

BILL ANALYSIS

H.B. 402
By: Huberty
Environmental Regulation
Committee Report (Unamended)

BACKGROUND AND PURPOSE

Interested parties note that the low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program is a voluntary environmental initiative for certain counties funded by certain fees. The parties contend that the revenue from such fees, which is consolidated and redistributed, is not adequately disbursed to certain counties. H.B. 402 seeks to address this issue by providing for a certain distribution of the revenue.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

H.B. 402 amends the Health and Safety Code to authorize a local initiative air quality project implemented under the Texas Clean Air Act by a county with a population of at least four million that participates in the low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program to include a program to enhance transportation system improvements, including improvements meant to reduce congestion on existing roads, but not including toll projects. The bill authorizes such a county to use fees collected from certain vehicle emissions inspection and maintenance programs for a local initiative air quality project or for a program to enhance transportation system improvements. The bill authorizes an applicable county that receives money for such a program or project to allocate money to such a program or project or to a low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program at the discretion of the county and establishes that the county is not required to provide matching funds for a program or project. The bill authorizes money used by a county to implement a local initiative air quality project or a program to enhance transportation system improvements that involves construction for a fiscal year to be distributed to the county to be used for the program or project in subsequent fiscal years if the money has been made available to the county and has been treated as a binding encumbrance by the Texas Commission on Environmental Quality (TCEQ) before the end of the appropriation year of the money appropriated for those purposes. The bill subjects distribution of the money to certain Government Code provisions relating to the comptroller of public accounts and the paying of claims. The bill's provisions relating to the low-income repair assistance, retrofit, and accelerated vehicle retirement program and local initiative air quality projects in certain counties prevail to the extent that the provisions are inconsistent or in conflict with another provision relating to vehicle emissions under the Texas Clean Air Act.

H.B. 402 adds to the requirement that TCEQ, to the extent practicable, distribute available funding created from vehicle emissions-related inspection fees under the vehicle emissions inspection and maintenance program to participating counties in reasonable proportion to the amount of fees collected in those counties or in the regions in which those counties are located the additional requirement that TCEQ, to the extent practicable, distribute such available funding among participating counties so that a county with a population of at least four million receives 90 percent of the revenue derived from fees collected in the county.

H.B. 402 amends the Government Code to include a claim to be paid from an appropriation related to funding for a local initiative air quality project or a program to enhance transportation system improvements that involves construction in an applicable county among the claims authorized to be presented to the comptroller for payment not later than four years after the end of the fiscal year for which the appropriation from which the claim is to be paid was made.

EFFECTIVE DATE

September 1, 2017.