

By: X

H.B./ S.B. No. XX

A BILL TO BE ENTITLED

AN ACT

relating to XXXX programs under XXXXXXXXX

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

SECTION 1. Section 361.112(g), Health and Safety Code, is amended by adding Subsection (g-1) to read as follows:

(g-1) The commission shall require that the manifest in 361.112(g), be completed and submitted to TCEQ within one month of the manifest's date of initial signature. Notification and approval of any lapse to this time shall be reported to TCEQ within 40 days of initial signature.

SECTION 2. Section 361.112(g), Health and Safety Code, is amended by adding Subsection (g-2) to read as follows:

(g-2) The commission shall require generators, transporters, and disposal/storage facilities of scrap tires in 361.112(g) to electronically sign and submit the tire manifest to TCEQ upon initial transfer for each transition of possession of a scrap tire load.

SECTION 3. Section 361.112(g), Health and Safety Code, is amended by adding Subsection (g-3) to read as follows:

(g-3) The commission shall hold liable the transporter and generator, in 361.112(g), for each scrap tire improperly disposed of that was not disposed at an authorized disposal/storage facility. The commissioner's court may impose a fee on the transporter and generator, not to exceed \$500 per tire.

SECTION 4. Section 361.112(g), Health and Safety Code, is

amended by adding Subsection (g-4) to read as follows:

(g-4) The commission shall phase in the requirement of a standardized tire tagging methodology, incorporated into the tire manifest, that can uniquely identify all tires from a specific transporter.

SECTION 5. Section 361.112, Health and Safety Code, is amended by adding Subsection (n) to read as follows:

(n) The generator will be held liable for the use of unregistered tire haulers. The commissioner's court may impose a fee on the generator, not to exceed \$500 per tire, or enact the suspension or revocation of the generator's license to sell tires.

SECTION 6. Section 223.047, Texas Transportation Code, is amended to read as follows:

(b) In comparing bids submitted for road construction that require paving, the department, a county, or a municipality may give a preference to a bid that provides for using, as a part of the paving material, rubberized asphalt paving described by Subsection (a) if the cost of that paving material does not exceed by more than ~~15~~ 20 percent the bid cost of alternative paving materials for the same job. The cost of the materials must be determined by a life-cycle cost benefit analysis.

SECTION 7. Section 365.017, Health and Safety Code, is amended by adding Subsection (g) to read as follows:

(g) Repeat offenders will be subject to the reasonable confiscation of any vehicles or equipment used in, or to aid, illegal dumping activities.

SECTION 8. Section 3, Health and Safety Code, is amended to read as follows:

Sec. 382.220. [~~USE OF FUNDING FOR~~] LOCAL INITIATIVES PROGRAM

(a) The commission and the Public Safety Commission by joint rule shall establish and authorize the commissioners court of an affected county to implement a local initiatives program subject to agency oversight that may include reasonable periodic commission audits.

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

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

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

(1) develop and implement projects in consultation with the director of the Department of Public Safety for coordinating with local law enforcement officials to reduce the use of counterfeit registration insignia, temporary registration plates, ~~and~~ vehicle inspection reports, reduce vehicle emissions component tampering, and reduce the number of illegally disposed of used or scrap tires, by providing local law enforcement officials with funds to identify vehicles with counterfeit registration insignia, temporary registration plates, ~~and~~ vehicle inspection reports, tampered emissions components, and reduce the

number of illegally disposed of used or scrap tires, to carry out appropriate actions;

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

~~(2)~~(3) develop and implement programs or systems that remotely determine vehicle emissions and notify the vehicle's operator;

~~(3)~~(4) ~~develop and implement projects to implement the commission's smoking vehicle program;~~

(54) develop and implement programs to enhance transportation system improvements; ~~[or]~~

(65) develop and implement new air control strategies designed to assist local areas in complying with state and federal air quality rules and regulations;

(76) develop and implement innovative transportation projects;

(87) develop and implement regional data collection efforts for air quality and multimodal transportation data to improve efficiency of transportation systems;

(98) establish publicly accessible refueling infrastructure for alternative fuel vehicles; or

(109) establish vehicle loaner program for minority-owned or women owned small businesses for alternative fuel vehicles.

(e) [-(e) Money that is made available for the implementation of a program under Subsection (b) may not be expended for local government fleet or vehicle acquisition or replacement, call center management, application oversight, invoice analysis,

~~education, outreach, or advertising purposes.~~

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

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

(1) the first day of a month; and

(2) at least 90 days after the date the resolution is submitted to the commission.

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

(h) The commission shall distribute available money collected under Section 382.202(e) that was designated for the former low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program to counties that participated in that program. The commission shall distribute the money in reasonable proportion to the amount of fees collected

under Section 382.202(e) in those counties or in the regions in which those counties are located. A county that receives money under this subsection may use the money only to fund a program authorized by this section. This subsection expires September 1, 2025. [~~The remaining \$5 million may be used for any project described by Subsection (b). The fees shall be made available only to counties participating in the low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement programs created under Section 382.209 and only on a matching basis, whereby the commission provides money to a county in the same amount that the county dedicates to a project authorized by Subsection (b). The commission may reduce the match requirement for a county that proposes to develop and implement independent test facility fraud detection programs, including the use of remote sensing technology for coordinating with law enforcement officials to detect, prevent, and prosecute the use of counterfeit registration insignia and vehicle inspection reports.~~]

