

By: Barrientos

S.B. No. 123

A BILL TO BE ENTITLED

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AN ACT

relating to air quality control measures proposed pursuant to an early action compact.

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 382.0173 to read as follows:

Sec. 382.0173. AREAS SUBJECT TO EARLY ACTION COMPACTS.

(a) In this section:

(1) "Early action compact" has the meaning assigned by Section 382.301.

(2) "Nonattainment area" means an area so designated under Section 107(d) of the federal Clean Air Act (42 U.S.C. Section 7407).

(3) "Participating county" has the meaning assigned by Section 382.301.

(b) The commission shall:

(1) consider the implementation of each air quality control measure proposed in an early action plan submitted to the commission pursuant to an early action compact;

(2) authorize or implement each submitted air quality control measure that the commission determines is reasonably necessary to ensure attainment of the eight-hour ozone national ambient air quality standard and prevent a nonattainment designation in a participating county, including any measure that

1 could be authorized or implemented in a nonattainment area; and

2 (3) in authorizing or implementing a submitted air
3 quality control measure, consider reasonable margins included in a
4 submitted early action plan that allow for population and
5 industrial growth, weather events, and scientifically accepted
6 margins of error in data and modeling.

7 (c) The commission shall authorize or implement any
8 subsequent revision to a submitted early action plan that directly
9 affects or requires action of a significant portion of the general
10 population of a participating county only if the governing bodies
11 of both the participating county and the most populous municipality
12 that has a majority of the municipality's residents residing in the
13 participating county request or consent to the measure as part of an
14 early action plan.

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