

By: Gallego

H.B. No. 2320

A BILL TO BE ENTITLED

AN ACT

relating to a temporary moratorium on authorizations for certain coal-fired electric generating facilities.

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

SECTION 1. The legislature finds that:

(1) it is in the public interest to adopt an integrated energy plan for this state that provides for this state's electricity generation needs, protects the health and safety of the residents of this state, and protects the products produced in this state;

(2) there is a need for the study of and information about matters pertaining to energy development, including its effects on air and water quality, existing industries, and the allocation of water resources;

(3) certain coal-fired electric generating facilities may have a significant negative effect on the health, safety, and welfare of this state's population, the quality and financial security of this state's agricultural businesses and industries, the economic growth of this state, and the environmental quality and natural resources of this state; and

(4) to better understand the environmental and economic effects of coal-fired electric generating facilities, it is in the public interest to place a two-year moratorium on authorizations for certain coal-fired electric generating

1 facilities.

2 SECTION 2. (a) In this section, "modification of existing
3 facility" has the meaning assigned by Section 382.003, Health and
4 Safety Code.

5 (b) Until the second anniversary of the effective date of
6 this Act, the Texas Commission on Environmental Quality, a
7 municipality, or a county may not accept an application for, issue,
8 or renew a permit, permit amendment, license, variance, or other
9 authorization for or in connection with:

10 (1) the construction of a new coal-fired electric
11 generating facility; or

12 (2) the modification of an existing coal-fired
13 electric generating facility.

14 (c) This section applies to the issuance or renewal of a
15 permit, permit amendment, license, variance, or other
16 authorization regardless of whether the application for the
17 authorization is pending on the effective date of this Act.

18 (d) This section does not apply to the construction of a new
19 electric generating facility that will use integrated gasification
20 combined cycle technology.

21 SECTION 3. This Act takes effect immediately if it receives
22 a vote of two-thirds of all the members elected to each house, as
23 provided by Section 39, Article III, Texas Constitution. If this
24 Act does not receive the vote necessary for immediate effect, this
25 Act takes effect September 1, 2007.