

## **BILL ANALYSIS**

Senate Research Center  
2011S0151-2

S.B. 527  
By: Fraser et al.  
Natural Resources  
3/4/2011  
As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

Currently, Texas is embracing a natural gas boom in the Barnett Shale region. Texas has reaped the increase in jobs, property tax revenue, and energy diversity possibilities for the future. In order to protect this prosperity the state needs to ensure that its citizens are breathing clean air. The Texas Emissions Reduction Plan (TERP) was created by the 77th Legislature, Regular Session, 2001, with the goal of assuring that the air in Texas is safe to breathe and meets the federal Clean Air Act's stringent standards.

This bill would charge the Texas Commission on Environmental Quality (TCEQ) with overseeing a nonprofit organization's installation and maintenance of 20 air monitors in the 16-county Barnett Shale region. The bill allocates \$3 million to \$7 million from the TERP fund in 2012 and 2013, and \$1 million to \$3 million in subsequent years for the implementation and maintenance of the air monitors.

As proposed, S.B. 527 amends current law relating to air monitors in TCEQ Regions 3 and 4 to be funded through the Texas emissions reduction plan.

[**Note:** While the statutory reference in this bill is to the Texas Natural Resource Conservation Commission (TNRCC), the following amendments affect the Texas Commission on Environmental Quality, as the successor agency to TNRCC.]

### **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. Reenacts Section 386.252(a), Health and Safety Code, as amended by Chapters 1125 (H.B. 1796) and 1232 (S.B. 1759), Acts of the 81st Legislature, Regular Session, 2009, and amends it, as follows:

(a) Requires that money in the Texas emissions reduction plan fund (fund) be used only to implement and administer programs established under the plan and to allocated as follows:

(1) for the diesel emissions reduction incentive program, 87.5 percent of the money in the fund, to be allocated in certain amounts, including five percent to be used for the clean fleet program;

(2) for the new technology research and development program, nine percent of the money in the fund, to be allocated in certain amounts, including not less than \$3 million or more than \$7 million in 2012 and 2013, and not less than \$1 million or more than \$3 million in subsequent years to be allocated to fund the implementation and oversight of a regional air monitoring program in Texas Natural Resource Conservation Commission (TNRCC) Regions 3 and 4 implemented through a regional nonprofit entity located in North Texas having

representation from counties, municipalities, high education institutions, and private sector interests across the area; and

(3) two percent allocated to TNRCC and 1.5 percent allocated to the laboratory for administrative costs incurred by TNRCC and the laboratory. Makes nonsubstantive changes.

SECTION 2. Effective date: September 1, 2011.