

BILL ANALYSIS

Senate Research Center

H.B. 1611
By: Chisum (Armbrister)
Natural Resources
5/12/2005
Engrossed

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

In 2001, the 77th Legislature, Regular Session, enacted H.B. 2134, to expand the mandatory inspection and maintenance program in the Dallas-Fort Worth and Houston-Galveston non-attainment areas. H.B. 2134 also introduced the Low-Income Vehicle Repair, Retrofit, and Accelerated Retirement Program (LIRAP). LIRAP offers financial assistance to low-income vehicle owners whose vehicles fail the emissions inspection test. Qualified participants receive a voucher for emissions repairs or assistance towards the cost of a replacement vehicle that meets emissions standards if they retire their old vehicle.

Since the implementation of LIRAP in November 2002, the Dallas-Fort Worth program has repaired over 7,500 vehicles and retired over 380 vehicles, and the Houston-Galveston program has repaired over 7,400 vehicles and retired over 280 vehicles. On average, vehicles repaired under LIRAP achieve over a 70 percent reduction in nitrogen oxide emissions.

The purpose of this bill is to improve the operation and efficiency of LIRAP based upon the experience gained during the last two years and utilize funds generated by the program for additional air quality programs primarily in the Dallas-Fort Worth and Houston-Galveston nonattainment areas.

H.B. 1611 amends the Health and Safety Code to make certain changes to the Low-Income Vehicle Repair Assistance, Retrofit, and Accelerated Retirement Program.

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 382.0622, Health and Safety Code, by amending Subsection (b) and adding Subsection (e), as follows:

(b) Provides an exception to this subsection as created by Subsection (e).

(e) Requires fees collected under Section 382.202(e) and 382.302 that are available to fund programs under Section 382.209 but that are not appropriated for that purpose to be transferred on receipt to the credit of a subaccount of the clean air account in an amount not to exceed \$20 million. Prohibits money in the subaccount from being commingled with any other fees in the clean air account or with any other money in the state treasury. Authorizes money in the subaccount to be appropriated only for the purposes provided by Section 382.202(q). Provides that the subaccount is exempt from the application of Section 403.095 (Use of Dedicated Revenue), Government Code.

SECTION 2. Amends Section 382.202, Health and Safety Code, by adding Subsections (q) and (r), as follows:

(q) Authorizes fees collected under Subsection (e) that are transferred to the credit of a subaccount of the clean air account as required by Section 382.0622(e) to be appropriated only in a certain manner.

(r) Authorizes the Texas Commission on Environmental Quality (TCEQ) to apply the same rules, standards, and requirements for the award of a grant under Subsection (q) as TCEQ applies to a grant awarded under Subchapter C (Diesel Emissions Reduction Incentive Program), Chapter 386.

SECTION 3. Amends Section 382.209, Health and Safety Code, by amending Subsections (b), (e), and (g) as follows:

(b) Requires the local low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement programs to be administered in accordance with Chapter 783 (Uniform Grant and Contract Management), Government Code. Authorizes programmatic costs to include call center management, application oversight, invoice analysis, education, outreach, and advertising. Deletes existing text relating to the funds that are ineligible to be used for the administration of the programs. Makes a conforming change.

(e) Provides a vehicle is not eligible to participate in a low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program established under this section unless the registration of the vehicle that reflects that it has been registered in the county implementing the program for 12 months, rather than two years, preceding the application for participation in the program.

(g) Authorizes a participating county to contract with any appropriate entity, including the regional council of governments or the metropolitan planning organization in the appropriate region, or with another county for services necessary to implement the participating county's low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program. Authorizes the participating counties in a nonattainment region or counties participating in an early action compact under Subchapter H to agree to have the money collected in any one county be used in any other participating county in the same region. Authorizes the participating counties to also agree to contract with any appropriate entity, including the regional metropolitan planning organization or council of governments, to implement a program under Section 382.217.

SECTION 4. Amends Subchapter G, Chapter 382, Health and Safety Code, by adding Sections 382.217 and 382.218, as follows:

Sec. 382.217. USE OF UNEXPENDED VEHICLE REPAIR ASSISTANCE, RETROFIT, AND RETIREMENT MONEY. (a) Authorizes money that is made available to affected or participating counties under Section 382.202(q)(1) to be appropriated for programs administered in accordance with Chapter 783, Government Code, to improve air quality. Authorizes programmatic costs to include call center management, application oversight, invoice analysis, education, outreach, and advertising.

(b) Requires a program under this section to be implemented in consultation with TCEQ and to include a program to serve certain functions.

Sec. 382.218. REQUIRED PARTICIPATION BY CERTAIN COUNTIES. (a) Provides that this section applies only to a county with a population of 650,000 or more that borders the United Mexican States.

(b) Requires a county that was at any time required, because of the county's designation as a nonattainment area under Section 107(d) of the federal Clean Air Act (42 U.S.C. Section 7407), to participate in the vehicle emissions inspection and maintenance program under this subchapter and Subchapter F (Motor Vehicle Emissions Inspection and Maintenance), Chapter 548, Transportation Code, to continue to participate in the program even if the county is designated as an attainment area under the federal Clean Air Act.

SECTION 5. (a) Provides that, notwithstanding any provision of Chapter 382, Health and Safety Code, as amended or added by this Act, the sum of \$1 million in money from the subaccount established under Section 382.0622, Health and Safety Code, as amended by this

Act, is appropriated to Dallas County and to the regional planning commission under Chapter 391 (Regional Planning Commissions), Local Government Code, for the area including Dallas County, for the state fiscal biennium beginning September 1, 2005, for the purpose of developing and implementing a pilot inspection and maintenance program in the Dallas-Fort Worth nonattainment area to improve and expand programs under Sections 382.202, Health and Safety Code, as amended by this Act, and 382.302, Health and Safety Code.

(b) Requires Dallas County and the regional planning commission described by Subsection (a) of this section to report to the Texas Commission on Environmental Quality on the results of the pilot program not later than December 31, 2007.

SECTION 6. Effective date: upon passage or September 1, 2005.