

BILL ANALYSIS

Senate Research Center

H.B. 3231
By: Swinford (Brown)
Finance
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Engrossed

DIGEST

Currently, most of the state's environmental programs are consolidated within the Texas Natural Resource Conservation Commission (TNRCC). The funding structure of TNRCC is fragmented and reflects the many and varied agencies and programs that were consolidated into TNRCC in 1992. This bill would consolidate the various fee revenues received by TNRCC into one major account for the areas of Air Quality, Water Resources, and Waste Management, and one account for occupational licensing and professional certification.

PURPOSE

As proposed, H.B. 3231 provides for administrative and procedural changes for the consolidation of the Texas Natural Resource Conservation Commission's accounting structure and appropriated methods of finance.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Sections 5.235(a), (b), (f), and (n), Water Code, as follows:

- (a) Requires a fee assessed and collected under this section to be deposited to the credit of the water resource management account except as otherwise provided.
- (b) Provides that the fee for filing an application or petition is \$100 plus the cost of any required notice, except as otherwise provided by law, rather than by this section.
- (f) Deletes text requiring revenue from certain fees under Subsection (e) to be deposited in the state treasury and credited to the water utility fund.
- (n) Requires each district as defined in Section 49.001, rather than 50.001, of this code that provides potable water or sewer utility service to retail customers to collect from each retail customer a regulatory assessment equal to one-half of one percent of the charge for retail water or sewer service. Deletes text requiring certain funds to be paid into the state treasury and credited to the water utility fund. Requires a certain penalty collected under this paragraph to be deposited to the credit of the water resource management account, rather than the water utility fund in the state treasury, to be used to provide water and sewer service to residents of the city.

SECTION 2. Amends Chapter 5F, Water Code, by adding Section 5.238, as follows:

Sec. 5.238. ADMINISTRATIVE ACCOUNT. Provides that the Texas Natural Resource Conservation Commission (TNRCC) administrative account is an account in the general revenue fund. Provides that the account consists of reimbursements to TNRCC for services provided by TNRCC and other sources specified by law and authorized by legislative appropriation.

SECTION 3. Amends Section 11.329(b), Water Code, to require the executive director of TNRCC (executive director) to deposit, rather than transmit, all collections under this section to the credit of the watermaster administration account, rather than the state treasurer.

SECTION 4. Amends Section 12.113(b), Water Code, to require TNRCC to deposit all costs collected under Subchapter G, rather than Subchapter F, Chapter 11 of this code in the state treasury to the credit of the watermaster, rather than water rights, administrative account, rather than fund.

SECTION 5. Amends Section 13.453, Water Code, as follows:

Sec. 13.453. New heading: COLLECTION AND DISPOSITION OF FEES. Requires all fees paid under Section 13.4521 and 13.4522 of this code to be collected by the executive director and paid into the water resource management account, rather than the general revenue fund.

SECTION 6. Amends Section 26.0135(h), Water Code, to require certain costs recovered by TNRCC to be deposited to the credit of the water resource management account, rather than the quality fund.

SECTION 7. Amends Section 26.0291(c), Water Code, to require fees collected under this section to be deposited to the credit of the water resource management account, an account in the general revenue fund, rather than in a special fund in the state treasury to be known as the water fund. Deletes text setting forth the uses of the water fund.

SECTION 8. Amends Sections 26.0291(a) and (c), Water Code, to provide that a certain fee is to supplement any other funds available to pay expenses of TNRCC in inspecting waste treatment facilities and enforcing the laws of the state and the rules of TNRCC governing waste discharge and waste treatment facilities, including any expenses of TNRCC necessary to obtain from the federal government delegation of and to administer the national pollutant discharge elimination system (NPDES) program. Makes conforming changes.

SECTION 9. Amends Section 26.0301(e), Water Code, to require TNRCC to deposit any fees collected under this subsection in the state treasury to the credit of the commission occupational licensing account, rather than the water quality fund.

SECTION 10. Amends Section 26.044(c), Water Code, to require all fees collected by any state agency to be deposited to the credit of the water resource management account, rather than in a special fund, for use by that agency in administering and performing the certification function. Deletes text prohibiting the fees from being deposited in the general revenue fund.

SECTION 11. Amends Section 26.0461(h), Water Code, to require a fee collected under this section to be deposited in the state treasury to the credit of a special program to be used only for TNRCC's Edwards Aquifer programs, rather than the water quality fund.

SECTION 12. Amends Section 26.263(2), to redefine "account," rather than "fund."

SECTION 13. Amends Section 26.264(f), Water Code, to make a conforming change.

SECTION 14. Amends Section 26.265, Water Code, as follows:

Sec. 26.265. New heading: TEXAS SPILL RESPONSE ACCOUNT. Provides that the Texas spill response account is an account in the general revenue fund. Makes conforming changes.

SECTION 15. Amends Section 26.266(c), Water Code, to make a conforming change.

SECTION 16. Amends Sections 26.346(c) and (e), Water Code, to make conforming changes.

SECTION 17. Amends Section 26.351(d), Water Code, to authorize any expenses arising from corrective action taken by TNRCC or the executive director to be paid from the waste management fund, rather than the storage tank fund.

SECTION 18. Amends Section 26.3511(a), Water Code, to make conforming changes.

SECTION 19. Amends Section 26.3512, Water Code, as follows:

Sec. 26.3512. New heading: OWNER OR OPERATOR RESPONSIBILITY; LIMITATIONS ON ACCOUNT PAYMENTS FOR CORRECTIVE ACTION. Prohibits funds from the petroleum storage tank remediation account from being used to pay, and the owner or operator of a petroleum storage tank ordered by TNRCC to take corrective action is responsible for payment of, among other items, any expenses for corrective action that exceed the applicable amount specified by Section 26.3573(m). Makes conforming changes.

SECTION 20. Amends Sections 26.3513(i) and (k), Water Code, to provide that nothing in this section prohibits TNRCC from using the waste management account, rather than the storage tank fund to take corrective action as provided by this subchapter and having cost recovery for the waste management account. Makes conforming changes.

SECTION 21. Amends Sections 26.355(c), (d), (h), and (i), Water Code, to make conforming changes.

SECTION 22. Amends Section 26.3572(b), Water Code, to make a conforming change.

SECTION 23. Amends Section 26.3573, Water Code, as follows:

Sec. 26.3573. New heading: PETROLEUM STORAGE TANK REMEDIATION ACCOUNT. Provides that the petroleum storage tank remediation account is an account in the general revenue fund. Authorizes TNRCC, to consolidate appropriations, to transfer from the petroleum storage tank remediation account to the waste management account an amount equal to the amounts authorized under Subsection (d)(1), subject to the requirements of that subsection. Requires fees collected under this subsection to be deposited in the state treasury to the credit of the commission occupational licensing account, rather than the storage tank fund. Makes conforming changes.

SECTION 24. Amends Section 26.35731, Water Code, to make conforming changes.

SECTION 25. Amends Section 26.35735(a) and (c), Water Code, to make conforming changes.

SECTION 26. Amends Sections 26.3574(w), (x), (y), and (z), Water Code, to make nonsubstantive and conforming changes.

SECTION 27. Amends Section 26.358, Water Code, as follows:

Sec. 26.358. New heading: COLLECTION, USE, AND DISPOSITION OF STORAGE TANK FEES AND OTHER REVENUES. Requires revenues collected by TNRCC under this section to be deposited to the credit of the waste management account. Deletes text providing that the storage tank fund is created in the state treasury. Authorizes TNRCC to collect certain items under this chapter. Deletes text providing that the storage tank fund consists of certain money collected by TNRCC. Deletes text requiring TNRCC to deposit all fees collected and all interest and penalties for late payment in the state treasury to the credit of the storage tank fund. Makes conforming changes.

SECTION 28. Amends Section 26.361, Water Code, to make a conforming change.

SECTION 29. Amends Section 26.458(a), Water Code, to make a conforming change.

SECTION 30. Amends Section 32.014(b), Water Code, to require all money collected by TNRCC under this chapter to be deposited to the credit of the commission occupational licensing account, rather than the water well drillers fund and may be used only to administer this chapter. Requires TNRCC to allocate not more than 20 percent of the money collected under this chapter, rather than of the water well drillers fund, to cover administrative costs of TNRCC.

SECTION 31. Amends Section 33.012(b), Water Code, to make a conforming change.

SECTION 32. Amends Section 34.005, Water Code, to require money paid to TNRCC under this chapter to be deposited to the credit of an account in the general revenue fund known as the commission occupational licensing account, rather than in the state treasury in a special fund known as the Texas irrigators fund. Makes conforming changes.

SECTION 33. Amends Section 341.034, Health and Safety Code, by adding Subsection (c), to require fees collected by TNRCC under this section to be deposited to the credit of the commission occupational licensing account.

SECTION 34. Amends Section 341.041, Health and Safety Code, to require revenues collected by TNRCC under this subchapter to be deposited to the credit of the water resource management account.

SECTION 35. Amends Section 361.014, Health and Safety Code, by amending Subsections (a) and (c) and by adding Subsection (d), to require revenues allocated to TNRCC for the purposes authorized by Subsection (a) to be deposited to the credit of the waste management account. Requires revenues allocated to local and regional solid waste projects to be deposited to the credit of an account in the general revenue fund known as the municipal solid waste disposal account. Makes standard recodification changes. Makes conforming changes.

SECTION 36. Amends Section 361.027(c), Health and Safety Code, to make a conforming change.

SECTION 37. Amends Section 361.132, Health and Safety Code, as follows:

Sec. 361.132. New heading: HAZARDOUS AND SOLID WASTE FEES; WASTE MANAGEMENT ACCOUNT. Provides that the waste management account is an account in the general revenue fund, rather than the hazardous and solid waste fee fund is in the state treasury. Provides that the account consist of money deposited to the account as otherwise provided by law. Makes conforming and nonsubstantive changes.

SECTION 38. Amends Section 361.133, Health and Safety Code, as follows:

Sec. 361.133. New heading: HAZARDOUS AND SOLID WASTE REMEDIATION FEE ACCOUNT. Provides that the hazardous and solid waste remediation fee account, rather than fund, is an account in the general revenue fund, rather than in the state treasury. Makes conforming and nonsubstantive changes.

SECTION 39. Amends Section 361.134(e), Health and Safety Code, to make a conforming change.

SECTION 40. Amends Sections 361.136(i) and (l), Health and Safety Code, to require 25 percent of the waste management fees collected from each commercial waste storage, processing, or disposal facility under this section to be credited to the waste management account, rather than the hazardous and solid waste fee fund, to be distributed to the county in which the facility is located to assist that county in defraying the costs associated with commercial industrial solid waste and hazardous waste management facilities. Makes conforming changes.

SECTION 41. Amends Section 361.137(d), Health and Safety Code, to make conforming changes.

SECTION 42. Amends Section 361.138(j), Health and Safety Code, to make a conforming change.

SECTION 43. Amends Section 361.140(d), Health and Safety Code, to make a conforming change.

SECTION 44. Amends Section 361.195, Health and Safety Code, as follows:

Sec. 361.195. New heading: PAYMENTS FROM HAZARDOUS AND SOLID WASTE REMEDIATION FEE ACCOUNT. Provides that money for actions taken or to be taken by TNRCC in connection with the elimination of an imminent and substantial endangerment to the public health and safety or the environment under this subchapter is payable directly to TNRCC from the hazardous and solid waste remediation fee account.

SECTION 45. Amends Sections 361.201(b) and (c), to make conforming changes.

SECTION 46. Amends Section 361.471(1), Health and Safety Code, to redefine "account," rather than "fund."

SECTION 47. Amends Sections 361.474 and 361.475, Health and Safety Code, as follows:

Sec. 361.474. DISPOSITION OF FEES AND PENALTIES. Makes a conforming change.

Sec. 361.475. New heading: WASTE TIRE RECYCLING ACCOUNT. Authorizes TNRCC, to consolidate appropriations, to transfer the amounts authorized under Subsection (d)(2) to the waste management account, subject to the limitations of that subsection. Makes conforming changes.

SECTION 48. Amends Section 361.477(j), Health and Safety Code, to make conforming changes.

SECTION 49. Amends Section 361.4771(e), Health and Safety Code, to make conforming changes.

SECTION 50. Amends Section 361.4774, Health and Safety Code, as follows:

Sec. 361.4774. New heading: LIMITED USE OF WASTE TIRE RECYCLING ACCOUNT; GRANTS, REIMBURSEMENT, AND ADMINISTRATIVE EXPENSES. Authorizes the comptroller to expend up to \$680,000 or an amount equal to two percent of the waste tire recycling account, rather than the recovery fund, whichever is greater, for performing duties related to the waste tire program each fiscal year. Makes a conforming change.

SECTION 51. Amends Section 361.478(a), Health and Safety Code, to make a conforming change.

SECTION 52. Amends Section 361.479(e), Health and Safety Code, to make a conforming change.

SECTION 53. Amends Section 361.483(c), Health and Safety Code, to make a conforming change.

SECTION 54. Amends Sections 361.489(a) and (e), Health and Safety Code, to make conforming changes.

SECTION 55. Amends Section 361.498, Health and Safety Code, to make a conforming change.

SECTION 56. Amends Section 361.499, Health and Safety Code, to make a conforming change.

SECTION 57. Amends Section 361.604(e), Health and Safety Code, to require fees collected under this section to be deposited to the credit of the waste management account, rather than the hazardous and solid waste remediation fee fund.

SECTION 58. Amends Section 366.013, Health and Safety Code, by adding Subsection (c), to require fees collected under this section to be deposited to the credit of the commission occupation licensing account.

SECTION 59. Amends Section 366.014, Health and Safety Code, by adding Subsection (c), to make a conforming change.

SECTION 60. Amends Section 366.058, Health and Safety Code, by adding Subsection (c), to require fees collected under this section to be deposited to the credit of the water resource management account.

SECTION 61. Amends Section 366.059, Health and Safety Code, by adding Subsection (c), to make a conforming change.

SECTION 62. Amends Section 366.074, Health and Safety Code, to make a conforming change.

SECTION 63. Amends Section 370.008(d), Health and Safety Code, to make conforming changes.

SECTION 64. Amends the heading of Chapter 371D, Health and Safety Code, as follows:

SUBCHAPTER D. New heading: USED OIL RECYCLING ACCOUNT; FEES

SECTION 65. Amends Section 371.0245(e), Health and Safety Code, to make a conforming change.

SECTION 66. Amends Section 371.0246(d), Health and Safety Code, to make conforming changes.

SECTION 67. Amends Section 371.043(b), Health and Safety Code, to make a conforming change.

SECTION 68. Amends Section 371.061, Health and Safety Code, as follows:

Sec. 371.061. New heading: USED OIL RECYCLING ACCOUNT. Provides that the used oil recycling account is exempt from the application of Section 403.095, Government Code, rather than Sections 403.094(h) and 403.095, Government Code. Authorizes TNRCC, for the purpose of consolidating appropriations, to transfer any amount authorized under Subsection (c)(4) or by legislative appropriation to the waste management account subject to the limitations and requirements of this chapter. Makes conforming changes.

SECTION 69. Amends Section 371.062(l), Health and Safety Code, to make a conforming change.

SECTION 70. Amends Section 371.063, Health and Safety Code, to make a conforming change.

SECTION 71. Amends Section 372.002(d), Health and Safety Code, to require a fee received by TNRCC under this subsection to be deposited in the state treasury to the credit of the water resource management account, rather than TNRCC, and to be used only for the administration of this chapter.

SECTION 72. Amends Chapter 382B, Health and Safety Code, by adding Section 382.0335, as follows:

Sec. 382.0335. AIR CONTROL ACCOUNT. Authorizes TNRCC to apply for, solicit, contract for, receive, or accept money from any source to carry out its duties under this chapter. Requires money received by TNRCC under this section to be deposited to the credit of the air control account, an account in the general revenue fund. Authorizes TNRCC to use money in the account for any necessary expenses incurred in carrying out TNRCC duties under this chapter.

SECTION 73. Amends Section 382.037(k), Health and Safety Code, to make conforming changes.

SECTION 74. Amends Section 382.0622(b), Health and Safety Code, to make a conforming change.

SECTION 75. Amends Section 401.412(f), Health and Safety Code, to require fees collected under this section to be deposited in the waste management account, rather than the radioactive substance fee fund.

SECTION 76. Effective September 1, 1997:

(1) Provides that the Texas Water Development Board administrative fund 041, authorized under Section 17.075, Water Code, is renamed as TNRCC administrative account and reestablished under Section 5.238, Water Code, as added by this Act.

(2) Provides that the Texas irrigators fund 468, authorized under Section 34.005, Water Code, is renamed as the commission occupational licensing account.

(3) Provides that the water rights administration fund 158, authorized under Section 12.113, Water Code, is renamed as the watermaster administration account.

(4) Provides that the water quality fund 153 is renamed as the water resource management account.

(5) Provides that the hazardous and solid waste fees fund 549 is renamed as the waste management account.

(6) Provides that the water drillers fund 079 is abolished, and any unexpended balance in that fund is transferred to the commission occupational licensing account.

(7) Provides that the water utility fund 172 is abolished and any unexpended balance in that fund is transferred to the water resource management account.

(8) Provides that the radioactive substance fee fund 340 is abolished and any unexpended balance in that fund is transferred to the waste management account.

(9) Provides that the storage fund 583 is abolished and any unexpended balance in that fund is transferred to the waste management account.

SECTION 77. Provides that the changes in law made by this Act do not authorize revenues that have been set aside by law for a particular purpose to be used for a purpose that was not authorized by law before the effective date of this Act. Provides that except as otherwise provided by another Act of the 75th Legislature, Regular Session, 1997, revenue dedicated to a particular purpose under the law in effect on August 31, 1997, continues to be dedicated to that purpose regardless of any provision of this Act consolidating, renaming, or abolishing a particular fund or account.

SECTION 78. Provides that an appropriation made by the 75th Legislature, Regular Session, to or from a fund abolished or consolidated by this Act is an appropriation to or from, as appropriate, the account or fund provided by this Act as the replacement fund for the sources of revenue formerly credited to the abolished or consolidated fund.

SECTION 79. Effective date: September 1, 1997.

SECTION 80. Emergency clause.