

BILL ANALYSIS

Senate Research Center
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S.B. 1791
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Natural Resources
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Counties that require an emissions test as part of vehicle inspections have the option of creating a Low Income Repair and Replacement Program (LIRAP) and a Local Initiative Project (LIP) funded by an additional fee on inspections. The fee is \$2 in near-non-attainment counties with an emission testing program and \$6 in counties that are in non-attainment of the national ambient air quality standard for ozone levels.

LIRAP is a grant program to assist a low-income individual whose vehicle does not pass the emissions test to repair or replace the vehicle. LIP projects include enforcement activities such as going after businesses and individuals that alter emission test results for vehicles that otherwise fail the test or who sell fraudulent inspection stickers.

LIRAP/LIP funds are remitted by the inspection station to the Department of Public Safety of the State of Texas (DPS) which then sends the funds to the comptroller of public accounts of the State of Texas for distribution.

S.B. 1791 directs DPS to remit the funds directly to the county in which the inspection took place.

As proposed, S.B. 1791 amends current law relating to a county air quality fee imposed at the time of an emissions-related inspection.

[**Note:** While the statutory reference in this bill is to 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. Amends Subchapter G, Chapter 382, Health and Safety Code, by adding Section 382.221, as follows:

Sec. 382.221. COUNTY AIR QUALITY FEE. (a) Authorizes an affected county that has incidents approaching, or monitors incidents that exceed, the eight-hour national ambient air quality standard for ozone to by order adopt a county air quality fee:

(1) to be imposed at the time an emissions-related inspection is performed in the county; and

(2) to be used by the county only for a low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program under Section 382.209 (Low-Income Vehicle Repair Assistance, Retrofit, and Accelerated Vehicle Retirement Program) or local initiative projects under Section 382.220(b) (relating to requiring a program under this section to

be implemented in consultation with the Texas Natural Resource Conservation Commission and authorizing the program to include a program developing and expanding certain projects and programs).

(b) Requires a county that adopts a fee under this section to notify the Department of Public Safety of the State of Texas (DPS), in a manner determined by DPS, of the fee and the fee amount not later than the 60th day before the date the county imposes the fee.

(c) Prohibits the amount of the fee from exceeding the amount of a fee assessed for an emissions-related inspection under Section 548.505 (Emissions-Related Inspection Fee), Transportation Code.

SECTION 2. Amends Subchapter H, Chapter 548, Transportation Code, by adding Section 548.5056, as follows:

Sec. 548.5056. COUNTY AIR QUALITY FEE. (a) Requires DPS, after receiving notice that a county has adopted a county air quality fee under Section 382.221, Health and Safety Code, to notify inspection stations located in the county of the fee; and require the inspection stations to charge the fee, and remit the fee to DPS.

(b) Requires DPS to remit to a county that imposes a fee under this section revenue DPS receives from the inspection stations in the county under this section.

(c) Prohibits DPS from sending revenue received from an inspection station under this section to the comptroller of public accounts of the State of Texas or crediting to an account or fund in the state treasury revenue received from an inspection station under this section.

(d) Provides that a fee imposed under this section is not a Clean Air Act fee.

(e) Authorizes DPS to deduct for administrative costs an amount of not more than two percent of the fees collected under this section.

SECTION 3. Amends Section 548.508, Transportation Code, as follows:

Sec. 548.508. DISPOSITION OF FEES. Requires each fee collected by DPS under this subchapter, except as provided by Sections 382.0622 (Clean Air Act Fees) and 382.202 (Vehicle Emissions Inspection and Maintenance Program), Health and Safety Code, and Sections 548.5055 (Texas Emission Reduction Plan Fee) and 548.5056, to be deposited to the credit of the Texas mobility fund. Makes nonsubstantive changes.

SECTION 4. Effective date: September 1, 2013.