

1-1 By: Barrientos S.B. No. 123
1-2 (In the Senate - Filed December 17, 2004; February 1, 2005,
1-3 read first time and referred to Committee on Natural Resources;
1-4 April 6, 2005, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 9, Nays 0; April 6, 2005,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 123 By: Barrientos

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to air quality control measures proposed pursuant to an
1-11 early action compact.

1-12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-13 SECTION 1. Subchapter B, Chapter 382, Health and Safety
1-14 Code, is amended by adding Section 382.0173 to read as follows:

1-15 Sec. 382.0173. AREAS SUBJECT TO EARLY ACTION COMPACTS.

1-16 (a) In this section:

1-17 (1) "Early action compact" has the meaning assigned by
1-18 Section 382.301.

1-19 (2) "Nonattainment area" means an area so designated
1-20 under Section 107(d) of the federal Clean Air Act (42 U.S.C. Section
1-21 7407).

1-22 (3) "Participating county" has the meaning assigned by
1-23 Section 382.301.

1-24 (b) The commission shall:

1-25 (1) consider the implementation of each air quality
1-26 control measure proposed in an early action plan submitted to the
1-27 commission pursuant to an early action compact;

1-28 (2) authorize or implement each submitted air quality
1-29 control measure that the commission determines is reasonably
1-30 necessary to ensure attainment of the eight-hour ozone national
1-31 ambient air quality standard and prevent a nonattainment
1-32 designation in a participating county, including any measure that
1-33 could be authorized or implemented in a nonattainment area; and

1-34 (3) in authorizing or implementing a submitted air
1-35 quality control measure, consider reasonable margins included in a
1-36 submitted early action plan that allow for population and
1-37 industrial growth, weather events, and scientifically accepted
1-38 margins of error in data and modeling.

1-39 (c) The commission shall authorize or implement any
1-40 subsequent revision to a submitted early action plan that directly
1-41 affects or requires action of a significant portion of the general
1-42 population of a participating county only if the governing bodies
1-43 of both the participating county and the most populous municipality
1-44 that has a majority of the municipality's residents residing in the
1-45 participating county request or consent to the measure as part of an
1-46 early action plan.

1-47 SECTION 2. This Act takes effect immediately if it receives
1-48 a vote of two-thirds of all the members elected to each house, as
1-49 provided by Section 39, Article III, Texas Constitution. If this
1-50 Act does not receive the vote necessary for immediate effect, this
1-51 Act takes effect September 1, 2005.

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