

BILL ANALYSIS

C.S.H.B. 2987
By: Parker
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Instead of creating a new mandate, tax, or fee, it is important to give private individuals, organizations, charities, environmental groups, businesses, and industry an avenue to fund air monitoring if they so choose. By creating a Texas Commission on Environmental Quality (TCEQ) administered fund for air monitoring in urban counties with significant oil or gas production and allowing TCEQ to accept gifts and donations for the account, C.S.H.B. 2987 provides a voluntary means of funding air monitoring, relieving the state of the financial burden of purchasing additional air monitoring equipment. If certain legislation becomes law, all of the money in the account must be used to fund the purchase or operation of air monitoring devices and equipment for a regional air monitoring program.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 2987 amends the Health and Safety Code to establish the urban county air monitoring account as an account in the general revenue fund consisting of any money deposited to the credit of the account, including any gifts, grants, or donations, and authorizes the Texas Commission on Environmental Quality (TCEQ) to accept anonymous gifts and donations for the account. The bill requires money in the account to be appropriated to TCEQ only for the purchase or operation of devices that monitor the emissions of air contaminants in a county with a population of 650,000 or more and in which there are more than 2,000 producing oil or gas wells. The bill requires interest earned on the account to be credited to the account and establishes that provisions of law relating to the use of dedicated revenue do not apply to the account.

C.S.H.B. 2987 requires TCEQ to allocate all money appropriated from the account for the purchase or operation of devices for or through the regional air monitoring program, in addition to other money allocated for that program. The bill requires TCEQ to ensure that money deposited to the account by a gift, grant, or donation that is subject to a condition is not used if that use would be inconsistent with the condition. The bill authorizes TCEQ to use money as provided by the bill's provisions to the extent money remains in the account after funding needs for the purchase or operation of devices for or through the regional air monitoring program are met. The bill makes these provisions take effect only if H.B. 1145 or S.B. 527, or similar legislation relating to projects funded through the Texas emissions reduction plan, is enacted by the 82nd Legislature, Regular Session, 2011, and becomes law.

EFFECTIVE DATE

On passage, or, if the bill does not receive the necessary vote, September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 2987 contains a provision not included in the original requiring TCEQ to allocate all money appropriated from the account for the purchase or operation of devices for or through the regional air monitoring program, setting out further requirements for the use of money in the account, and making this provision conditional on the passage of other legislation.