

AN ACT

relating to the regulation of emissions from certain residential water heaters.

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

SECTION 1. Subchapter B, Chapter 382, Health and Safety Code, is amended by adding Section 382.0275 to read as follows:

Sec. 382.0275. COMMISSION ACTION RELATING TO RESIDENTIAL WATER HEATERS. (a) In this section, "residential water heater" means a water heater that:

(1) is designed primarily for residential use; and

(2) has a maximum rated capacity of 75,000 British thermal units per hour (Btu/hr) or less.

(b) The commission shall direct the executive director to perform a study, to be completed by December 31, 2005, regarding the technical and economic feasibility of regulating residential water heaters. If the executive director's study shows that regulation of residential water heaters is technically or economically infeasible, the executive director shall recommend to the commission that the rules concerning water heaters be repealed not later than December 31, 2006, and shall propose emission reductions to offset the loss of state implementation plan credits from the rules. The commission shall provide notice of and hold a public hearing on the study.

(c) Any emission reductions related to residential gas

1 water heaters that the commission does not adopt because of  
2 Subsection (b) shall be replaced by a requirement that will obtain  
3 emission reductions from the same category.

4 SECTION 2. This Act takes effect immediately if it receives  
5 a vote of two-thirds of all the members elected to each house, as  
6 provided by Section 39, Article III, Texas Constitution. If this  
7 Act does not receive the vote necessary for immediate effect, this  
8 Act takes effect September 1, 2005.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 965 was passed by the House on March 31, 2005, by the following vote: Yeas 143, Nays 1, 2 present not voting; and that the House concurred in Senate amendments to H.B. No. 965 on May 4, 2005, by a non-record vote.

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Chief Clerk of the House

I certify that H.B. No. 965 was passed by the Senate, with amendments, on May 2, 2005, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor