

CHAPTER 564

S.B. No. 1234

AN ACT

relating to the consolidation and dedication of funds in the Texas Natural Resource Conservation Commission; appropriating recovered costs.

Be it enacted by the Legislature of the State of Texas:

ARTICLE 1

SECTION 1.01. Subsection (h), Section 26.0135, Water Code, is amended to read as follows:

(h) The *commission* [~~Texas Water Commission~~] shall apportion, assess, and recover the reasonable costs of administering the water quality management programs under this section from all users of water and wastewater permit holders in the watershed according to the records of the commission generally in proportion to their right, through permit or contract, to use water from and discharge wastewater in the watershed. The cost to river authorities and others to conduct regional water quality assessment shall be subject to prior review and approval by the commission as to methods of allocation and total amount to be recovered. The commission shall adopt rules to supervise and implement the water quality assessment and associated costs. The rules shall ensure that water users and wastewater dischargers do not pay excessive amounts, that a river authority may recover no more than the actual costs of administering the water quality management programs called for in this section, and that no municipality shall be assessed cost for any efforts that duplicate water quality management activities described in Section 26.177 of this chapter. *Costs recovered by the commission are to be deposited to the water quality fund and are appropriated to the commission for the administration of this section and the implementation of regional water quality assessments.*

SECTION 1.02. Subsection (f), Section 5.235, Water Code, is amended to read as follows:

(f) A person who files a bond issue application with the commission must pay an application fee set by the commission. The commission by rule may set the application fee in an amount not to exceed \$500, plus the cost of required notice. If the bonds are approved by the commission, the seller shall pay to the commission a percentage of the bond proceeds not later than the seventh business day after receipt of the bond proceeds. The commission by rule may set the percentage of the proceeds in an amount not to exceed 0.25 percent of the principal amount of the bonds actually issued. Revenue from these fees *and application fees under Subsection (e) of this section* shall be deposited in the state treasury and credited to the water utility [quality] fund. Proceeds of the fees shall be used to supplement any other funds available for paying expenses of the commission in supervising the various bond and construction activities of the districts filing the applications.

SECTION 1.03. Subsection (c), Section 26.0291, Water Code (effective until delegation of NPDES permit authority), is amended to read as follows:

(c) The fees collected under this section shall be deposited in a special fund in the state treasury to be known as the *water quality* [~~waste treatment facility inspection~~] fund. Money in the fund shall be used as follows:

(1) to supplement any other funds available for paying expenses of the commission in inspecting waste treatment facilities;

(2) to pay for the issuance and renewal of certificates of competency under and to administer Section 26.0301 of this code; and

(3) to pay for processing plans or amendments to plans and inspecting the construction of projects under those plans pursuant to Section 26.0461 of this code and rules of the commission adopted under Sections 26.046 and 26.0461 of this code.

SECTION 1.04. Subsection (e), Section 26.0301, Water Code, is amended to read as follows:

(e) The commission by rule shall set a fee to be paid by each applicant or licensee on the issuance or renewal of a certificate of competency under this section. The amount of the fee is determined according to the costs of the commission in administering this section, but may not exceed \$25 annually for an individual wastewater treatment plant operator and \$500 annually for a person, company, corporation, firm, or partnership that is in the business as a wastewater treatment facility operations company. The commission shall deposit any fees collected under this subsection in the state treasury to the credit of the *water quality* [~~waste treatment facility inspection~~] fund.

SECTION 1.05. Subsection (h), Section 26.0461, Water Code, is amended to read as follows:

(h) A fee collected under this section shall be deposited in the State Treasury to the credit of the *water quality* [~~waste treatment facility inspection~~] fund.

SECTION 1.06. Sections 370.007 and 370.008, Health and Safety Code, are amended to read as follows:

Sec. 370.007. TOXIC CHEMICAL RELEASE REPORTING FUNDS [FUND]. (a) Toxic [~~The toxic~~] chemical release reporting funds [fund] consists of money collected by the commission from:

(1) fees imposed on owners and operators of facilities required to submit a toxic chemical release form; and

(2) penalties imposed under this chapter.

(b) The commission may use the money collected *under this chapter* [~~and deposited in the fund~~] to pay for:

(1) costs incurred by the commission in implementing this chapter; and

(2) other commission activities necessary to implement the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. Section 11001 et seq.).

Sec. 370.008. ~~DISPOSITION OF TOXIC CHEMICAL RELEASE FORM REPORTING] FEES.~~ (a) The owner or operator of a facility required to submit a toxic chemical release form under this chapter shall pay, at the time of *the* submission, a fee of \$25 for each toxic chemical release form submitted.

(b) The maximum fee for a facility may not exceed \$250.

(c) The commission by rule may increase or decrease the toxic chemical release form reporting fee as necessary.

(d) Fees collected under this section shall be deposited in the state treasury to the credit of the *hazardous and solid waste fee* [~~toxic chemical release reporting~~] fund.

ARTICLE 2

SECTION 2.01. The following funds and accounts and revenues authorized to be deposited to these funds and accounts are exempt from the provisions of Subsection (h), Section 403.094, Government Code. Except as amended by this Act, these funds and accounts are dedicated to the purposes for which they were established under the applicable provisions of law. The comptroller may, with the concurrence of the state treasurer, establish any of the following funds as dedicated accounts in the general revenue fund, provided that such accounts maintain any attributes authorized under provisions of law:

(1) the solid waste disposal fee fund authorized under Sections 361.013 and 361.014, Health and Safety Code;

(2) the waste tire recycling fund authorized under Sections 361.474 and 361.475, Health and Safety Code;

(3) the water well drillers fund authorized under Sections 32.014 and 33.012, Water Code;

(4) the used oil recycling fund authorized under Section 371.061, Health and Safety Code;

(5) the clean air fund authorized under Section 382.0622, Health and Safety Code;

(6) the water quality fund authorized under Subsection (f), Section 5.235, Water Code, and Sections 26.0291, 26.0301, and 26.0461, Water Code, as amended by this Act;

(7) the water rights administration fund authorized under Section 12.113, Water Code;

(8) the water utility fund authorized under Section 5.235, Water Code;

(9) the spill response fund authorized under Section 26.265, Water Code;

(10) the Texas irrigators fund authorized under Section 34.005, Water Code;

(11) the hazardous and solid waste fees fund authorized under Sections 361.132 and 370.008, Health and Safety Code, as amended by this Act;

(12) the hazardous and solid waste remediation fee fund authorized under Section 361.133, Health and Safety Code;

(13) the storage tank fund authorized under Section 26.358, Water Code, and Section 8, Chapter 244, Acts of the 71st Legislature, Regular Session, 1989 (Article 8900, Vernon's Texas Civil Statutes); and

(14) the petroleum storage tank remediation fund authorized under Section 26.3573, Water Code.

SECTION 2.02. The funds and accounts described in Section 2.01 of this Act are further exempt from any provision of Subsection (b), Section 403.095, Government Code, that would authorize the expenditure or transfer of dedicated revenues inconsistent with Section 2.01 of this Act. Nothing in this section shall otherwise limit the authority of the legislature to appropriate funds from any fund or account.

ARTICLE 3

SECTION 3.01. The waste treatment facility inspection fund and the toxic chemical release reporting fund are abolished effective September 1, 1993.

SECTION 3.02. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Passed the Senate on May 6, 1993: Yeas 31, Nays 0; May 28, 1993, Senate refused to concur in House amendment and requested appointment of Conference Committee; May 28, 1993, House granted request of the Senate; May 29, 1993, Senate adopted Conference Committee Report by the following vote: Yeas 31, Nays 0; passed the House, with amendment, on May 25, 1993, by a non-record vote; May 28, 1993, House granted request of the Senate for appointment of Conference Committee; May 30, 1993, House adopted Conference Committee Report by the following vote: Yeas 139, Nays 0, one present not voting.

Approved June 11, 1993.

Effective June 11, 1993.