

1-1 By: Estes S.B. No. 1046
 1-2 (In the Senate - Filed February 23, 2017; March 6, 2017,
 1-3 read first time and referred to Committee on Natural Resources &
 1-4 Economic Development; March 30, 2017, reported favorably by the
 1-5 following vote: Yeas 7, Nays 3; March 30, 2017, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10		X		
1-11	X			
1-12		X		
1-13	X			
1-14	X			
1-15			X	
1-16	X			
1-17	X			
1-18		X		

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to sources of funding for the Texas emissions reduction
 1-22 plan.

1-23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-24 SECTION 1. Section 151.0515(d), Tax Code, is amended to
 1-25 read as follows:

1-26 (d) This section expires on the last day of the state fiscal
 1-27 biennium during which the Texas Commission on Environmental Quality
 1-28 publishes in the Texas Register certification that, with respect to
 1-29 each national ambient air quality standard for ozone under 40
 1-30 C.F.R. Section 81.344, the United States Environmental Protection
 1-31 Agency has, for each designated area under that section:

1-32 (1) designated the area as attainment or
 1-33 unclassifiable; or

1-34 (2) approved a redesignation substitute making a
 1-35 finding of attainment for the area [August 31, 2019].

1-36 SECTION 2. Section 152.0215(c), Tax Code, is amended to
 1-37 read as follows:

1-38 (c) This section expires on the last day of the state fiscal
 1-39 biennium during which the Texas Commission on Environmental Quality
 1-40 publishes in the Texas Register certification that, with respect to
 1-41 each national ambient air quality standard for ozone under 40
 1-42 C.F.R. Section 81.344, the United States Environmental Protection
 1-43 Agency has, for each designated area under that section:

1-44 (1) designated the area as attainment or
 1-45 unclassifiable; or

1-46 (2) approved a redesignation substitute making a
 1-47 finding of attainment for the area [August 31, 2019].

1-48 SECTION 3. Section 501.138, Transportation Code, is amended
 1-49 by amending Subsections (b-1), (b-2), and (b-3) and adding
 1-50 Subsection (b-4) to read as follows:

1-51 (b-1) Except as provided by Subsection (b-4), fees [Fees]
 1-52 collected under Subsection (b) to be sent to the comptroller shall
 1-53 be deposited to the credit of the Texas [Mobility Fund, except that
 1-54 \$5 of each fee imposed under Subsection (a)(1) and deposited on or
 1-55 after September 1, 2008, and before September 1, 2015, shall be
 1-56 deposited to the credit of the Texas] emissions reduction plan
 1-57 fund.

1-58 (b-2) The comptroller shall establish a record of the amount
 1-59 of the fees deposited to the credit of the Texas emissions reduction
 1-60 plan fund [Mobility Fund] under Subsection (b-1). On or before the
 1-61 fifth workday of each month, the Texas Department of Transportation

2-1 shall remit to the comptroller for deposit to the credit of the
2-2 Texas Mobility Fund [~~emissions reduction plan fund~~] an amount of
2-3 money equal to the amount of the fees deposited by the comptroller
2-4 to the credit of the Texas emissions reduction plan fund [~~Mobility~~
2-5 ~~Fund~~] under Subsection (b-1) in the preceding month. The Texas
2-6 Department of Transportation shall use for remittance to the
2-7 comptroller as required by this subsection money in the state
2-8 highway fund that is not required to be used for a purpose specified
2-9 by Section 7-a, Article VIII, Texas Constitution, and may not use
2-10 for that remittance money received by this state under the
2-11 congestion mitigation and air quality improvement program
2-12 established under 23 U.S.C. Section 149.

2-13 (b-3) This subsection and Subsections (b-1) and
2-14 [Subsection] (b-2) expire on the last day of the state fiscal
2-15 biennium during which the Texas Commission on Environmental Quality
2-16 publishes in the Texas Register certification that, with respect to
2-17 each national ambient air quality standard for ozone under 40
2-18 C.F.R. Section 81.344, the United States Environmental Protection
2-19 Agency has, for each designated area under that section:

2-20 (1) designated the area as attainment or
2-21 unclassifiable; or

2-22 (2) approved a redesignation substitute making a
2-23 finding of attainment for the area [August 31, 2019].

2-24 (b-4) Fees collected under Subsection (b) to be sent to the
2-25 comptroller shall be deposited to the credit of the Texas Mobility
2-26 Fund if the fees are collected on or after the last day of the state
2-27 fiscal biennium during which the Texas Commission on Environmental
2-28 Quality publishes in the Texas Register certification that, with
2-29 respect to each national ambient air quality standard for ozone
2-30 under 40 C.F.R. Section 81.344, the United States Environmental
2-31 Protection Agency has, for each designated area under that section:

2-32 (1) designated the area as attainment or
2-33 unclassifiable; or

2-34 (2) approved a redesignation substitute making a
2-35 finding of attainment for the area.

2-36 SECTION 4. Section 502.358(c), Transportation Code, is
2-37 amended to read as follows:

2-38 (c) This section expires on the last day of the state fiscal
2-39 biennium during which the Texas Commission on Environmental Quality
2-40 publishes in the Texas Register certification that, with respect to
2-41 each national ambient air quality standard for ozone under 40
2-42 C.F.R. Section 81.344, the United States Environmental Protection
2-43 Agency has, for each designated area under that section:

2-44 (1) designated the area as attainment or
2-45 unclassifiable; or

2-46 (2) approved a redesignation substitute making a
2-47 finding of attainment for the area [August 31, 2019].

2-48 SECTION 5. The heading to Section 548.5055, Transportation
2-49 Code, is amended to read as follows:

2-50 Sec. 548.5055. TEXAS EMISSIONS [~~EMISSION~~] REDUCTION PLAN
2-51 FEE.

2-52 SECTION 6. Sections 548.5055(b) and (c), Transportation
2-53 Code, are amended to read as follows:

2-54 (b) The department shall remit fees collected under this
2-55 section to the comptroller at the time and in the manner prescribed
2-56 by the comptroller for deposit in the Texas emissions [~~emission~~]
2-57 reduction plan fund.

2-58 (c) This section expires on the last day of the state fiscal
2-59 biennium during which the conservation commission publishes in the
2-60 Texas Register certification that, with respect to each national
2-61 ambient air quality standard for ozone under 40 C.F.R. Section
2-62 81.344, the United States Environmental Protection Agency has, for
2-63 each designated area under that section:

2-64 (1) designated the area as attainment or
2-65 unclassifiable; or

2-66 (2) approved a redesignation substitute making a
2-67 finding of attainment for the area [August 31, 2019].

2-68 SECTION 7. The changes in law made by this Act to Section
2-69 501.138, Transportation Code, apply only to a fee collected on or

3-1 after the effective date of this Act. A fee collected before the
3-2 effective date of this Act is governed by the law in effect when the
3-3 fee was collected, and the former law is continued in effect for
3-4 that purpose.

3-5 SECTION 8. This Act takes effect September 1, 2017, but only
3-6 if S.B. 26, or similar legislation of the 85th Legislature, Regular
3-7 Session, 2017, that changes the expiration dates for the Texas
3-8 emissions reduction plan and certain programs funded under that
3-9 plan becomes law. If such a bill does not become law, this Act has
3-10 no effect.

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