

By: Darby

H.B. No. 7

A BILL TO BE ENTITLED

AN ACT

relating to the amounts, availability, and use of certain statutorily dedicated revenue and accounts; reducing or affecting the amounts or rates of certain statutorily dedicated fees and assessments.

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

SECTION 1. Chapter 322, Government Code, is amended by adding Section 322.024 to read as follows:

Sec. 322.024. REDUCTION OF RELIANCE ON AVAILABLE DEDICATED REVENUE FOR BUDGET CERTIFICATION. (a) In this section, "available dedicated revenue" means revenue that Section 403.095 makes available for certification under Section 403.121.

(b) The board shall:

(1) develop and implement a process to review:

(A) new legislative enactments that create dedicated revenue; and

(B) the appropriation and accumulation of dedicated revenue and available dedicated revenue;

(2) develop and implement tools to evaluate the use of available dedicated revenue for state government financing and budgeting; and

(3) develop specific and detailed recommendations on actions the legislature may reasonably take to reduce state government's reliance on available dedicated revenue for the

1 purposes of certification under Section 403.121 as authorized by
2 Section 403.095.

3 (c) The board shall incorporate into the board's budget
4 recommendations appropriate measures to reduce state government's
5 reliance on available dedicated revenue for the purposes of
6 certification under Section 403.121 as authorized by Section
7 403.095.

8 (d) The board shall consult the comptroller as necessary to
9 accomplish the objectives of Subsections (b) and (c).

10 SECTION 2. Subchapter F, Chapter 403, Government Code, is
11 amended by adding Section 403.0956 to read as follows:

12 Sec. 403.0956. REALLOCATION OF INTEREST ACCRUED ON CERTAIN
13 DEDICATED REVENUE. Notwithstanding any other law, all interest or
14 other earnings that accrue on all revenue held in an account in the
15 general revenue fund any part of which Section 403.095 makes
16 available for certification under Section 403.121 are available for
17 any general governmental purpose, and the comptroller shall deposit
18 the interest and earnings to the credit of the general revenue fund.
19 This section does not apply to interest or earnings on revenue
20 deposited in accordance with Section 51.008, Education Code.

21 SECTION 3. Section 361.013(a), Health and Safety Code, is
22 amended to read as follows:

23 (a) Except as provided by Subsections (e) through (i), the
24 commission shall charge a fee on all solid waste that is disposed of
25 within this state. The fee is 94 cents [~~\$1.25~~] per ton received for
26 disposal at a municipal solid waste landfill if the solid waste is
27 measured by weight. If the solid waste is measured by volume, the

1 fee for compacted solid waste is 30 [~~40~~] cents per cubic yard and
2 the fee [~~or,~~] for uncompactd solid waste is 19 [~~, 25~~] cents per
3 cubic yard received for disposal at a municipal solid waste
4 landfill. The commission shall set the fee for sludge or similar
5 waste applied to the land for beneficial use on a dry weight basis
6 and for solid waste received at an incinerator or a shredding and
7 composting facility at half the fee set for solid waste received for
8 disposal at a landfill. The commission may charge comparable fees
9 for other means of solid waste disposal that are used.

10 SECTION 4. Sections 361.014(a) and (b), Health and Safety
11 Code, are amended to read as follows:

12 (a) Revenue received by the commission under Section
13 361.013 shall be deposited in the state treasury to the credit of
14 the commission. Of that [~~Half of the~~] revenue, 66.7 percent is
15 dedicated to the commission's municipal solid waste permitting and
16 enforcement programs and related support activities and to pay for
17 activities that will enhance the state's solid waste management
18 program, including:

19 (1) provision of funds for the municipal solid waste
20 management planning fund and the municipal solid waste resource
21 recovery applied research and technical assistance fund
22 established by the Comprehensive Municipal Solid Waste Management,
23 Resource Recovery, and Conservation Act (Chapter 363);

24 (2) conduct of demonstration projects and studies to
25 help local governments of various populations and the private
26 sector to convert to accounting systems and set rates that reflect
27 the full costs of providing waste management services and are

1 proportionate to the amount of waste generated;

2 (3) provision of technical assistance to local
3 governments concerning solid waste management;

4 (4) establishment of a solid waste resource center in
5 the commission and an office of waste minimization and recycling;

6 (5) provision of supplemental funding to local
7 governments for the enforcement of this chapter, the Texas Litter
8 Abatement Act (Chapter 365), and Chapters 391 and 683,
9 Transportation Code;

10 (6) conduct of a statewide public awareness program
11 concerning solid waste management;

12 (7) provision of supplemental funds for other state
13 agencies with responsibilities concerning solid waste management,
14 recycling, and other initiatives with the purpose of diverting
15 recyclable waste from landfills;

16 (8) conduct of research to promote the development and
17 stimulation of markets for recycled waste products;

18 (9) creation of a state municipal solid waste
19 superfund, from funds appropriated, for:

20 (A) the cleanup of unauthorized tire dumps and
21 solid waste dumps for which a responsible party cannot be located or
22 is not immediately financially able to provide the cleanup;

23 (B) the cleanup or proper closure of abandoned or
24 contaminated municipal solid waste sites for which a responsible
25 party is not immediately financially able to provide the cleanup;
26 and

27 (C) remediation, cleanup, and proper closure of

1 unauthorized recycling sites for which a responsible party is not
2 immediately financially able to perform the remediation, cleanup,
3 and closure;

4 (10) provision of funds to mitigate the economic and
5 environmental impacts of lead-acid battery recycling activities on
6 local governments; and

7 (11) provision of funds for the conduct of research by
8 a public or private entity to assist the state in developing new
9 technologies and methods to reduce the amount of municipal waste
10 disposed of in landfills.

11 (b) Of [~~Half of~~] the revenue received by the commission
12 under Section 361.013, 33.3 percent is dedicated to local and
13 regional solid waste projects consistent with regional plans
14 approved by the commission in accordance with this chapter and to
15 update and maintain those plans. Those revenues shall be allocated
16 to municipal solid waste geographic planning regions for use by
17 local governments and regional planning commissions according to a
18 formula established by the commission that takes into account
19 population, area, solid waste fee generation, and public health
20 needs. Each planning region shall issue a biennial report to the
21 legislature detailing how the revenue is spent. A project or
22 service funded under this subsection must promote cooperation
23 between public and private entities and may not be otherwise
24 readily available or create a competitive advantage over a private
25 industry that provides recycling or solid waste services.

26 SECTION 5. Section 771.0711(c), Health and Safety Code, is
27 amended to read as follows:

1 (c) Money collected under Subsection (b) may be used only
2 for services related to 9-1-1 services, including automatic number
3 identification and automatic location information services, or as
4 authorized by Section 771.079(c). Not later than the 15th day after
5 the end of the month in which the money is collected, the commission
6 shall distribute to each emergency communication district that does
7 not participate in the state system a portion of the money that
8 bears the same proportion to the total amount collected that the
9 population of the area served by the district bears to the
10 population of the state. The remaining money collected under
11 Subsection (b) shall be deposited to the 9-1-1 services fee
12 account.

13 SECTION 6. Section 771.079(c), Health and Safety Code, is
14 amended to read as follows:

15 (c) Money in the account may be appropriated only to:
16 (1) the commission for planning, development,
17 provision, or enhancement of the effectiveness of 9-1-1 service or
18 for contracts with regional planning commissions for 9-1-1 service;
19 or
20 (2) the Texas A&M Forest Service for providing
21 assistance to volunteer fire departments under Subchapter G,
22 Chapter 614, Government Code.

23 SECTION 7. Section 780.003(a), Health and Safety Code, is
24 amended to read as follows:

25 (a) The designated trauma facility and emergency medical
26 services account is created as a dedicated account in the general
27 revenue fund of the state treasury. Money in the account may be

1 appropriated only to:

2 (1) the department for the purposes described by
3 Section 780.004; or

4 (2) the Texas Higher Education Coordinating Board for
5 graduate-level:

6 (A) medical education programs; or

7 (B) nursing education programs.

8 SECTION 8. Section 2007.002, Insurance Code, is amended to
9 read as follows:

10 Sec. 2007.002. ASSESSMENT. The comptroller shall assess
11 against all insurers to which this chapter applies amounts for each
12 state fiscal year necessary, as determined by the commissioner, to
13 collect a combined total equal to the total amount that the General
14 Appropriations Act appropriates from the volunteer fire department
15 assistance fund account in the general revenue fund for that state
16 fiscal year [of \$30 million for each 12-month period].

17 SECTION 9. Subchapter I, Chapter 26, Water Code, is amended
18 by adding Section 26.35745 to read as follows:

19 Sec. 26.35745. REPORT ON FEES NECESSARY TO CONCLUDE
20 PROGRAM. The commission shall investigate the amount of fees that
21 would be necessary to cover the costs necessary to conclude the
22 programs and activities under this subchapter before September 1,
23 2021. The commission shall present a report to the legislature on
24 the conclusions of the investigation and include in the report the
25 commission's recommendations regarding the fees and programs and
26 activities. The report must be presented not later than January 30,
27 2015. This section expires September 1, 2021.

1 SECTION 10. Sections 501.138(b-2) and (b-3),
2 Transportation Code, are repealed.

3 SECTION 11. This Act takes effect immediately if it
4 receives a vote of two-thirds of all the members elected to each
5 house, as provided by Section 39, Article III, Texas Constitution.
6 If this Act does not receive the vote necessary for immediate
7 effect, this Act takes effect September 1, 2013.