate congestion and improve air quality that are currently planned;

(2)  projects to mitigate congestion and improve air quality that have been completed;

(3)  estimated emissions reductions for all planned and completed congestion mitigation projects; and

(4)  estimated cost per ton analysis of reduced emissions of nitrogen oxides, particulate matter, or volatile organic compounds for each congestion mitigation project planned or completed.

SECTION 3.  Section 386.250, Health and Safety Code, as effective September 1, 2021, is amended by amending Subsection (c) and adding Subsection (d) to read as follows:

(c)  The commission shall remit 40 percent of the amount deposited to the credit of the fund to the state highway fund for use by the Texas Department of Transportation for projects described by Section 386.051(b)(19).

(d)  Not later than the 30th day after the last day of each state fiscal biennium, the commission shall transfer the unencumbered balance of the fund remaining on the last day of the state fiscal biennium to the credit of the state highway fund for use by the Texas Department of Transportation for projects described by Section 386.051(b)(19) [~~Texas emissions reduction plan account~~].

SECTION 4.  Section 386.251(c), Health and Safety Code, as effective September 1, 2021, is amended to read as follows:

(c)  The account consists of its accumulated balance [~~and the amount of money transferred to the account under Section 386.250(c)~~].

SECTION 5.  Section 501.138, Transportation Code, is amended by amending Subsections (b-1), (b-2), and (b-3) and adding Subsection (b-4) to read as follows:

(b-1)  Except as provided by Subsection (b-4), fees [~~Fees~~] collected under Subsection (b) to be sent to the comptroller shall be deposited to the credit of the Texas [~~Mobility Fund, except that $5 of each fee imposed under Subsection (a)(1) and deposited on or after September 1, 2008, and before September 1, 2015, shall be deposited to the credit of the Texas~~] emissions reduction plan fund.

(b-2)  The comptroller shall establish a record of the amount of the fees deposited to the credit of the Texas emissions reduction plan fund [~~Mobility Fund~~] under Subsection (b-1). On or before the fifth workday of each month, the Texas Department of Transportation shall remit to the comptroller for deposit to the credit of the Texas Mobility Fund [~~emissions reduction plan fund~~] an amount of money equal to the amount of the fees deposited by the comptroller to the credit of the Texas emissions reduction plan fund [~~Mobility Fund~~] under Subsection (b-1) in the preceding month.  The Texas Department of Transportation shall use for remittance to the comptroller as required by this subsection money in the state highway fund that is not required to be used for a purpose specified by Section 7-a, Article VIII, Texas Constitution, and may not use for that remittance money received by this state under the congestion mitigation and air quality improvement program established under 23 U.S.C. Section 149.

(b-3)  This subsection and Subsections (b-1) and [~~Subsection~~] (b-2) expire on the last day of the state fiscal biennium during which the Texas Commission on Environmental Quality publishes in the Texas Register the notice required by Section 382.037, Health and Safety Code.

(b-4)  Fees collected under Subsection (b) to be sent to the comptroller shall be deposited to the credit of the Texas Mobility Fund if the fees are collected on or after the last day of the state fiscal biennium during which the Texas Commission on Environmental Quality publishes in the Texas Register the notice required by Section 382.037, Health and Safety Code.

SECTION 6.  The change in law made by this Act to Section 501.138, Transportation Code, applies only to a fee collected on or after the effective date of this Act. A fee collected before the effective date of this Act is governed by the law in effect when the fee was collected, and the former law is continued in effect for that purpose.

SECTION 7.  This Act takes effect September 1, 2021.