

84th Texas Legislature LIRAP/LIP Bills

Bill Number	Description	Code Affected	Bill's Author	Bill's Status	Action Required	Summary of Impact	Staff Contact	Last Updated	RTC	Rationale for RTC Position(s)	NCTCOG Staff Comments
<a href="#">HB 1030</a>	Relating to money used by counties for the low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program and local initiative air quality projects.	Government Code, Chapter 403 Health and Safety Code, Chapter 382	Leach	Filed 1/28/15	Monitor	Dictates that counties receive 90% of revenue derived from fees in that county; Gives LIP constructions projects 4 yrs instead of 2; Removes statewide annual cap on LIP spending; Allows all fees collected to be used on LIP at county's discretion; Seems to still require participation in LIRAP in order to receive LIP funds; Removes the specific \$ set aside for emissions enforcement; Removes requirement for county to match funds; Adds congestion reduction as allowable	Shawn	2/3/2015	Support	Overall, the bill would introduce positive changes to the LIRAP/LIP programs and is supported by the RTC Legislative Program.	
<a href="#">HB 1031</a>	Relating to funding for certain roadway projects intended to improve or maintain air quality.	Health and Safety Code, Chapter 382 Transportation Code, Chapter 473	Leach	Filed 1/28/15	Monitor	Creates a new account called Clean Air Roadway Project Account; After each quarter, sweeps 1/3 of quarter's Clean Air Account deposits and 1/3 of quarter's TERP account deposits to new account; After each fiscal year, sweeps unappropriated and unencumbered balance of new account back to the Clean Air and TERP Accounts in the same proportion that the balances were transferred to the account	Shawn	2/3/2015	Moderate Support	This bill would allow funds to be spent on transportation system improvements, which is in the RTC Legislative Program, but several aspects conflict. RTC suggests LIP should be the vehicle through which these transportation system improvements are funded; this bill has very general language that allows TxDOT to determine the roadway projects in consultation with TCEQ. RTC suggests allowing county oversight of LIP project selection and funding distribution.	Main concern is treating the TERP funds/portions of Clean Air Account as one account and transferring funds to the new roadway project account. Because these are separate accounts, combining the two would cause funding distribution issues; need more clarification on which action would take place first, especially if both HB 1030 and HB 1031 were implemented. NCTCOG recommended removing the language related to LIRAP/Clean Air Account from the bill and just focusing on TERP. One other concern would be how eligible roadway projects are determined. Bill includes language stating that TxDOT, in consultation with TCEQ, would determine which roadway projects are eligible to be funded by money appropriated from the account. One change would be to incorporate MPOs as part of the consultation. Final concern is the funds appear to be available statewide when the majority of fees collected in the Clean Air Account come from nonattainment counties with emissions inspections – namely from LIRAP. Rep. Leach's staff indicated that they may be focusing more on HB 1030, but we will continue tracking both for any changes.
<a href="#">HB 1465</a>	Relating to money used by certain counties for the low-income vehicle repair assistance, retrofit, and accelerated vehicle retirement program and local initiative air quality projects.	Government Code, Chapter 403 Health and Safety Code, Chapter 382	Huberty	Filed 2/16/15	Monitor	Gives LIP constructions projects 4 yrs instead of 2; Makes changes to LIP for counties w/ population >4 million (only Harris County), including that it receive 90% of its fee revenue, that congestion reduction projects qualify under LIP, that the county have complete discretion about how to spend LIP funds, and that no matching is required.	Shawn	2/23/2015	Neutral	Most changes do not apply to DFW region since majority of bill's impact is on counties with populations greater than 4 million. Dallas County's population is ~2.5 million so it wouldn't apply any time soon. However, the change giving LIP construction projects 4 years to present claims to comptroller would apply statewide and would be a positive change.	Change to LIP construction project timeframe is positive. Bill needs to be amended to include all counties and not just those w/ population over 4 million.
<a href="#">HB 1961</a>	Relating to authorizing the optional imposition of a county air quality fee at the time other emissions-related inspection fees are collected.	Government Code, Chapter 403 Health and Safety Code, Chapter 382	Giddings	Filed 2/26/15	Monitor	Allows nonattainment and near nonattainment counties to adopt an air quality fee to fund a LIRAP or LIP program where the money is collected by DMV and distributed directly to county treasurer instead of going through the appropriations process. Program/projects still overseen by TCEQ. Sets some requirements regarding timing of pulling out of state funded LIRAP/LIP in anticipation of a county implementing its own fee.	Shawn	2/27/2015	Support with changes	Allowing county oversight of LIP project selection and fund distribution is on RTC Legislative Program. This bill does allow counties to oversee how funds are spent, but does not reserve a minimum 40% threshold for LIRAP, which is also in the RTC Program. It also still has TCEQ providing oversight of the LIP programs, which sounds like the counties will not have oversight of LIP project selection.	The bill continues to give TCEQ oversight over these county level LIRAP/LIP programs, but does not provide enough detail about what that oversight would look like. Also allows county to participate in both the traditional and new county funded LIP/LIRAP programs concurrently. This could be very confusing for many players involved, including the general public, if counties took that approach.

<a href="#">SB 922</a>	Relating to authorizing the optional imposition of a county air quality fee at the time other emissions-related inspection fees are collected.	Government Code, Chapter 403 Health and Safety Code, Chapter 382	Watson	Filed 3/3/15	Monitor	Companion bill to HB 1961. Mostly the same with a few differences. Allows nonattainment and near nonattainment counties to adopt an air quality fee to fund a LIRAP or LIP program where the money is collected by DMV and distributed directly to county treasurer instead of going through the appropriations process. Program/projects still overseen by TCEQ. Requires counties to pull out of state funded LIRAP/LIP prior to implementing the county air quality fee.	Shawn	3/5/2015	Support with changes	Allowing county oversight of LIP project selection and fund distribution is on RTC Legislative Program. This bill does allow counties to oversee how funds are spent, but does not reserve a minimum 40% threshold for LIRAP, which is also in the RTC Program. It also still has TCEQ providing oversight of the LIP programs, which sounds like the counties will not have oversight of LIP project selection.	Bill improves upon companion bill HB 1961 by requiring county to discontinue participation in state program prior to implementing county level program in that it doesn't allow both programs to be implemented concurrently, which reduces confusion of running multiple programs. It also has a more reasonable ceiling on the amount of the fee, capping at either what the county collected if they previously participated in LIRAP or whatever amount TCEQ will approve that covers the cost of the program, instead of being the full amount charged for an inspection as in HB 1961. A concern is that now DMV can charge 2% administrative costs instead of HB 1961's 1% limit.
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