

By: Thompson of Brazoria

H.B. No. 2140

A BILL TO BE ENTITLED

AN ACT

relating to the administration of and funding for the Texas emissions reduction plan.

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

SECTION 1. Section 386.104(c-1), Health and Safety Code, is amended to read as follows:

(c-1) For a proposed project involving a marine vessel or engine, the vessel or engine must be operated in the ~~[intercoastal]~~ waterways or bays adjacent to a nonattainment area or affected county of this state for no less than ~~[a sufficient]~~ amount of time over the lifetime of the project ~~[as determined by the commission,]~~ to meet the cost-effectiveness requirements of Section 386.105.

SECTION 2. Section 386.116(a), Health and Safety Code, is amended to read as follows:

(a) In this section, "small business" means a business owned by a person who:

(1) owns and operates not more than six ~~[five]~~ vehicles, one of which is:

(A) an on-road diesel; or

(B) a non-road diesel; and

(2) has owned the vehicle described by Subdivision (1)(A) or (B) for more than two years.

SECTION 3. Section 386.252, Health and Safety Code, is amended by amending Subsection (a) to read as follows:

1 Sec. 386.252. USE OF FUND AND ACCOUNT. (a) Money in the
2 fund and account may be used only to implement and administer
3 programs established under the plan. Subject to the reallocation
4 of funds by the commission under Subsection (h), money from the fund
5 and account to be used for the programs under Section 386.051(b)
6 shall initially be allocated as follows:

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

9 (2) four [~~three~~] percent may be used for the new
10 technology implementation grant program under Chapter 391, from
11 which at least \$1 million will be set aside for electricity storage
12 projects related to renewable energy;

13 (3) four [~~five~~] percent may be used for the clean fleet
14 program under Chapter 392;

15 (4) not more than \$3 million may be used by the
16 commission to fund a regional air monitoring program in commission
17 Regions 3 and 4 to be implemented under the commission's oversight,
18 including direction regarding the type, number, location, and
19 operation of, and data validation practices for, monitors funded by
20 the program through a regional nonprofit entity located in North
21 Texas having representation from counties, municipalities, higher
22 education institutions, and private sector interests across the
23 area;

24 (5) 10 percent may be used for the Texas natural gas
25 vehicle grant program under Chapter 394;

26 (6) not more than \$6 million may be used for the Texas
27 alternative fueling facilities program under Chapter 393, of which

1 a specified amount may be used for fueling stations to provide
2 natural gas fuel, except that money may not be allocated for the
3 Texas alternative fueling facilities program for the state fiscal
4 year ending August 31, 2019;

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

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

9 (9) at least \$6 million but not more than \$16 million
10 may be used by the commission for administrative costs, including
11 all direct and indirect costs for administering the plan, costs for
12 conducting outreach and education activities, and costs
13 attributable to the review or approval of applications for
14 marketable emissions reduction credits;

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

18 (11) five percent may be used for the light-duty motor
19 vehicle purchase or lease incentive program established under
20 Subchapter D;

21 (12) not more than \$216,000 may be used by the
22 commission to contract with the Energy Systems Laboratory at the
23 Texas A&M Engineering Experiment Station annually for the
24 development and annual computation of creditable statewide
25 emissions reductions obtained through wind and other renewable
26 energy resources for the state implementation plan;

27 (13) not more than \$500,000 may be used for studies of

1 or pilot programs for incentives for port authorities located in
2 nonattainment areas or affected counties to encourage cargo
3 movement that reduces emissions of nitrogen oxides and particulate
4 matter; and

5 (14) the balance is to be used by the commission for
6 the diesel emissions reduction incentive program under Subchapter C
7 as determined by the commission.

8 SECTION 4. Section 151.0515(b), Tax Code, is amended to
9 read as follows:

10 (b) In each county in this state, a surcharge is imposed on
11 the retail sale, lease, or rental of new or used equipment in an
12 amount equal to 1 [~~1.5~~] percent of the sale price or the lease or
13 rental amount.

14 SECTION 5. The changes in law made by this Act apply only to
15 a Texas emissions reduction plan grant awarded on or after the
16 effective date of this Act. A grant awarded before the effective
17 date of this Act is governed by the law in effect on the date the
18 award was made, and the former law is continued in effect for that
19 purpose.

20 SECTION 6. This Act takes effect September 1, 2021.