

By: Swinford

H.B. No. 15

A BILL TO BE ENTITLED

AN ACT

relating to fuel savings for state agencies.

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

SECTION 1. Chapter 447, Government Code, is amended by adding Sections 447.010 and 447.011 to read as follows:

Sec. 447.010. FUEL SAVINGS FOR STATE AGENCIES. (a) In this section and in Section 447.011:

(1) "Cost-effective" means resulting in fuel consumption reduction with a projected savings in fuel cost over a one-year period that exceeds the cost of purchasing and using a technology.

(2) "Fuel-saving technology" means a:

(A) device containing no lead metal that is installed on a motor vehicle or non-road diesel and that has been proven to reduce fuel consumption per mile or per hour of operation by at least five percent;

(B) fuel additive registered in accordance with 40 C.F.R. Part 79 that contains no known mutagenic materials and that has been proven to reduce fuel consumption per mile or per hour of operation by at least five percent; or

(C) fuel registered in accordance with 40 C.F.R. Part 79 that contains no known mutagenic materials and that has been proven to reduce fuel consumption per mile or per hour of operation by at least five percent.

1 (3) "Motor vehicle" and "non-road diesel" have the
2 meanings assigned by Section 386.101, Health and Safety Code.

3 (4) "Proven fuel-saving technologies" means
4 technologies shown to reduce fuel use by at least five percent in:

5 (A) an Environmental Protection Agency fuel
6 economy federal test protocol test performed at a laboratory
7 recognized by the Environmental Protection Agency;

8 (B) a fuel economy test performed in accordance
9 with protocols and at testing laboratories or facilities recognized
10 by the state energy conservation office, the Texas Commission on
11 Environmental Quality, or the Environmental Protection Agency; or

12 (C) a field demonstration performed in
13 accordance with Section 447.011.

14 (b) A state agency with 10 or more motor vehicles or
15 non-road diesels shall reduce the total fuel consumption of the
16 vehicles or diesels by at least five percent from fiscal year 2002
17 consumption levels through the use of cost-effective proven
18 fuel-saving technologies.

19 (c) A state agency may delay reducing fuel use as described
20 in this section until a list of proven fuel-saving technologies is
21 provided by the state energy conservation office as provided by
22 Section 447.011.

23 (d) A state agency may not purchase or use as a fuel-saving
24 technology a technology that:

25 (1) is known to increase oxides of nitrogen emissions
26 or toxic air contaminants;

27 (2) may be reasonably concluded to degrade air quality

1 or human health or to negatively impact the environment; or

2 (3) is known to affect negatively the manufacturer's
3 warranty of a motor vehicle or a non-road diesel.

4 (e) A state agency may purchase cost-effective proven
5 fuel-saving technologies out of the agency's fuel budget.

6 (f) A state agency shall competitively evaluate similar
7 fuel-saving technologies.

8 (g) A state agency may require a seller of a fuel-saving
9 technology to refund the cost of the technology if it is determined
10 to be ineffective at reducing fuel use by at least five percent
11 before the 91st day after the date the technology is first used by
12 the agency.

13 (h) A state agency may use fuel-saving technologies that the
14 agency determines are cost-effective and may use a fuel-saving
15 technology in applications that provide other benefits, including
16 emissions reductions.

17 (i) A state agency may establish a program for agency
18 employees to voluntarily:

19 (1) purchase fuel-saving technologies; and

20 (2) document reductions in fuel savings and air
21 emissions.

22 (j) A state agency shall annually report to the state energy
23 conservation office on a form provided by the office on the state
24 agency's efforts and progress under this section.

25 (k) This section does not apply to an institution of higher
26 education as defined by Section 61.003, Education Code.

27 Sec. 447.011. FIELD DEMONSTRATIONS. (a) Under the

1 direction of the state energy conservation office, the Texas
2 Department of Transportation shall demonstrate the effectiveness
3 of at least four fuel-saving technologies on a combined maximum of
4 100 motor vehicles or non-road diesels in accordance with this
5 section to determine the fuel-saving technologies that may
6 cost-effectively reduce fuel consumption and save state revenue.

7 (b) Varying ages and types of motor vehicles and non-road
8 diesels shall be selected to demonstrate the fuel-saving
9 technologies. Preference shall be given to high-use motor vehicles
10 and non-road diesels in the selection.

11 (c) The Texas Department of Transportation shall
12 demonstrate the performance of fuel-saving technologies by:

13 (1) assessing a technology's performance in the normal
14 course of operations of motor vehicles or non-road diesels; and

15 (2) performing controlled field tests.

16 (d) In selecting the technologies to be evaluated, the state
17 energy conservation office shall:

18 (1) consult with governmental and business
19 organizations that are currently using fuel-saving technology;

20 (2) consider technologies that are proven fuel-saving
21 technologies that have demonstrated fuel economy benefits of five
22 percent or more in field tests or recorded use data of government
23 organizations or businesses that operate fleets; and

24 (3) determine whether each technology selected has the
25 potential to be cost-effective.

26 (e) A fuel-saving technology may be disqualified from being
27 demonstrated or used if it is known to reduce engine performance,

1 reduce the life of the engine, require additional maintenance
2 expenses, or degrade air quality.

3 (f) The Texas Council on Environmental Technology, The
4 University of Texas Center for Transportation Research, the
5 University of Houston Diesel Emissions Center, or another agency
6 may be designated to assist with executing the demonstration,
7 compiling the results, estimating the potential average fuel
8 savings of the technologies in different applications, or preparing
9 a final report.

10 (g) On completing the demonstration described by this
11 section, the state energy conservation office shall rank the
12 fuel-saving technologies based on their fuel savings, other cost
13 savings, and overall cost-effectiveness. The office shall:

14 (1) list recommended applications of the
15 technologies;

16 (2) document other negative or positive effects; and

17 (3) prepare a concise report of these findings.

18 (h) The Texas Council on Environmental Technology shall
19 obtain information on any fuel-saving technology that appears to
20 reduce particulate matter, oxides of nitrogen, carbon monoxide, or
21 hydrocarbon emissions. The Texas Council on Environmental
22 Technology may use this information to fund the Environmental
23 Protection Agency verification of a technology in accordance with
24 Section 387.003, Health and Safety Code.

25 (i) The state energy conservation office shall provide the
26 report prepared under Subsection (g) to each state agency with 10 or
27 more motor vehicles or non-road diesels and to the Legislative

1 Budget Board.

2 (j) The demonstration and associated reports described by
3 this section shall be completed not later than September 1, 2004.

4 (k) All results of a demonstration project under this
5 section shall be made public on the state energy conservation
6 office's Internet website.

7 (l) The state energy conservation office shall provide
8 quarterly an updated list of all proven fuel-saving technologies on
9 its Internet website.

10 (m) Money from the state highway fund may not be used for the
11 purchase, installation, maintenance, or operation of the
12 fuel-saving technologies being assessed or subjected to controlled
13 field tests under this section. Repairs to state equipment
14 resulting from demonstrations of fuel-saving technologies must be
15 paid from the same funds used to implement this section.

16 SECTION 2. This Act takes effect on the 91st day after the
17 last day of the legislative session.