

BILL ANALYSIS

H.B. 2802
By: Darby
Appropriations
Committee Report (Unamended)

BACKGROUND AND PURPOSE

It has been suggested that certain unspent dedicated revenue in the general revenue fund has recently counted toward overall budget certification, while the amount of money in some of these accounts has actually grown during that time. H.B. 2802 seeks to address this issue by providing for the availability and use of certain accounts and dedicated revenue and by reducing or affecting the amounts of certain dedicated fees and assessments.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 2802 amends the Government Code to update references to the 85th Legislature in statutory provisions governing the use of dedicated revenue to reflect the application of those provisions to the 86th Legislature and to change from August 31, 2019, to August 31, 2021, the date on which dedicated revenues estimated to exceed the amount appropriated are considered available for general governmental purposes and for purposes of certifying available funds for state budgeting. The bill establishes that dedicated revenues in the following accounts or funds or that by law are directed to be deposited to the credit of the following accounts or funds are not available for general governmental purposes and are not considered available for such certification:

- the Texas Department of Insurance operating account;
- the lifetime license endowment account;
- the permanent fund for health and tobacco education and enforcement account;
- the permanent fund for children and public health account;
- the permanent fund for emergency medical services and trauma care account;
- the permanent fund for rural health facility capital improvement account;
- the permanent hospital fund for capital improvements and the Texas Center for Infectious Disease account;
- the child abuse and neglect prevention operating fund account;
- the child abuse and neglect prevention trust fund account; and

- the separate fund account of each institution of higher education in the general revenue fund.

H.B. 2802 postpones the expiration of provisions governing the use of dedicated revenue from September 1, 2019, to September 1, 2021.

H.B. 2802 amends the Health and Safety Code to include energy efficiency upgrades for state facilities and a vehicle emissions inspection and maintenance program administered by the Department of Public Safety among the projects for which the Texas Commission on Environmental Quality and the comptroller of public accounts must provide grants or other funding under the Texas emissions reduction plan. The bill authorizes the Commission on State Emergency Communications (CSEC) to reduce the amount of the 50-cent monthly 9-1-1 service fee imposed on each wireless telecommunications connection if the CSEC determines that the reduction will not prevent entities providing 9-1-1 service from receiving adequate funding.

H.B. 2802 amends the Natural Resources Code to include as a purpose of the provisions of the Oil Spill Prevention and Response Act of 1991 the provision of immediately available funds for coastal resiliency projects identified in the Texas Coastal Resiliency Master Plan published by the General Land Office (GLO) in 2017 or a successor plan and to specify that the erosion response projects for which immediately available funds are provided under that act are erosion response projects under applicable provisions of the Coastal Public Lands Management Act of 1973. The bill establishes that the applicable provisions of the Oil Spill Prevention and Response Act of 1991 do not authorize the GLO to carry out a coastal resiliency project that the GLO is not authorized by other law to carry out.

H.B. 2802 authorizes money in the coastal protection fund to be disbursed for those applicable coastal resiliency projects and exempts sums expended for such a project from certain provisions relating to reimbursing the fund.

H.B. 2802 amends the Parks and Wildlife Code to authorize money in the game, fish, and water safety account to be used for those applicable coastal resiliency projects, to the extent allowed by federal law. That authorization does not authorize the GLO to carry out a coastal resiliency project that the GLO is not authorized by other law to carry out.

EFFECTIVE DATE

September 1, 2019.