

**House Bill 788**  
Senate Amendments  
Section-by-Section Analysis

HOUSE VERSION	SENATE VERSION (CS)	CONFERENCE
<p>SECTION 1. The legislature finds that in the interest of the continued vitality and economic prosperity of this state, the Texas Commission on Environmental Quality, because of its technical expertise and experience in processing air quality permit applications, is the preferred permitting authority for emissions of greenhouse gases.</p>	<p>SECTION 1. Same as House version.</p>	
<p>SECTION 2. Section 382.0205, Health and Safety Code, is amended to read as follows: Sec. 382.0205. SPECIAL PROBLEMS RELATED TO AIR CONTAMINANT EMISSIONS. Consistent with applicable federal law, the commission by rule may control air contaminants as necessary to protect against adverse effects related to:</p> <ul style="list-style-type: none"><li>(1) acid deposition; <u>and</u></li><li>(2) stratospheric changes, including depletion of ozone[; <del>and</del></li><li><del>[(3) climatic changes, including global warming].</del></li></ul>	<p>No equivalent provision.</p>	
<p>SECTION 3. Subchapter C, Chapter 382, Health and Safety Code, is amended by adding Section 382.05102 to read as follows: <u>Sec. 382.05102. PERMITTING AUTHORITY OF COMMISSION; GREENHOUSE GAS EMISSIONS. (a) In this section, "greenhouse gas emissions" means emissions of:</u></p> <ul style="list-style-type: none"><li><u>(1) carbon dioxide;</u></li><li><u>(2) methane;</u></li><li><u>(3) nitrous oxide;</u></li><li><u>(4) hydrofluorocarbons;</u></li><li><u>(5) perfluorocarbons; and</u></li><li><u>(6) sulfur hexafluoride.</u></li></ul>	<p>SECTION 2. Same as House version.</p>	

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(b) To the extent that greenhouse gas emissions require authorization under federal law, the commission may authorize greenhouse gas emissions in a manner consistent with Section 382.051.

(c) The commission shall:

(1) adopt rules to implement this section, including rules specifying the procedures to transition to review by the commission any applications pending with the United States Environmental Protection Agency for approval under 40 C.F.R. Section 52.2305; and

(2) prepare and submit appropriate federal program revisions to the United States Environmental Protection Agency for approval.

(d) The permit processes authorized by this section are not subject to the requirements relating to a contested case hearing under this chapter, Chapter 5, Water Code, or Subchapters C-G, Chapter 2001, Government Code.

(e) If authorization to emit greenhouse gas emissions is no longer required under federal law, the commission shall:

(1) repeal the rules adopted under Subsection (c); and

(2) prepare and submit appropriate federal program revisions to the United States Environmental Protection Agency for approval.

SECTION 4. Section 382.0621, Health and Safety Code, is amended by adding Subsection (f) to read as follows:

(f) The commission may impose fees for emissions of greenhouse gas only to the extent the fees are necessary to cover the commission's additional reasonably necessary direct costs of implementing Section 382.05102.

SECTION 3. Same as House version.

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SECTION 5. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

SECTION 4. Same as House version.