

1-1 By: Watson S.B. No. 1070  
 1-2 (In the Senate - Filed February 25, 2019; March 7, 2019,  
 1-3 read first time and referred to Committee on Natural Resources &  
 1-4 Economic Development; May 6, 2019, reported adversely, with  
 1-5 favorable Committee Substitute by the following vote: Yeas 9,  
 1-6 Nays 2; May 6, 2019, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8				
1-9	X			
1-10	X			
1-11		X		
1-12	X			
1-13		X		
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			
1-19	X			

1-20 COMMITTEE SUBSTITUTE FOR S.B. No. 1070 By: Hinojosa

1-21 A BILL TO BE ENTITLED  
 1-22 AN ACT

1-23 relating to local initiatives programs under the Texas Clean Air  
 1-24 Act and the repeal of the low-income vehicle repair assistance,  
 1-25 retrofit, and accelerated vehicle retirement program; authorizing  
 1-26 a fee.

1-27 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-28 SECTION 1. Section 382.201(4), Health and Safety Code, is  
 1-29 amended to read as follows:

1-30 (4) "Participating county" means an affected county in  
 1-31 which the commissioners court by resolution has chosen to implement  
 1-32 a local initiatives [~~low-income vehicle repair assistance,~~  
 1-33 ~~retrofit, and accelerated vehicle retirement~~] program authorized  
 1-34 by Section 382.220 [~~382.209~~].

1-35 SECTION 2. Section 382.202, Health and Safety Code, is  
 1-36 amended by adding Subsection (g-1) to read as follows:

1-37 (g-1) The commissioners court of a participating county by  
 1-38 order may impose an additional fee, not to exceed \$6, for a vehicle  
 1-39 inspected in the county. A fee imposed under this subsection may  
 1-40 take effect and be removed in accordance with the requirements of  
 1-41 Section 382.220. The additional fee shall be collected for a  
 1-42 vehicle at the same time other fees imposed under this chapter are  
 1-43 collected. The fee revenue collected shall be retained by the  
 1-44 county in a separate account to be used only for the purposes  
 1-45 specified by Section 382.220.

1-46 SECTION 3. Section 382.216, Health and Safety Code, is  
 1-47 amended to read as follows:

1-48 Sec. 382.216. INCENTIVES FOR VOLUNTARY PARTICIPATION IN  
 1-49 VEHICLE EMISSIONS INSPECTION AND MAINTENANCE PROGRAM. The  
 1-50 commission, the Texas Department of Transportation, and the Public  
 1-51 Safety Commission may, subject to federal limitations:

1-52 (1) encourage counties likely to exceed federal clean  
 1-53 air standards to implement voluntary[+]

1-54 [(A)] motor vehicle emissions inspection and  
 1-55 maintenance programs[+ and

1-56 [(B) ~~low-income vehicle repair assistance,~~  
 1-57 ~~retrofit, and accelerated vehicle retirement programs~~];

1-58 (2) establish incentives for counties to voluntarily  
 1-59 implement motor vehicle emissions inspection and maintenance  
 1-60 programs [~~and low-income vehicle repair assistance, retrofit, and~~

2-1 ~~accelerated vehicle retirement programs~~]; and

2-2 (3) designate a county that voluntarily implements a  
2-3 motor vehicle emissions inspection and maintenance program [~~or a~~  
2-4 ~~low-income vehicle repair assistance, retrofit, and accelerated~~  
2-5 ~~vehicle retirement program~~] as a "Clean Air County" and give  
2-6 preference to a county designated as a Clean Air County in any  
2-7 federal or state clean air grant program.

2-8 SECTION 4. Section 382.220, Health and Safety Code, is  
2-9 amended to read as follows:

2-10 Sec. 382.220. [~~USE OF FUNDING FOR~~] LOCAL INITIATIVES  
2-11 PROGRAM [~~INITIATIVE PROJECTS~~]. (a) The commission and the Public  
2-12 Safety Commission by joint rule shall establish and authorize the  
2-13 commissioners court of an affected county to implement a local  
2-14 initiatives program subject to agency oversight that may include  
2-15 reasonable periodic commission audits.

2-16 (b) The local initiatives program must be funded with  
2-17 available money collected under Section 382.202 or 382.302 or other  
2-18 designated and available money. The program shall be [~~Money that is~~  
2-19 ~~made available to participating counties under Section 382.202(g)~~  
2-20 ~~or 382.302 may be appropriated only for programs~~] administered in  
2-21 accordance with Chapter 783, Government Code[~~, to improve air~~  
2-22 ~~quality~~].

2-23 (c) A participating county may agree to contract with any  
2-24 appropriate entity, including a metropolitan planning organization  
2-25 or a council of governments, to implement a program under Section  
2-26 382.202 [~~382.209~~] or this section.

2-27 (d) [~~(b)~~] A program under this section must be approved by  
2-28 the commissioners court of the county in which the program is  
2-29 located [~~implemented in consultation with the commission~~] and may  
2-30 include a program to:

2-31 (1) develop and implement projects supporting freeway  
2-32 incident management and associated first responders [~~expand and~~  
2-33 ~~enhance the AirCheck Texas Repair and Replacement Assistance~~  
2-34 ~~Program~~];

2-35 (2) develop and implement programs or systems that  
2-36 remotely determine vehicle emissions and notify the vehicle's  
2-37 operator;

2-38 (3) develop and implement projects to implement the  
2-39 commission's smoking vehicle program;

2-40 (4) develop and implement projects in consultation  
2-41 with the director of the Department of Public Safety for  
2-42 coordinating with local law enforcement officials to reduce the use  
2-43 of counterfeit registration insignia, temporary registration  
2-44 plates, and vehicle inspection reports by providing local law  
2-45 enforcement officials with funds to identify vehicles with  
2-46 counterfeit registration insignia, temporary registration plates,  
2-47 and vehicle inspection reports and to carry out appropriate  
2-48 actions;

2-49 (5) develop and implement programs to enhance  
2-50 transportation system improvements; [~~or~~]

2-51 (6) develop and implement new air control strategies  
2-52 designed to assist local areas in complying with state and federal  
2-53 air quality rules and regulations;

2-54 (7) develop and implement regional data collection  
2-55 efforts for air quality and multimodal transportation data to  
2-56 improve efficiency of transportation systems; or

2-57 (8) establish publicly accessible refueling  
2-58 infrastructure for alternative fuel vehicles.

2-59 (e) [~~(c) Money that is made available for the~~  
2-60 ~~implementation of a program under Subsection (b) may not be~~  
2-61 ~~expended for local government fleet or vehicle acquisition or~~  
2-62 ~~replacement, call center management, application oversight,~~  
2-63 ~~invoice analysis, education, outreach, or advertising purposes.~~

2-64 [(d)] Fees collected under Sections 382.202 and 382.302 may  
2-65 be used by participating counties [~~in an amount not to exceed \$7~~  
2-66 ~~million per fiscal year for projects described by Subsection (b),~~  
2-67 ~~of which \$2 million may be used~~] only for projects described by  
2-68 Subsection (d) [~~(b)(4)~~].

2-69 (f) The commissioners court of a participating county may

3-1 adopt a resolution to end fee collection for the local initiatives  
3-2 program in the county. The commissioners court shall submit the  
3-3 resolution to the commission and to the county tax  
3-4 assessor-collector. The resolution must include a date after which  
3-5 a fee may not be imposed under Section 382.202 or 382.302 for the  
3-6 purposes of the county's local initiatives program on vehicles  
3-7 being inspected or registered in the county. The date must be:

- 3-8 (1) the first day of a month; and
- 3-9 (2) at least 90 days after the date the resolution is  
3-10 submitted to the commission.

3-11 (g) On receipt of a resolution under Subsection (f), the  
3-12 commission shall notify in writing the Texas Department of Motor  
3-13 Vehicles, the Department of Public Safety, and the Legislative  
3-14 Budget Board that a fee may not be imposed under Section 382.202 or  
3-15 382.302 for the purposes of the county's local initiatives program  
3-16 on vehicles being inspected or registered in the county after the  
3-17 date established under Subsection (f).

3-18 (h) The commission shall distribute available money  
3-19 collected under Section 382.202(e) that was designated for the  
3-20 former low-income vehicle repair assistance, retrofit, and  
3-21 accelerated vehicle retirement program to counties that  
3-22 participated in that program. The commission shall distribute the  
3-23 money in reasonable proportion to the amount of fees collected  
3-24 under Section 382.202(e) in those counties or in the regions in  
3-25 which those counties are located. A county that receives money  
3-26 under this subsection may use the money only to fund a program  
3-27 authorized by this section. This subsection expires September 1,  
3-28 2023. [The remaining \$5 million may be used for any project  
3-29 described by Subsection (b). The fees shall be made available only  
3-30 to counties participating in the low-income vehicle repair  
3-31 assistance, retrofit, and accelerated vehicle retirement programs  
3-32 created under Section 382.209 and only on a matching basis, whereby  
3-33 the commission provides money to a county in the same amount that  
3-34 the county dedicates to a project authorized by Subsection (b). The  
3-35 commission may reduce the match requirement for a county that  
3-36 proposes to develop and implement independent test facility fraud  
3-37 detection programs, including the use of remote sensing technology  
3-38 for coordinating with law enforcement officials to detect, prevent,  
3-39 and prosecute the use of counterfeit registration insignia and  
3-40 vehicle inspection reports.]

3-41 SECTION 5. Section 382.302(e), Health and Safety Code, is  
3-42 amended to read as follows:

3-43 (e) A participating county may participate in a local  
3-44 initiatives [the] program established under Section 382.220  
3-45 [382.209].

3-46 SECTION 6. The following provisions of the Health and  
3-47 Safety Code are repealed:

- 3-48 (1) Section 382.003(10-a);
- 3-49 (2) Sections 382.201(5) and (6);
- 3-50 (3) Sections 382.202(g) and 382.205(f); and
- 3-51 (4) Sections 382.209, 382.210, 382.211, 382.212,  
3-52 382.213, 382.214, and 382.219.

3-53 SECTION 7. The Texas Commission on Environmental Quality is  
3-54 required to implement Section 382.220(h), Health and Safety Code,  
3-55 as added by this Act, only if the legislature appropriates money  
3-56 specifically for that purpose. If the legislature does not  
3-57 appropriate money specifically for that purpose, the commission  
3-58 may, but is not required to, implement Section 382.220(h), Health  
3-59 and Safety Code, as added by this Act, using other appropriations  
3-60 available for that purpose.

3-61 SECTION 8. This Act takes effect September 1, 2019.

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