

BILL ANALYSIS

C.S.H.B. 3188
By: Larson
State Sovereignty, Select
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Federal agencies have recently taken actions that potentially negate the Texas Commission on Environmental Quality's authority as the environmental air quality manager of Texas. Legislation directing state agencies to not administer federal greenhouse gas regulatory programs has been considered by other states in order to maintain the power to monitor the air quality in that state.

C.S.H.B. 3188 seeks to facilitate the goal of the state maintaining the power to monitor air quality in Texas by prohibiting state agencies from administering federal greenhouse gas regulatory programs.

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. 3188 amends the Health and Safety Code to prohibit a state agency, including the Texas Commission on Environmental Quality, from implementing or adopting rules that would implement a greenhouse gas emissions regulatory program required by federal statute or agency rule. The bill prohibits a state employee from participating on a board, committee, or related entity, or in a study, of a national organization assigned to recommend provisions to implement a federal greenhouse gas emissions regulatory program. The bill exempts from its provisions voluntary actions taken to reduce greenhouse gas emissions. The bill defines "greenhouse gas," "greenhouse gas emissions regulatory program," and "market-based compliance mechanism."

EFFECTIVE DATE

September 1, 2011.

COMPARISON OF ORIGINAL AND SUBSTITUTE

C.S.H.B. 3188 differs from the original, in the definition of "greenhouse gas," by including in that term other gases or substances incorporated into a regional or federal greenhouse gas emissions regulatory program, whereas the original includes other gases or substances incorporated into a regional or federal greenhouse gas regulatory program. The substitute differs from the original in nonsubstantive ways in the definitions of "greenhouse gas emissions regulatory program" and "market-based compliance mechanism."