

BILL ANALYSIS

Senate Research Center
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S.B. 1159
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Natural Resources
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DIGEST AND PURPOSE

In March of 2002, five counties and seven cities in the Austin-San Antonio Metropolitan Statistical Area entered into an agreement to reduce emissions in compliance with the federal one-hour ozone standard. In December of 2002, those same cities and counties entered into an early action compact with the United States Environmental Protection Agency. Early action compact is a legal voluntary reduction agreement to attain the federal eight-hour ozone standard by 2007. As proposed, S.B. 1159 permits a county which has entered into an early action compact to request that the Texas Commission on Environmental Quality (TCEQ) adopt motor vehicle inspection and maintenance programs for that county. The bill authorizes TCEQ to work with the Public Safety Commission to develop the program requirements, and permits TCEQ to charge a fee to cover the costs of administering the program while providing a reasonable profit to private entities carrying out the program. This bill also provides local jurisdictions flexibility in designing testing programs.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 1 (Section 382.302, Health and Safety Code) and to the Public Safety Commission in SECTION 2 (Section 548.301, Transportation Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 382, Health and Safety Code, by adding Subchapter H, as follows:

SUBCHAPTER H. VEHICLE EMISSION PROGRAMS IN EARLY ACTION COMPACT COUNTIES

Sec. 382.301. EARLY ACTION COMPACT. Defines "early action compact."

Sec. 382.302. EARLY ACTION COMPACT COUNTY VEHICLE INSPECTION AND MAINTENANCE PROGRAMS. (a) Authorizes an early action compact county that has included emissions reductions in its early action plan from a motor vehicle inspection and maintenance program, and whose plan has been deemed adequate by the Texas Commission on Environmental Quality (TCEQ), to formally request that TCEQ adopt requirements for that program. Requires the formal request to be in the form of resolutions adopted by the county and the most populous municipality within the county according to the most recent federal decennial census.

(b) Authorizes TCEQ by resolution, following approval of the request, to request the Public Safety Commission to establish a motor vehicle emissions inspection and maintenance program under Chapter 548F (Motor Vehicle Emissions Inspection and Maintenance), Transportation Code, for vehicles as required by rules adopted under this section.

(c) Authorizes vehicle inspection and maintenance requirements for an early action compact county to include testing exhaust emissions, examining emission control devices and systems, or an alternative testing methodology that meets or

exceeds United States Environmental Protection Agency requirements. Authorizes the requirements to apply to all or a subset of vehicles described in Section 382.203(a) of this code.

(d) Authorizes the Public Safety Commission to assess fees for vehicle inspections performed in accordance with the terms of the early action compact. Requires the fees to be set in amounts reasonably necessary to recover the costs of developing, administering, evaluating, and enforcing the early action compact vehicle emissions inspection and maintenance program. Authorizes an appropriate portion of the fee as determined by commission rule to be retained by the station owner, contractor, or operator to recover the cost of performing the inspections and provide for a reasonable margin of profit.

(e) Requires the incentives for voluntary participation established under Section 382.216 of this code to be available in early action compact counties.

(f) Authorizes the early action compact counties to participate in the program established under Section 382.209 of this code.

SECTION 2. Amends Section 548.301, Transportation Code, as follows:

(b) Deletes existing modifier “conservation” and adds “environmental” as a modifier for commission.

(c) Authorizes TCEQ, by rule, to establish, and requires the Texas Department of Transportation to implement, a motor vehicle emissions inspection and maintenance program for vehicles subject to and consistent with an early action compact entered into by federal, state, and local officials. Redesignates existing Subsections (c) and (d) as (d) and (e).

(d) Makes a conforming change.

SECTION 3. Effective date: upon passage or September 1, 2003.