

By: Murphy

H.B. No. 889

A BILL TO BE ENTITLED

AN ACT

relating to the repeal of the light-duty motor vehicle purchase or lease incentive program.

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

SECTION 1. Sections [2158.001](#)(3) and (4), Government Code, are amended to read as follows:

(3) "Light-duty motor vehicle" has the meaning assigned by Section [392.001](#) [~~386.151~~], Health and Safety Code.

(4) "Motor vehicle" has the meaning assigned by Section [392.001](#) [~~386.151~~], Health and Safety Code.

SECTION 2. Section [386.051](#)(b), Health and Safety Code, is amended to read as follows:

(b) Under the plan, the commission and the comptroller shall provide grants or other funding for:

(1) the diesel emissions reduction incentive program established under Subchapter C, including for infrastructure projects established under that subchapter;

~~(2) [the motor vehicle purchase or lease incentive program established under Subchapter D,~~

~~(3)]~~ the air quality research support program established under Chapter [387](#);

(3) ~~(4)~~ the clean school bus program established under Chapter [390](#);

(4) ~~(5)~~ the new technology implementation grant

1 program established under Chapter 391;

2 (5) [~~(6)~~] the regional air monitoring program
3 established under Section 386.252(a);

4 (6) [~~(7)~~] a health effects study as provided by
5 Section 386.252(a);

6 (7) [~~(8)~~] air quality planning activities as provided
7 by Section 386.252(d);

8 (8) [~~(9)~~] a contract with the Energy Systems
9 Laboratory at the Texas A&M Engineering Experiment Station for
10 computation of creditable statewide emissions reductions as
11 provided by Section 386.252(a);

12 (9) [~~(10)~~] the Texas clean fleet program established
13 under Chapter 392;

14 (10) [~~(11)~~] the Texas alternative fueling facilities
15 program established under Chapter 393;

16 (11) [~~(12)~~] the Texas natural gas vehicle grant
17 program established under Chapter 394;

18 (12) [~~(13)~~] other programs the commission may develop
19 that lead to reduced emissions of nitrogen oxides, particulate
20 matter, or volatile organic compounds in a nonattainment area or
21 affected county;

22 (13) [~~(14)~~] other programs the commission may develop
23 that support congestion mitigation to reduce mobile source ozone
24 precursor emissions;

25 (14) [~~(15)~~] the seaport and rail yard areas emissions
26 reduction program established under Subchapter D-1;

27 (15) [~~(16)~~] conducting research and other activities

1 associated with making any necessary demonstrations to the United
2 States Environmental Protection Agency to account for the impact of
3 foreign emissions or an exceptional event;

4 (16) [~~(17)~~] studies of or pilot programs for
5 incentives for port authorities located in nonattainment areas or
6 affected counties as provided by Section 386.252(a); and

7 (17) [~~(18)~~] the governmental alternative fuel fleet
8 grant program established under Chapter 395.

9 SECTION 3. Sections 386.252(a) and (b), Health and Safety
10 Code, are amended to read as follows:

11 (a) Money in the fund may be used only to implement and
12 administer programs established under the plan. Subject to the
13 reallocation of funds by the commission under Subsection (h), money
14 appropriated to the commission to be used for the programs under
15 Section 386.051(b) shall initially be allocated as follows:

16 (1) four percent may be used for the clean school bus
17 program under Chapter 390;

18 (2) three percent may be used for the new technology
19 implementation grant program under Chapter 391, from which at least
20 \$1 million will be set aside for electricity storage projects
21 related to renewable energy;

22 (3) five percent may be used for the Texas clean fleet
23 program under Chapter 392;

24 (4) not more than \$3 million may be used by the
25 commission to fund a regional air monitoring program in commission
26 Regions 3 and 4 to be implemented under the commission's oversight,
27 including direction regarding the type, number, location, and

1 operation of, and data validation practices for, monitors funded by
2 the program through a regional nonprofit entity located in North
3 Texas having representation from counties, municipalities, higher
4 education institutions, and private sector interests across the
5 area;

6 (5) 10 percent may be used for the Texas natural gas
7 vehicle grant program under Chapter 394;

8 (6) not more than \$6 million may be used for the Texas
9 alternative fueling facilities program under Chapter 393, of which
10 a specified amount may be used for fueling stations to provide
11 natural gas fuel, except that money may not be allocated for the
12 Texas alternative fueling facilities program for the state fiscal
13 year ending August 31, 2019;

14 (7) not more than \$750,000 may be used each year to
15 support research related to air quality as provided by Chapter 387;

16 (8) not more than \$200,000 may be used for a health
17 effects study;

18 (9) at least \$6 million but not more than \$8 million is
19 allocated to the commission for administrative costs, including all
20 direct and indirect costs for administering the plan, costs for
21 conducting outreach and education activities, and costs
22 attributable to the review or approval of applications for
23 marketable emissions reduction credits;

24 (10) six percent may be used by the commission for the
25 seaport and rail yard areas emissions reduction program established
26 under Subchapter D-1;

27 (11) ~~[five percent may be used for the light-duty~~

1 ~~motor vehicle purchase or lease incentive program established under~~
2 ~~Subchapter D,~~

3 ~~(12)~~ not more than \$216,000 is allocated to the
4 commission to contract with the Energy Systems Laboratory at the
5 Texas A&M Engineering Experiment Station annually for the
6 development and annual computation of creditable statewide
7 emissions reductions obtained through wind and other renewable
8 energy resources for the state implementation plan;

9 (12) ~~(13)~~ not more than \$500,000 may be used for
10 studies of or pilot programs for incentives for port authorities
11 located in nonattainment areas or affected counties to encourage
12 cargo movement that reduces emissions of nitrogen oxides and
13 particulate matter; and

14 (13) ~~(14)~~ the balance is to be used by the
15 commission for the diesel emissions reduction incentive program
16 under Subchapter C as determined by the commission.

17 (b) Money in the fund may be used by the commission for
18 programs under Sections 386.051(b)(12), (b)(13) [~~386.051(b)(13)~~,
19 ~~(b)(14)~~], and (b-1) as may be appropriated for those programs.

20 SECTION 4. Sections 392.001(6) and (7), Health and Safety
21 Code, are amended to read as follows:

22 (6) "Light-duty motor vehicle" means a motor vehicle
23 with a gross vehicle weight rating of less than 10,000 pounds [~~has~~
24 ~~the meaning assigned by Section 386.151].~~

25 (7) "Motor vehicle" means a self-propelled device
26 designed for transporting persons or property on a public highway
27 that is required to be registered under Chapter 502, Transportation

1 Code [~~has the meaning assigned by Section 386.151~~].

2 SECTION 5. Section 394.001(7), Health and Safety Code, is
3 amended to read as follows:

4 (7) "Motor vehicle" has the meaning assigned by
5 Section 392.001 [~~386.151~~].

6 SECTION 6. Subchapter D, Chapter 386, Health and Safety
7 Code, is repealed.

8 SECTION 7. The repeal by this Act of Subchapter D, Chapter
9 386, Health and Safety Code, does not apply to a grant issued under
10 that subchapter before the effective date of this Act. A grant
11 issued under Subchapter D, Chapter 386, Health and Safety Code,
12 before the effective date of this Act is governed by that subchapter
13 as it existed immediately before the effective date of this Act, and
14 the former law is continued in effect for that purpose.

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