

BILL ANALYSIS

Senate Research Center

H.B. 37
By: Bonnen (Ogden)
Finance
9/17/2003
Engrossed

DIGEST AND PURPOSE

H.B. 1365, enacted in the 78th Regular Session, provides funding for the Texas Emissions Reduction Plan. H.B. 1365 contained a provision intended to allow state agencies and governmental agencies in areas that are in nonattainment or near nonattainment in the Clean Air Act to give a limited preference to a vendor that uses heavy-duty trucks and equipment that meet or exceed existing state or federal environmental standards.

The language in H.B. 1365, “affected counties,” could be interpreted to apply only to near-nonattainment counties and to exclude the nonattainment counties.

H.B. 37 adds nonattainment counties to the list of counties eligible to give preference to a vendor that uses heavy-duty trucks and equipment that meet or exceed existing state or federal environmental standards and provides that the duties of the Texas Council on Environmental Technology are transferred to the Texas Commission on Environmental Quality.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 2155.451(a), Government Code, as added by Section 19, Chapter 1331, 78th Legislature, Regular Session to provide that this section applies only to a contract to be performed, wholly or partly in a nonattainment area or in an affected county, rather than solely in an affected county, as those terms are defined by Section 386.001, Health and Safety Code.

SECTION 2. Amends Section 271.907(b), Local Government Code, as added by Section 20, Chapter 1331, 78th Legislature, Regular Session, 2003, to provide that this section applies only to a contract to be formed, wholly or partly in a nonattainment area or in an affected county, rather than solely in an affected county, as those terms are defined by Section 386.001, Health and Safety Code.

SECTION 3. Amends Section 386.051(b), Health and Safety Code, to delete the Texas Council on Environmental Quality as an entity which provides funding for certain programs.

SECTION 4. Amends Section 387.001, Health and Safety Code, as follows:

Sec. 387.001. New heading: DEFINITIONS. Defines “commission.”

SECTION 5. Amends Section 387.003, Health and Safety Code, as amended by Chapters 29 and 1331, Acts of the 78th Legislature, Regular Session, 2003, as follows:

(a) Requires the Texas Commission on Environmental Quality in consultation with the Texas Council on Environmental Technology to develop a certain program previously required to be

developed solely by the council.

(b) and (c) Make conforming changes.

SECTION 6. Amends Section 387.004, Health and Safety Code, to make a conforming change.

SECTION 7. Amends Sections 387.005(b) and (c), Health and Safety Code, to make conforming changes.

SECTION 8. Amends Section 387.006(b), Health and Safety Code, to make a conforming change.

SECTION 9. Amends Section 387.007, Health and Safety Code, to make conforming changes.

SECTION 10. Amends Section 387.008(b), Health and Safety Code, to make a conforming change.

SECTION 11. Amends Section 387.009, Health and Safety Code, to make conforming and nonsubstantive changes.

SECTION 12. Amends Section 387.010, Health and Safety Code, to make a conforming change.

SECTION 13. Repealer: Section 387.002(c), Health and Safety Code (regarding the location of offices for the Texas Council on Environmental Technology).

SECTION 14. Effective date: upon passage or the 91st day after the end of the legislative session.