

BILL ANALYSIS

C.S.H.B. 19
By: Swinford
Government Reform
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The Texas Emissions Reduction Plan (TERP), established by the Legislature in 2001, is a comprehensive set of incentive programs aimed at improving air quality in Texas. The Texas Commission on Environmental Quality (TCEQ) administers TERP grants and other financial incentives to encourage the voluntary reduction of emissions of air contaminants from diesel engines.

The 78th Legislature made some statutory revisions to make this program more effective. House Bill 1365 included language to allow state and local governments to give preference when contracting for goods or services of a vendor that meets or exceeds air quality standards in an affected county under the TERP program. Affected counties are areas of the state generally considered to be near-nonattainment for ozone. The language in HB 1365 accidentally excluded nonattainment counties like Dallas and Harris. The clear intent of the legislation was for the contracting preference to apply to nonattainment and near-nonattainment areas.

C.S.H.B. 19 allows state and local governments in nonattainment areas to give preference to vendors that meet or exceed air quality standards in affected counties as well as nonattainment counties when contractors bid for goods and services to correspond to legislative intent.

C.S.H.B. 19 amends Section 152.0215(a), Tax Code to exclude motor homes for personal use from the one percent surcharge imposed on motor vehicles of a model year 1997 or later. The Texas Emissions Reduction Plan, passed during the 78th Regular Session included a provision extending a one percent surcharge on the sale, lease and use of on-road diesel motor vehicles over 14,000 pounds to include 1997 models and newer. The surcharge was intended to be imposed on commercial road vehicles over 14,000 pounds, and was never to be applied to the sale of a motor home for personal use. C.S.H.B. 19 will result in no fiscal impact to the State because the Comptroller's office did not include revenue generated from a surcharge on motor homes in their revenue estimate.

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

C.S.H.B. 19 amends Section 2155.451(a), Local Government Code, as added by Section 19, H.B. 1365, Acts of the 78th Legislature, to include nonattainment areas as defined by Section 286.001, Health and Safety Code.

C.S.H.B. 19 amends Section 271.901(b), Local Government Code, as added by Section 20, H.B. 1365, Acts of the 78th Legislature, to include nonattainment areas as well as affected counties as defined by Section 386.001, Health and Safety Code.

C.S.H.B. 19 Amends Section 152.0215(a), Tax Code, as amended by Section 22, H.B. 1365, Acts of

the 78th Legislature to exclude motor homes for personal use from the one percent surcharge on on-road diesel vehicles.

EFFECTIVE DATE

If receiving the necessary vote, the Act takes effect immediately. If this Act does not receive the necessary vote, it takes effect December 1, 2003.

COMPARISON OF ORIGINAL TO SUBSTITUTE

C.S.H.B. 19 adds language to exempt motor homes for personal use from the one percent surcharge on on-road diesel vehicles.