

By: Estes

S.B. No. 1146

A BILL TO BE ENTITLED

1 AN ACT
2 relating to programs funded under the Texas emissions reduction
3 plan fund.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 386.051(b), Health and Safety Code, is
6 amended to read as follows:

7 (b) Under the plan, the commission and the comptroller shall
8 provide grants or other funding for:

9 (1) the diesel emissions reduction incentive program
10 established under Subchapter C, including for infrastructure
11 projects established under that subchapter;

12 (2) the motor vehicle purchase or lease incentive
13 program established under Subchapter D;

14 (3) air quality research under Section 386.059 [~~the~~
15 ~~new technology research and development program established under~~
16 ~~Chapter 387~~];

17 (4) the clean school bus program established under
18 Chapter 390; and

19 (5) the new technology implementation grant program
20 established under Chapter 391.

21 SECTION 2. Section 386.058(b), Health and Safety Code, is
22 amended to read as follows:

23 (b) The governor shall appoint to the advisory board:

24 (1) a representative of the trucking industry;

1 (2) a representative of the air conditioning
2 manufacturing industry;

3 (3) a representative of the electric utility industry;

4 (4) a representative of regional transportation; and

5 (5) a representative of the nonprofit organization
6 described by Section 386.059 [~~386.252(a)(2)~~].

7 SECTION 3. Subchapter B, Chapter 386, Health and Safety
8 Code, is amended by adding Section 386.059 to read as follows:

9 Sec. 386.059. AIR QUALITY RESEARCH. (a) The commission
10 shall contract with a nonprofit organization or institution of
11 higher education to establish and administer a program to support
12 research related to air quality.

13 (b) The board of directors of a nonprofit organization
14 establishing and administering the research program related to air
15 quality under this section may not have more than 11 members, must
16 include two persons with relevant scientific expertise to be
17 nominated by the commission, and may not include more than four
18 county judges selected from counties in the
19 Houston-Galveston-Brazoria and Dallas-Fort Worth nonattainment
20 areas. The two persons with relevant scientific expertise to be
21 nominated by the commission may be employees or officers of the
22 commission, provided that they do not participate in funding
23 decisions affecting the granting of funds by the commission to a
24 nonprofit organization on whose board they serve.

25 (c) The commission shall provide oversight as appropriate
26 for grants provided under the program established under this
27 section.

1 (d) A nonprofit organization or institution of higher
2 education shall submit to the commission for approval a budget for
3 the disposition of funds granted under the program established
4 under this section.

5 (e) A nonprofit organization or institution of higher
6 education shall be reimbursed for costs incurred in establishing
7 and administering the research program related to air quality under
8 this section. Reimbursable administrative costs of a nonprofit
9 organization or institution of higher education may not exceed 10
10 percent of the program budget.

11 (f) A nonprofit organization that receives grants from the
12 commission under this section is subject to Chapters 551 and 552,
13 Government Code.

14 SECTION 4. Section 386.108(a), Health and Safety Code, is
15 amended to read as follows:

16 (a) The commission shall provide funding under Section
17 386.252(a) [386.252(a)(1)] for infrastructure projects.

18 SECTION 5. Section 386.252, Health and Safety Code, is
19 amended by reenacting and amending Subsection (a), as amended by
20 Chapters 1125 (H.B. 1796) and 1232 (S.B. 1759), Acts of the 81st
21 Legislature, Regular Session, 2009, and by adding Subsection (a-1)
22 to read as follows:

23 (a) Of the money [Money] in the fund, 96.5 percent may be
24 used only to implement and administer programs established under
25 the plan and shall be allocated as follows:

26 (1) [~~for the diesel emissions reduction incentive~~
27 ~~program, 87.5 percent of the money in the fund, of which:~~

1 ~~[(A)]~~ not more than four percent may be used for
2 the clean school bus program;

3 (2) ~~[(B)]~~ not more than 10 percent may be used for
4 on-road diesel purchase or lease incentives; ~~[and]~~

5 (3) ~~[(C)]~~ a specified amount may be used for the new
6 technology implementation grant program, from which a defined
7 amount may be set aside for electricity storage projects related to
8 renewable energy;

9 (4) five percent shall be used for the clean fleet
10 program;

11 (5) ~~[(2) for the new technology research and
12 development program, nine percent of the money in the fund, of
13 which:~~

14 ~~[(A)]~~ up to \$200,000 is allocated for a health
15 effects study;

16 (6) up to ~~[(B)]~~ \$500,000 is to be deposited in the
17 state treasury to the credit of the clean air account created under
18 Section 382.0622 to supplement funding for air quality planning
19 activities in affected counties;

20 (7) up to \$2 million ~~[(C) not less than 20 percent]~~
21 is to be allocated annually ~~[each year]~~ to support research related
22 to air quality as provided by Section 386.059 ~~[387.010]~~;

23 (8) up to \$216,000 is allocated annually to the
24 commission to ~~[and~~

25 ~~[(D) the balance is allocated each year to the
26 commission to be used to:~~

27 ~~[(i) implement and administer the new~~

1 ~~technology research and development program for the purpose of~~
2 ~~identifying, testing, and evaluating new emissions-reducing~~
3 ~~technologies with potential for commercialization in this state and~~
4 ~~to facilitate their certification or verification, and~~

5 ~~[(ii)]~~ contract with the Energy Systems
6 Laboratory at the Texas Engineering Experiment Station for
7 ~~[\$216,000 annually for]~~ the development and annual computation of
8 creditable statewide emissions reductions obtained through wind
9 and other renewable energy resources for the state implementation
10 plan; and

11 (9) the balance of the money in the fund allocated by
12 this subsection is allocated to the remaining programs of the
13 diesel emissions reduction incentive program.

14 (a-1) Two [(3) — two] percent of the money in the fund is
15 allocated to the commission and 1.5 percent is allocated to the
16 laboratory for administrative costs incurred by the commission and
17 the laboratory.

18 SECTION 6. Section 447.011(h), Government Code, is amended
19 to read as follows:

20 (h) The Texas Commission on Environmental Quality shall
21 obtain information on any fuel-saving technology that appears to
22 reduce particulate matter, oxides of nitrogen, carbon monoxide, or
23 hydrocarbon emissions. ~~[The Texas Commission on Environmental~~
24 ~~Quality may use this information to fund the United States~~
25 ~~Environmental Protection Agency verification of a technology in~~
26 ~~accordance with Section 387.003, Health and Safety Code.]~~

27 SECTION 7. Chapter 387, Health and Safety Code, is

1 repealed.

2 SECTION 8. A grant issued under Chapter 387, Health and
3 Safety Code, before the effective date of this Act is governed by
4 Chapter 387, Health and Safety Code, as it existed immediately
5 before the effective date of this Act, and that law is continued in
6 effect for that purpose.

7 SECTION 9. To the extent of any conflict, this Act prevails
8 over another Act of the 82nd Legislature, Regular Session, 2011,
9 relating to nonsubstantive additions to and corrections in enacted
10 codes.

11 SECTION 10. This Act takes effect September 1, 2011.