

BILL ANALYSIS

C.S.H.B. 2568
By: Pickett
Environmental Regulation
Committee Report (Substituted)

BACKGROUND AND PURPOSE

Interested parties note the need for a review relating to the motor vehicle inspection and maintenance program to determine the minimum program necessary. C.S.H.B. 2568 seeks to provide for such review.

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

C.S.H.B. 2568 amends the Health and Safety Code to require the Texas Commission on Environmental Quality (TCEQ) to identify the minimum program required by the federal Clean Air Act for the motor vehicle inspection and maintenance program. The bill requires TCEQ, if TCEQ determines that implementing only the minimum program would not adversely affect air quality in Texas, to develop a state implementation plan revision and necessary rules to revise the motor vehicle inspection and maintenance program to include only the minimum program. The bill requires TCEQ to submit the state implementation plan revision and any rules to the U.S. Environmental Protection Agency (EPA) for approval. The bill requires TCEQ, if the EPA approves the plan, to implement the revised program and submit to the legislature a list of recommended statutory changes to facilitate implementing the minimum program, if any. The bill authorizes TCEQ and the Department of Public Safety to implement a program developed and approved under the bill's provisions and authorizes counties to participate in implementing the program.

EFFECTIVE DATE

September 1, 2017.

COMPARISON OF ORIGINAL AND SUBSTITUTE

While C.S.H.B. 2568 may differ from the original in minor or nonsubstantive ways, the following comparison is organized and formatted in a manner that indicates the substantial differences between the introduced and committee substitute versions of the bill.

INTRODUCED

SECTION 1. Subchapter G, Chapter 382, Health and Safety Code, is amended by adding Section 382.2031 to read as follows:

Sec. 382.2031. REVIEW OF VEHICLE MODEL YEARS SUBJECT TO PROGRAM. (a) The commission shall determine whether the federal Clean Air Act (42 U.S.C. Section 7401 et seq.) or its subsequent amendments require this state to apply the motor vehicle inspection and maintenance program to all the vehicle model years subject to the program under Section 382.203.

(b) If the commission determines that the federal Clean Air Act (42 U.S.C. Section 7401 et seq.) or a subsequent amendment does not require this state to apply the motor vehicle inspection and maintenance program to all the vehicle model years subject to the program under Section 382.203,

the commission shall develop a plan to apply the program only to vehicles from model years that the commission determines are likely to fail an emissions-related inspection at a rate of five percent or more.

(c) The plan must provide for the revision of this state's air quality state implementation plan and any other state plans mandated by the federal Clean Air Act as necessary to account for the proposed changes to the motor vehicle inspection and maintenance program.

(d) The commission shall submit to the United States Environmental Protection Agency a request that the agency approve the plan.

(e) If the United States Environmental Protection Agency approves the plan, the commission shall:

(1) amend or adopt rules necessary to implement the plan;

(2) implement the plan; and

(3) submit to the legislature a list of recommended statutory changes to facilitate implementing the plan, if any.

(f) Notwithstanding another provision of this chapter or Chapter 548, Transportation Code, the commission and the Department of Public Safety may implement a plan developed and approved under this section.

HOUSE COMMITTEE SUBSTITUTE

SECTION 1. Subchapter G, Chapter 382, Health and Safety Code, is amended by adding Section 382.2031 to read as follows:

Sec. 382.2031. REVIEW OF PROGRAM.

(a) The commission shall identify the minimum program required by the federal Clean Air Act (42 U.S.C. Section 7401 et seq.) for the motor vehicle inspection and maintenance program.

If the commission determines that implementing only the minimum program would not adversely affect air quality in this state,

the commission shall develop a state implementation plan revision and necessary rules to revise the motor vehicle inspection and maintenance program to include only the minimum program.

(b) The commission shall submit the state implementation plan revision and any rules to the United States Environmental Protection Agency for approval.

(c) If the United States Environmental Protection Agency approves the plan, the commission shall:

(1) implement the revised program; and

(2) submit to the legislature a list of recommended statutory changes to facilitate implementing the minimum program, if any.

(d) Notwithstanding another provision of this chapter or Chapter 548, Transportation Code, the commission and the Department of Public Safety may implement a program developed and approved under this section, and counties may participate in implementing the program.

SECTION 2. This Act takes effect
September 1, 2017.

SECTION 2. Same as introduced version.