

Amend CSHB 1090, in Section 1 of the bill, amend Section 22.007 (page 4, line 45) to read as follows:

"Sec. 22.007. RULES AND STUDY. (a) The commissioner, in consultation with the Public Utility Commission of Texas and the Texas Commission on Environmental Quality, shall adopt rules to implement this chapter.

(b) The commissioner, in consultation with the Public Utility Commission, Texas Forest Service, and other interested parties, shall conduct a study of the impact of the agricultural biomass and landfill diversion incentive program on existing forest products manufacturing facilities in the state. The study shall consider the potential impact of the program for each year the program remains in effect on:

(1) the supply of forest wood products to manufacturing facilities and, considering individually each area or region that supplies a particular manufacturing facility, whether the incentives are likely to divert forest wood products from manufacturing use to electric generation use;

(2) the cost and availability of qualified agricultural biomass currently used to generate electricity by existing manufacturing facilities;

(3) the cost of electricity generated by biomass compared to the cost of electricity generated by other fuels; and

(4) any other factors the commissioner deems relevant.

(c) Not later than January 1, 2009, the commissioner shall issue a report and make recommendations for changes in the program to mitigate any adverse impact on the forest products manufacturing industry. The commissioner shall send a copy of the report to the Governor, Lieutenant Governor, Speaker of the House of Representatives, and each member of the Legislature."