

AN ACT

relating to the eligibility requirements for the diesel emissions reduction incentive program.

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

SECTION 1. Section 386.104, Health and Safety Code, is amended by amending Subsection (c) and adding Subsections (c-1) and (c-2) to read as follows:

(c) Except as otherwise provided by this subsection, for
~~For~~ a proposed project as described by Section 386.102(b), other than a project involving a marine vessel or engine, not less than 75 percent of vehicle miles traveled or hours of operation projected for the five years immediately following the award of a grant must be projected to take place in a nonattainment area or affected county of this state. The commission may set the minimum percentage of vehicle miles traveled or hours of operation required to take place in a nonattainment area or affected county at a percentage and for a period that is different from the percentage and period specified by this subsection, provided that the commission may not set the minimum percentage at a level that is less than 55 percent.

The commission may ~~also~~ allow vehicle travel on highways and roadways, or portions of a highway or roadway, designated by the commission and located outside a nonattainment area or affected county to count towards the percentage of use requirement in this subsection.

1 (c-1) For a proposed project involving a marine vessel or
2 engine, the vessel or engine must be operated in the intercoastal
3 waterways or bays adjacent to a nonattainment area or affected
4 county of this state for a sufficient amount of time over the
5 lifetime of the project, as determined by the commission, to meet
6 the cost-effectiveness requirements of Section 386.105.

7 (c-2) For a proposed project involving non-road equipment
8 used for natural gas recovery purposes, the equipment must be
9 operated in a nonattainment area or affected county for a
10 sufficient amount of use over the lifetime of the project, as
11 determined by the commission, to meet the cost-effectiveness
12 requirements of Section 386.105.

13 SECTION 2. This Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I certify that H.B. No. 1346 was passed by the House on April 24, 2019, by the following vote: Yeas 141, Nays 4, 1 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1346 on May 22, 2019, by the following vote: Yeas 121, Nays 21, 2 present, not voting.

Chief Clerk of the House

I certify that H.B. No. 1346 was passed by the Senate, with amendments, on May 15, 2019, by the following vote: Yeas 30, Nays 1.

Secretary of the Senate

APPROVED: _____

Date

Governor