By:  Watson S.B. No. 1070

(In the Senate - Filed February 25, 2019; March 7, 2019, read first time and referred to Committee on Natural Resources & Economic Development; May 6, 2019, reported adversely, with favorable Committee Substitute by the following vote: Yeas 9, Nays 2; May 6, 2019, sent to printer.)

COMMITTEE VOTE

               Yea Nay Absent  PNV

Birdwell        X

Zaffirini       X

Fallon              X

Flores          X

Hancock             X

Hinojosa        X

Hughes          X

Miles           X

Paxton          X

Powell          X

Rodríguez       X

COMMITTEE SUBSTITUTE FOR S.B. No. 1070 By:  Hinojosa

A BILL TO BE ENTITLED

AN ACT

relating to local initiatives programs under the Texas Clean Air Act and the repeal of the low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program; authorizing a fee.

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

SECTION 1.  Section 382.201(4), Health and Safety Code, is amended to read as follows:

(4)  "Participating county" means an affected county in which the commissioners court by resolution has chosen to implement a local initiatives [~~low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement~~] program authorized by Section 382.220 [~~382.209~~].

SECTION 2.  Section 382.202, Health and Safety Code, is amended by adding Subsection (g-1) to read as follows:

(g-1)  The commissioners court of a participating county by order may impose an additional fee, not to exceed $6, for a vehicle inspected in the county. A fee imposed under this subsection may take effect and be removed in accordance with the requirements of Section 382.220. The additional fee shall be collected for a vehicle at the same time other fees imposed under this chapter are collected. The fee revenue collected shall be retained by the county in a separate account to be used only for the purposes specified by Section 382.220.

SECTION 3.  Section 382.216, Health and Safety Code, is amended to read as follows:

Sec. 382.216.  INCENTIVES FOR VOLUNTARY PARTICIPATION IN VEHICLE EMISSIONS INSPECTION AND MAINTENANCE PROGRAM. The commission, the Texas Department of Transportation, and the Public Safety Commission may, subject to federal limitations:

(1)  encourage counties likely to exceed federal clean air standards to implement voluntary[~~:~~

[~~(A)~~]  motor vehicle emissions inspection and maintenance programs[~~; and~~

[~~(B)  low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement programs~~];

(2)  establish incentives for counties to voluntarily implement motor vehicle emissions inspection and maintenance programs [~~and low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement programs~~]; and

(3)  designate a county that voluntarily implements a motor vehicle emissions inspection and maintenance program [~~or a low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program~~] as a "Clean Air County" and give preference to a county designated as a Clean Air County in any federal or state clean air grant program.

SECTION 4.  Section 382.220, Health and Safety Code, is amended to read as follows:

Sec. 382.220.  [~~USE OF FUNDING FOR~~] LOCAL INITIATIVES PROGRAM [~~INITIATIVE PROJECTS~~]. (a)  The commission and the Public Safety Commission by joint rule shall establish and authorize the commissioners court of an affected county to implement a local initiatives program subject to agency oversight that may include reasonable periodic commission audits.

(b)  The local initiatives program must be funded with available money collected under Section 382.202 or 382.302 or other designated and available money. The program shall be [~~Money that is made available to participating counties under Section 382.202(g) or 382.302 may be appropriated only for programs~~] administered in accordance with Chapter 783, Government Code[~~, to improve air quality~~].

(c)  A participating county may agree to contract with any appropriate entity, including a metropolitan planning organization or a council of governments, to implement a program under Section 382.202[~~, 382.209,~~] or this section.

(d) [~~(b)~~]  A program under this section must be approved by the commissioners court of the county in which the program is located [~~implemented in consultation with the commission~~] and may include a program to:

(1)  develop and implement projects supporting freeway incident management and associated first responders [~~expand and enhance the AirCheck Texas Repair and Replacement Assistance Program~~];

(2)  develop and implement programs or systems that remotely determine vehicle emissions and notify the vehicle's operator;

(3)  develop and implement projects to implement the commission's smoking vehicle program;

(4)  develop and implement projects in consultation with the director of the Department of Public Safety for coordinating with local law enforcement officials to reduce the use of counterfeit registration insignia, temporary registration plates, and vehicle inspection reports by providing local law enforcement officials with funds to identify vehicles with counterfeit registration insignia, temporary registration plates, and vehicle inspection reports and to carry out appropriate actions;

(5)  develop and implement programs to enhance transportation system improvements; [~~or~~]

(6)  develop and implement new air control strategies designed to assist local areas in complying with state and federal air quality rules and regulations;

(7)  develop and implement regional data collection efforts for air quality and multimodal transportation data to improve efficiency of transportation systems; or

(8)  establish publicly accessible refueling infrastructure for alternative fuel vehicles.

(e)  [~~(c)  Money that is made available for the implementation of a program under Subsection (b) may not be expended for local government fleet or vehicle acquisition or replacement, call center management, application oversight, invoice analysis, education, outreach, or advertising purposes.~~

[~~(d)~~]  Fees collected under Sections 382.202 and 382.302 may be used by participating counties [~~in an amount not to exceed $7 million per fiscal year for projects described by Subsection (b), of which $2 million may be used~~] only for projects described by Subsection (d) [~~(b)(4)~~].

(f)  The commissioners court of a participating county may adopt a resolution to end fee collection for the local initiatives program in the county. The commissioners court shall submit the resolution to the commission and to the county tax assessor-collector. The resolution must include a date after which a fee may not be imposed under Section 382.202 or 382.302 for the purposes of the county's local initiatives program on vehicles being inspected or registered in the county. The date must be:

(1)  the first day of a month; and

(2)  at least 90 days after the date the resolution is submitted to the commission.

(g)  On receipt of a resolution under Subsection (f), the commission shall notify in writing the Texas Department of Motor Vehicles, the Department of Public Safety, and the Legislative Budget Board that a fee may not be imposed under Section 382.202 or 382.302 for the purposes of the county's local initiatives program on vehicles being inspected or registered in the county after the date established under Subsection (f).

(h)  The commission shall distribute available money collected under Section 382.202(e) that was designated for the former low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program to counties that participated in that program. The commission shall distribute the money in reasonable proportion to the amount of fees collected under Section 382.202(e) in those counties or in the regions in which those counties are located. A county that receives money under this subsection may use the money only to fund a program authorized by this section. This subsection expires September 1, 2023. [~~The remaining $5 million may be used for any project described by Subsection (b). The fees shall be made available only to counties participating in the low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement programs created under Section 382.209 and only on a matching basis, whereby the commission provides money to a county in the same amount that the county dedicates to a project authorized by Subsection (b). The commission may reduce the match requirement for a county that proposes to develop and implement independent test facility fraud detection programs, including the use of remote sensing technology for coordinating with law enforcement officials to detect, prevent, and prosecute the use of counterfeit registration insignia and vehicle inspection reports.~~]

SECTION 5.  Section 382.302(e), Health and Safety Code, is amended to read as follows:

(e)  A participating county may participate in a local initiatives [~~the~~] program established under Section 382.220 [~~382.209~~].

SECTION 6.  The following provisions of the Health and Safety Code are repealed:

(1)  Section 382.003(10-a);

(2)  Sections 382.201(5) and (6);

(3)  Sections 382.202(g) and 382.205(f); and

(4)  Sections 382.209, 382.210, 382.211, 382.212, 382.213, 382.214, and 382.219.

SECTION 7.  The Texas Commission on Environmental Quality is required to implement Section 382.220(h), Health and Safety Code, as added by this Act, only if the legislature appropriates money specifically for that purpose. If the legislature does not appropriate money specifically for that purpose, the commission may, but is not required to, implement Section 382.220(h), Health and Safety Code, as added by this Act, using other appropriations available for that purpose.

SECTION 8.  This Act takes effect September 1, 2019.

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