

By: Bell of Montgomery

H.B. No. 74

A BILL TO BE ENTITLED

AN ACT

relating to the authority of a political subdivision to use public money for an environmental project.

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

SECTION 1. Chapter 140, Local Government Code, is amended by adding Section 140.015 to read as follows:

Sec. 140.015. AUTHORITY TO USE PUBLIC MONEY FOR ENVIRONMENTAL PROJECT. (a) In this section:

(1) "Environmental project" means a project to reduce greenhouse gas emissions, reduce the amount of pollutants reaching the environment, or create public awareness of those or related issues.

(2) "Political subdivision" means a county, municipality, public school district, special purpose district or authority, metropolitan or regional transit authority, port authority, regional council of governments, regional planning commission, county improvement district, or public improvement district.

(b) A political subdivision may not use public money to plan, create, or operate an environmental project, including by directly spending money for the project or by dedicating money for the repayment of debt issued by the political subdivision for the project. The prohibition prescribed by this subsection applies to public money obtained from any source, including from a tax, fee,

1 grant, or donation.

2 (c) Subsection (b) does not apply to a political
3 subdivision's use of public money to:

4 (1) comply with a state or federal law;

5 (2) satisfy a statutory duty imposed on the political
6 subdivision, including for a project described by this subsection;

7 (3) improve flood control, drainage, or water
8 supplies;

9 (4) implement a water conservation or drought
10 contingency measure;

11 (5) construct or operate a renewable energy
12 infrastructure project that provides direct service to a facility
13 owned or operated by the political subdivision;

14 (6) improve the energy efficiency or resilience of a
15 facility owned or operated by the political subdivision;

16 (7) manage vegetation necessary to maintain public
17 safety, protect infrastructure, prevent wildfires, or support
18 flood and water management activities;

19 (8) engage in water quality, conservation, or resource
20 management activities;

21 (9) implement roadway maintenance, erosion control,
22 or infrastructure safety improvements necessary for public
23 transportation or road durability, other than a project to
24 construct or maintain electric vehicle charging stations,
25 alternative fuel infrastructure, or projects aimed at reducing
26 vehicle emissions;

27 (10) carry out environmental or energy efficiency

1 initiatives in public schools, colleges, hospitals, and health care
2 facilities necessary to meet operational or statutory
3 requirements; or

4 (11) manage waste disposal or sanitation services.

5 SECTION 2. This Act takes effect on the 91st day after the
6 last day of the legislative session.