

## **BILL ANALYSIS**

Senate Research Center  
80R10134 MTB-D

H.B. 2565  
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Transportation & Homeland Security  
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Engrossed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

The 77th Legislature, Regular Session, 2001, established an advisory committee to assist the Texas Department of Public Safety (DPS) in the certification of motor vehicle inspection stations and inspectors. Four years after its creation, this advisory committee was disbanded by DPS based on the interpretation by DPS' legal staff of Section 2110.008 (Duration of Advisory Committee). The language that established the advisory committee did not exempt the committee from Section 2110.008, which provides that advisory committees are to be abolished after four years unless otherwise designated by the state agency establishing the committee. With the imminent debut of the Texas Automated Vehicle Inspection System and the increased number of non-attainment areas throughout the state, there may be an increased need for dialogue between private sector participants and DPS.

H.B. 2565 reestablishes the motor vehicle inspection advisory committee.

### **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 548.001(3), Transportation Code, to redefine "conservation commission."

SECTION 2. Amends Section 548.006, Transportation Code, by amending Subsections (a), (b), (c), and (h), and adding Subsections (i) and (j), as follows:

(a) Requires the motor vehicle inspection advisory committee (committee) to consist of nine, rather than six, members to advise the Texas Commission on Environmental Quality (TCEQ) and the Texas Department of Public Safety (DPS), rather than only DPS, on TCEQ's and DPS' rules relating to the operation of the vehicle inspection program under this chapter (Compulsory Inspection of Vehicles), rather than the emissions testing program under Subchapter F, to make recommendations relating to the content of those rules, and to perform any other advisory function requested by TCEQ or DPS in administering this chapter and Chapter 382 (Clean Air Act), Health and Safety Code. Makes conforming changes.

(b) Requires the Public Safety Commission (commission) members to appoint seven, rather than three, members to represent certain interests.

(c) Requires the presiding officer of TCEQ and the presiding officer of the commission to each appoint one member of the committee who will alternate serving as the presiding officer of the committee. Deletes existing text requiring each member of TCEQ to appoint one member of the committee.

(h) Entitles the committee to review and comment on rules to be considered for adoption by TCEQ, the commission, or DPS under this chapter or Chapter 382, Health and Safety Code, before the rules are adopted, rather than published.

(i) Requires the committee to hold at least two meetings a year.

(j) Provides that Chapter 2110 (State Agency Advisory Committees) does not apply to the committee.

SECTION 3. Provides that Section 548.006(h), Transportation Code, as amended by this Act, applies only to a proposed rule, including a proposed amendment of a rule, first proposed after the first meeting of the advisory committee established under Section 548.006, Transportation Code, as amended by this Act.

SECTION 4. Effective date: September 1, 2007.