

By: Raney, Pitts, Kacal, Cook, et al.

H.B. No. 1115

Substitute the following for H.B. No. 1115:

By: Isaac

C.S.H.B. No. 1115

A BILL TO BE ENTITLED

1

AN ACT

2 relating to the eligibility for grants for natural gas fueling
3 stations under the Texas natural gas vehicle grant program.

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

5 SECTION 1. Section 394.005(c), Health and Safety Code, as
6 added by Chapter 892 (S.B. 385), Acts of the 82nd Legislature,
7 Regular Session, 2011, is amended to read as follows:

8 (c) As a condition of receiving a grant, the qualifying
9 vehicle must be continuously owned, leased, or otherwise
10 commercially financed and registered and operated in the state by
11 the grant recipient until the earlier of the fourth anniversary of
12 the date of reimbursement of the grant-funded expenses or until the
13 date the vehicle has been in operation for 400,000 miles after the
14 date of reimbursement. Not less than 75 percent of the annual use
15 of the qualifying vehicle, either mileage or fuel use as determined
16 by the commission, must occur in:

17 (1) the counties any part of which are included in the
18 area described by Section 394.010(a-1) [~~394.010(a)~~]; or

19 (2) counties designated as nonattainment areas within
20 the meaning of Section 107(d) of the federal Clean Air Act (42
21 U.S.C. Section 7407).

22 SECTION 2. Section 394.010, Health and Safety Code, is
23 amended by amending Subsections (a) and (d) and adding Subsections
24 (a-1), (a-2), (h), and (i) to read as follows:

1 (a) In this section:

2 (1) "State highway system" means the highways in this
3 state included in the plan providing for a system of state highways
4 prepared by the executive director of the Texas Department of
5 Transportation under Section 201.103, Transportation Code.

6 (2) "United States highway" means a highway designated
7 as part of the United States highway system by the American
8 Association of State Highways and Transportation Officials.

9 (a-1) To ensure that natural gas vehicles purchased,
10 leased, or otherwise commercially financed or repowered under the
11 program have access to fuel, and to build the foundation for a
12 self-sustaining market for natural gas vehicles in Texas, the
13 commission shall award grants to support the development of a
14 network of natural gas vehicle fueling stations:

15 (1) along the interstate highways connecting Houston,
16 San Antonio, Dallas, and Fort Worth; and

17 (2) along the state highway system or a United States
18 highway in counties contained wholly or partly in the triangular
19 area described by Subdivision (1).

20 (a-2) In awarding the grants, the commission shall provide
21 for:

22 (1) strategically placed natural gas vehicle fueling
23 stations in and between the Houston, San Antonio, and Dallas-Fort
24 Worth areas to enable a natural gas vehicle to travel in [~~along~~]
25 that triangular area relying solely on natural gas fuel;

26 (2) grants to be dispersed through a competitive
27 bidding process to offset a portion of the cost of installation of

1 the natural gas dispensing equipment;

2 (3) contracts that require the recipient stations to
3 meet operational, maintenance, and reporting requirements as
4 specified by the commission; and

5 (4) a listing, to be maintained by the commission and
6 made available to the public online, of all natural gas vehicle
7 fueling stations that have received grant funding, including
8 location and hours of operation.

9 (d) Stations funded by grants under this section must be
10 publicly accessible and located not more than three miles from a
11 highway designated as part of the state highway system, a United
12 States highway, or an interstate highway system. The commission
13 shall give preference to:

14 (1) stations providing both liquefied natural gas and
15 compressed natural gas at a single location; and

16 (2) stations located not more than one mile from a
17 highway designated as part of:

18 (A) the state highway system;

19 (B) a United States highway; or

20 (C) an interstate highway system.

21 (h) An application for a grant under this section must
22 contain a certification that the applicant is in compliance with
23 all laws, rules, and requirements regarding taxation of fuel
24 provided by the applicant at any fueling facility owned or operated
25 by the applicant existing at the time the application was filed.

26 (i) The commission may terminate a grant awarded under this
27 section without further obligation to the grant recipient if the

1 commission determines that the recipient was not in compliance with
2 a law, rule, or requirement described by Subsection (h) at the time
3 of application. This subsection does not create a cause of action
4 to contest an application or award of a grant.

5 SECTION 3. Chapter 393, Health and Safety Code, as added by
6 Chapter 589 (S.B. 20), Acts of the 82nd Legislature, Regular
7 Session, 2011, is repealed.

8 SECTION 4. This Act takes effect September 1, 2013.