

## **BILL ANALYSIS**

Senate Research Center  
78R9871 SGA-F

H.B. 1481  
By: Allen (Estes)  
Natural Resources  
5/14/2003  
Engrossed

### **DIGEST AND PURPOSE**

Currently, Title V emissions fees are commingled with all of the other clean air act fees in the clean air act account, and the Texas Commission on Environmental Quality cannot demonstrate and does not know whether it is spending the Title V emissions fees it collects only for costs of developing and administering the Texas Title V operating permits program. H.B. 1481 establishes a separate, operating fees account in the state treasury to the credit of which all future Title V emissions fees will be deposited. This bill also clarifies that any balance remaining in the dedicated Title V emissions operating fees account at the end of a fiscal year must be left in that account and used in subsequent fiscal years solely to cover costs of developing and administering the Texas Title V operating permits program.

### **RULEMAKING AUTHORITY**

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 2 of this bill.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Section 382.0622, Health and Safety Code, by amending Subsection (b) and adding Subsections (b-1), (b-2), and (b-3), as follows:

(b) Requires Clean Air Act fees, except as provided by Subsection (b-1), to be deposited in the state treasury to the credit of the clean air account and to be used to safeguard the air resources of the state.

(b-1) Requires fees collected under Section 382.0621(a) on or after September 1, 2003, to be deposited in the state treasury to the credit of the operating permit fees account. Prohibits fees collected under Section 382.0621(a) from being commingled with any fees in the clean air account or with any other money in the state treasury.

(b-2) Authorizes money in the operating permit fees account established under Subsection (b-1) to be appropriated to the Texas Commission on Environmental Quality (TCEQ) only to cover the costs of developing and administering the federal permit programs under Title IV or V of the federal Clean Air Act (42 U.S.C. Section 7651 et seq. and Section 7661 et seq.).

(b-3) Provides that Section 403.095, Government Code, does not apply to the operating permit fees account established under Subsection (b-1) and requires any balance remaining in the operating permit fees account at the end of a fiscal year to be left in the account and used in the next or subsequent fiscal years only for the purposes stated in Subsection (b-2).

SECTION 2. (a) Effective date: September 1, 2003.

(b) Requires TCEQ, not later than December 1, 2003, to adopt any rules required for the implementation of this Act.