

By: Leach

H.B. No. 1031

A BILL TO BE ENTITLED

AN ACT

relating to funding for certain roadway projects intended to improve or maintain air quality.

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

SECTION 1. Subtitle Z, Title 6, Transportation Code, is amended by adding Chapter 473 to read as follows:

CHAPTER 473. ROADWAY PROJECTS FOR CLEAN AIR

Sec. 473.001. DEFINITIONS. In this chapter:

(1) "Account" means the clean air roadway project account.

(2) "Roadway project" means the construction, reconstruction, or maintenance of roadway transportation infrastructure, or the implementation of a roadway transportation program.

Sec. 473.002. CLEAN AIR ROADWAY PROJECT ACCOUNT. (a) The clean air roadway project account is an account in the general revenue fund. The account consists of money transferred to the credit of the account under Subsections (b) and (c) and the interest or other returns on investment of money in the account. Section [404.071](#), Government Code, does not apply to the account.

(b) As soon as practicable after the last day of each quarter of the state fiscal year, the comptroller shall transfer to the account from the clean air account an amount equal to one-third of all the money deposited to the credit of the clean air account

during that preceding quarter other than:

(1) money credited to the clean air account in accordance with Section 382.051866 or 386.252(a)(10), Health and Safety Code; or

(2) a gift, grant, or donation credited to the clean air account.

(c) As soon as practicable after the last day of each quarter of the state fiscal year, the comptroller shall transfer to the account from the Texas emissions reduction plan fund an amount equal to one-third of the money deposited to the credit of the Texas emissions reduction plan fund during that quarter.

(d) As soon as practicable after the last day of each state fiscal year, the comptroller shall transfer from the account the unappropriated and unencumbered balance of the account to the clean air account and the Texas emissions reduction plan fund. The comptroller must allocate the total amount transferred under this subsection so that:

(1) the amount transferred to the clean air account bears the same proportion to the total amount transferred under this subsection as the total of the amounts transferred from the clean air account under Subsection (b) during that preceding fiscal year bears to the total of the amounts transferred under Subsections (b) and (c) during that preceding fiscal year; and

(2) the amount transferred to the Texas emissions reduction plan fund bears the same proportion to the total amount transferred under this subsection as the total of the amounts transferred from the Texas emissions reduction plan fund under

1 Subsection (c) during that preceding fiscal year bears to the total
2 of the amounts transferred under Subsections (b) and (c) during
3 that preceding fiscal year.

4 Sec. 473.003. USE OF ACCOUNT. (a) Money in the account may
5 be appropriated only to fund roadway projects designed to improve
6 or prevent the deterioration of ambient air quality. Money in the
7 account may not be appropriated to fund a toll road.

8 (b) The department, in consultation with the Texas
9 Commission on Environmental Quality, shall determine which roadway
10 projects are eligible to be funded by money appropriated from the
11 account.

12 SECTION 2. Section 382.0622(b), Health and Safety Code, is
13 amended to read as follows:

14 (b) Except as provided by Subsection (b-1), Clean Air Act
15 fees:

16 (1) shall be deposited in the state treasury to the
17 credit of the clean air account; and

18 (2) shall be used to safeguard the air resources of the
19 state, including through roadway projects under Chapter 473,
20 Transportation Code.

21 SECTION 3. Section 382.202(k), Health and Safety Code, is
22 amended to read as follows:

23 (k) The commission by rule may establish classes of vehicles
24 that are exempt from vehicle emissions inspections and by rule may
25 establish procedures to allow and review petitions for the
26 exemption of individual vehicles, according to criteria
27 established by commission rule. Rules adopted by the commission

1 under this subsection must be consistent with federal law. The
2 commission by rule may establish fees to recover the costs of
3 administering this subsection. Fees collected under this
4 subsection shall be deposited to the credit of the clean air
5 account~~[, an account]~~ in the general revenue fund~~[, and may be used~~
6 ~~only for the purposes of this section]~~.

7 SECTION 4. This Act takes effect September 1, 2015.