

By: Chisum

H.B. No. 149

A BILL TO BE ENTITLED

AN ACT

relating to a clean coal project.

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

Subchapter E, Chapter 27, Water Code, is amended by adding Sections 27.074 - 27.077 to read as follows:

Sec. 27.074. ACQUISITION OF CARBON DIOXIDE. (a) The railroad commission shall acquire title to carbon dioxide captured by a clean coal project that meets the FutureGen project profile.

(b) The right, title, and interest in carbon dioxide acquired under this section are the property of the railroad commission, acting on behalf of the state, and shall be administered and controlled by the railroad commission in the name of the state.

(c) A right, title, or interest acquired under this chapter does not vest in any fund created by the Texas Constitution.

Sec. 27.075. TRANSFER COSTS OF PROPERTY. Carbon dioxide transferred to the state under this chapter shall be transferred to the state without cost, other than administrative and legal costs incurred in making the transfer.

Sec. 27.076. LIABILITY. The transfer of the title to the state under this section does not relieve an owner or operator of a clean coal project of liability for any act or omission regarding the generation of carbon dioxide performed before the carbon dioxide was captured in a manner that meets the FutureGen project

1 profile.

2 Sec. 27.077. SALE OF CARBON DIOXIDE FOR BENEFICIAL USE. (a)
3 "Carbon dioxide" as used in this section means that portion of
4 carbon dioxide that is captured from an electric generation or
5 industrial production facility and is not injected for permanent
6 storage in a geologic formation in a manner that meets the FutureGen
7 project profile.

8 (b) The railroad commission may transfer title to the buyer
9 or end user of carbon dioxide that is sold for enhanced oil recovery
10 or other beneficial use.

11 (c) The railroad commission shall transfer proceeds from
12 the sale of carbon dioxide in accordance with this section to the
13 state general revenue fund.