

## **BILL ANALYSIS**

H.B. 37  
By: Bonnen  
Environmental Regulation  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

HB 1365 from the 78th session provided funding for the Texas Emissions Reduction Plan. The bill contained a provision intended to allow state agencies and governmental agencies in areas that are in nonattainment or near nonattainment in the Clean Air Act to give a limited preference to a vendor that uses heavy-duty trucks and equipment that meet or exceed existing state or federal environmental standards.

The language in HB 1365 only granted this authority to the “affected counties”. This term could only be interpreted to apply only the near-nonattainment counties and excluded the nonattainment counties. HB 37 adds nonattainment counties to the list of counties eligible to give preference to a vendor that uses heavy-duty trucks and equipment that meet or exceed existing state or federal environmental standards.

Additionally, the Texas Council on Environmental Technology had its functions transferred to the Texas Commission on Environmental Quality during the 78th session. HB 37 will do away with the agency all together.

### **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**

HB 37 adds cleans up TERP language that was inadvertently left out of HB 1365. It adds “nonattainment” areas to the areas in which vendors can get preference on contracts if they have cleaner burning equipment that meet certain state and federal standards.

It also amends the Health and Safety Code by transferring all of the duties of the Texas Council on Environmental Technology over to the Texas Commission on Environmental Quality.

### **EFFECTIVE DATE**

This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect December 1, 2003.