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H.B. No. 432

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the acquisition by state agencies of low-emissions
3 vehicles and vehicles using alternative fuels.

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

5 SECTION 1. Section 2158.003(a), Government Code, is amended
6 to read as follows:

7 (a) A state agency may not purchase or lease a vehicle
8 designed or used primarily for the transportation of individuals,
9 including a station wagon, that has a wheelbase longer than 113
10 inches or that has more than 160 SAE net horsepower. The vehicle
11 may have a wheelbase of up to 116 inches or SAE net horsepower of up
12 to 280 if the vehicle will be converted so that it uses [~~is capable~~
13 ~~of using~~] compressed natural gas, liquefied natural gas, liquefied
14 petroleum gas, methanol or methanol/gasoline blends of 85 percent
15 or greater, ethanol or ethanol/gasoline blends of 85 percent or
16 greater, or electricity. This exception to the wheelbase and
17 horsepower limitations applies to a state agency regardless of the
18 size of the agency's vehicle fleet.

19 SECTION 2. Section 2158.004(a), Government Code, is amended
20 to read as follows:

21 (a) A state agency operating a fleet of more than 15
22 vehicles, excluding law enforcement and emergency vehicles, may not
23 purchase or lease a motor vehicle unless that vehicle uses [~~is~~
24 ~~capable of using~~] compressed natural gas, liquefied natural gas,

1 liquefied petroleum gas, methanol or methanol/gasoline blends of 85
2 percent or greater, ethanol or ethanol/gasoline blends of 85
3 percent or greater, or electricity.

4 SECTION 3. Section 2158.005, Government Code, is amended to
5 read as follows:

6 Sec. 2158.005. PERCENTAGE REQUIREMENTS FOR VEHICLES
7 ~~[CAPABLE OF]~~ USING ALTERNATIVE FUELS ~~[, PROGRAM REVIEW]~~. (a) Not
8 later than September 30, 2010 ~~[1, 1996]~~, a state agency that
9 operates a fleet of more than 15 motor vehicles, excluding law
10 enforcement and emergency vehicles, shall have a fleet consisting
11 of vehicles of which at least 50 percent use ~~[are capable of using]~~
12 compressed natural gas, liquefied natural gas, liquefied petroleum
13 gas, methanol or methanol/gasoline blends of 85 percent or greater,
14 ethanol or ethanol/gasoline blends of 85 percent or greater, or
15 electricity.

16 (b) ~~[The Texas Natural Resource Conservation Commission~~
17 ~~shall review the program established by this subchapter by December~~
18 ~~31, 1996. If the Texas Natural Resource Conservation Commission~~
19 ~~determines that the program has been effective in reducing total~~
20 ~~annual emissions from motor vehicles in the area, then after August~~
21 ~~31, 1998, a state agency operating a fleet of more than 15 motor~~
22 ~~vehicles shall have a fleet consisting of vehicles of which at least~~
23 ~~90 percent are capable of using compressed natural gas, liquefied~~
24 ~~natural gas, liquefied petroleum gas, methanol or~~
25 ~~methanol/gasoline blends of 85 percent or greater, ethanol or~~
26 ~~ethanol/gasoline blends of 85 percent or greater, or electricity.~~

27 ~~[(c) The commission shall support the Texas Natural~~

1 ~~Resource Conservation Commission in collecting reasonable~~
2 ~~information needed to determine the air quality benefits from use~~
3 ~~of compressed natural gas, liquefied natural gas, liquefied~~
4 ~~petroleum gas, methanol or methanol/gasoline blends of 85 percent~~
5 ~~or greater, ethanol or ethanol/gasoline blends of 85 percent or~~
6 ~~greater, or electricity at affected agencies.~~

7 ~~(d)~~ A state agency in its annual financial report to the
8 legislature shall report its progress in achieving the percentage
9 requirements of this section by ~~itemizing~~:

10 (1) itemizing purchases, leases, and conversions of
11 motor vehicles; ~~and~~

12 (2) itemizing usage of compressed natural gas,
13 liquefied natural gas, liquefied petroleum gas, methanol or
14 methanol/gasoline blends of 85 percent or greater, ethanol or
15 ethanol/gasoline blends of 85 percent or greater, or electricity;
16 and

17 (3) describing the availability of compressed natural
18 gas, liquefied natural gas, liquefied petroleum gas, methanol or
19 methanol/gasoline blends of 85 percent or greater, ethanol or
20 ethanol/gasoline blends of 85 percent or greater, or electricity.

21 (c) ~~(e)~~ A state agency may meet the percentage
22 requirements of this section through purchase of new vehicles or
23 the conversion of existing vehicles, in accordance with federal and
24 state requirements and applicable safety laws. The Texas State
25 Technical College System shall develop a program and provide
26 training to a state agency converting an existing vehicle to meet
27 the requirements of this section.

1 (d) [~~(f)~~] The comptroller [~~commission~~] may reduce a
2 percentage specified by this section or waive the requirements of
3 this section for a state agency on receipt of certification
4 supported by evidence acceptable to the comptroller [~~commission~~]
5 that:

6 (1) the agency's vehicles will be operating primarily
7 in an area in which neither the agency nor a supplier has or can
8 reasonably be expected to establish adequate refueling for
9 compressed natural gas, liquefied natural gas, liquefied petroleum
10 gas, methanol or methanol/gasoline blends of 85 percent or greater,
11 ethanol or ethanol/gasoline blends of 85 percent or greater, or
12 electricity; or

13 (2) the agency is unable to obtain equipment or
14 refueling facilities necessary to operate vehicles using
15 compressed natural gas, liquefied natural gas, liquefied petroleum
16 gas, methanol or methanol/gasoline blends of 85 percent or greater,
17 ethanol or ethanol/gasoline blends of 85 percent or greater, or
18 electricity at a projected cost that is reasonably expected to be no
19 greater than the net costs of continued use of conventional
20 gasoline or diesel fuels, measured over the expected useful life of
21 the equipment or facilities supplied.

22 SECTION 4. Section 2158.008, Government Code, is amended to
23 read as follows:

24 Sec. 2158.008. WHEN VEHICLE CONSIDERED TO BE [~~CAPABLE OF~~]
25 USING ALTERNATIVE FUELS. In this subchapter, a vehicle is
26 considered to be [~~capable of~~] using compressed natural gas,
27 liquefied natural gas, liquefied petroleum gas, methanol or

1 methanol/gasoline blends of 85 percent or greater, ethanol or
2 ethanol/gasoline blends of 85 percent or greater, or electricity if
3 the vehicle uses [~~is capable of using~~] those fuels:

4 (1) not less than 80 percent of the time the vehicle is
5 driven; and

6 (2) either in its original equipment engine or in an
7 engine that has been converted to use those fuels.

8 SECTION 5. Section 2158.009(b), Government Code, is amended
9 to read as follows:

10 (b) A state agency authorized to purchase passenger
11 vehicles or other ground transportation vehicles for general use
12 shall ensure that not less than 20 [~~10~~] percent of its vehicle
13 purchases during any state fiscal biennium are purchases of
14 vehicles that meet or exceed the emissions standards necessary to
15 be rated by the United States Environmental Protection Agency as a
16 Tier II, Bin 3, emissions standard vehicle that has a greenhouse gas
17 score of eight under regulations of that agency as they existed
18 September 1, 2007.

19 SECTION 6. Section 2158.009(a), Government Code, is
20 repealed.

21 SECTION 7. This Act takes effect September 1, 2009.