

BILL ANALYSIS

Senate Research Center
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C.S.H.B. 432
By: Lucio III et al. (Estes)
Natural Resources
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Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

As of January 2006, the fleet size for all state agencies totaled over 20,000 vehicles. These fleet vehicles are used for the transportation of materials and staff. Additionally, the fleet vehicles are also used to conduct vital operations such as maintenance and law enforcement activities. State agencies are required to purchase vehicle fleets that are capable of using alternative fuel. Initially, these vehicles are often more expensive, but result in lower fuel costs over the life of the vehicle, making them fiscally responsible purchases.

Currently, 10 percent of all new vehicles purchased by state agencies are required to be rated by the Environmental Protection Agency as a Tier II, Bin 3 vehicle with a Gas Greenhouse Score of at least eight. This bill would increase that percentage to 20 percent of new vehicles purchased by state agencies. All of the vehicles that are eligible in the category get at least 30 miles per gallon fuel mileage.

C.S.H.B. 432 amends current law relating to the acquisition by state agencies of low-emissions vehicles and vehicles using alternative fuels.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2158.001, Government Code, as follows:

Sec. 2158.001. New heading: DEFINITIONS. Defines "conventional gasoline," "golf cart," "light-duty motor vehicle," "motor vehicle," "neighborhood electric vehicle" and "plug-in hybrid motor vehicle." Makes nonsubstantive changes.

SECTION 2. Amends Section 2158.003(a), Government Code, to authorize a vehicle being purchased by a state agency to have a wheelbase of up to 116 inches or SAE net horsepower of up to 280 if the vehicle will be converted so that it uses, rather than is capable of using, compressed natural gas, liquefied natural gas, liquefied petroleum gas, methanol or methanol/gasoline blends of 85 percent or greater, ethanol or ethanol/gasoline blends of 85 percent or greater, biodiesel or biodiesel/diesel blends of 20 percent or greater, or electricity, including electricity to power a plug-in hybrid motor vehicle.

SECTION 3. Amends Sections 2158.004(a), (b), (c), and (d), Government Code, to make conforming changes.

SECTION 4. Amends Sections 2158.005, 2158.006, 2158.007, and 2158.008, Government Code, as follows:

Sec. 2158.005. New heading: PERCENTAGE REQUIREMENTS FOR VEHICLES USING ALTERNATIVE FUELS. (a) Requires a state agency that operates a fleet of more than 15 motor vehicles, excluding law enforcement and emergency vehicles, not later than September 30, 2010, rather than September 1, 1996, to have a fleet consisting of vehicles of which at least 50 percent use certain types or blends of gas or electricity. Makes conforming changes.

(b) Redesignates Subsection (c) as Subsection (b). Requires the Texas Facilities Commission (TFC) to collect, rather than support the Texas Natural Resource Conservation Commission (TNRCC) in collecting, reasonable information needed to determine the air quality benefits from use of certain types or blends of gas or electricity at affected agencies. Deletes existing text of Subsection (b) relating to requiring TNRCC to review the program established by this subchapter. Makes conforming changes.

(c) Redesignates Subsection (d) as Subsection (c). Requires a state agency in its annual financial report to the legislature to report its progress in achieving the percentage requirements of this section by itemizing purchases, leases, and conversions of motor vehicles; itemizing usage of certain types or blends of gas or electricity; describing the availability of certain types or blends of gas or electricity; and providing the information reasonably needed to determine the air quality benefits from use of certain types or blends of gas or electricity. Makes conforming changes.

(d) Redesignates Subsection (e) as Subsection (d). Requires the Texas State Technical College System to develop a program and provide training to a state agency converting an existing vehicle to meet the requirements of this section.

(e) Redesignates Subsection (f) as Subsection (e). Authorizes the comptroller of public accounts (comptroller), rather than TFC, to reduce a percentage specified by this section or waive the requirements of this section for a state agency on receipt of certification supported by certain evidence acceptable to the comptroller.

Sec. 2158.006. DETERMINATION OF ALTERNATIVE FUELS PROGRAM PARAMETERS. Makes conforming changes.

Sec. 2158.007. COMPLIANCE WITH APPLICABLE SAFETY STANDARDS. Makes conforming changes.

Sec. 2158.008. New heading: WHEN VEHICLE CONSIDERED TO BE USING ALTERNATIVE FUELS. Provides that in this subchapter, a vehicle is considered to be using certain types or blends of gas or electricity if the vehicle uses those fuels not less than 80 percent of the time the vehicle is driven and either in its original equipment engine or in an engine that has been converted to use those fuels. Makes conforming changes.

SECTION 5. Amends Section 2158.009, Government Code, by amending Subsection (b) and adding Subsection (d), as follows:

(b) Requires a state agency authorized to purchase passenger vehicles or other ground transportation vehicles for general use to ensure that not less than 25 percent, rather than 10 percent, of the vehicles the agency purchases, rather than of its vehicle purchases, during any state fiscal biennium, other than vehicles the purchase of which is exempted from this subsection by Subsection (c) (relating to a state agency being exempt from Subsection (b)) or (d), are vehicles, rather than purchases of vehicles, that meet or exceed the emissions standards necessary to be rated by the United States Environmental Protection Agency as a Tier II, Bin 3, emissions standard vehicle that has a greenhouse gas score of weight under regulations of that agency as they existed September 1, 2007.

(d) Provides that Subsection (b) does not apply to a state agency's purchase of a vehicle to be used by a peace officer, as defined by Article 2.12, (Who Are Peace Officers) Code of Criminal Procedure, whose duties include the apprehension of persons for violation of a criminal law of this state.

SECTION 6. Amends Section 113.286(b), Natural Resources Code, to authorize the Alternative Fuels Council (AFC), to the extent permitted by federal law or regulations, to use the money in

the fund only to make loans or grants under this subchapter; finance activities supporting or encouraging the use of certain types of gas or electricity; or pay the costs of administering this subchapter.

SECTION 7. Repealer: Section 2158.009(a) (relating to a state agency that purchases 10 or more vehicles in a state fiscal biennium), Government Code.

SECTION 8. Effective date: September 1, 2009.