

By: Swinford

H.B. No. 3168

Substitute the following for H.B. No. 3168:

By: Anderson

C.S.H.B. No. 3168

A BILL TO BE ENTITLED

AN ACT

1
2 relating to incentives for and the regulation of biofuel production
3 and distribution in this state.

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

5 SECTION 1. Chapter 16, Agriculture Code, is amended by
6 adding Section 16.007 to read as follows:

7 Sec. 16.007. REGULATION OF FUEL ETHANOL OR BIODIESEL IN A
8 MANNER MORE STRINGENT THAN FEDERAL LAW. (a) In this section,
9 "state agency" has the meaning assigned by Section 315.002,
10 Government Code.

11 (b) Except as provided by this section, a state agency may
12 not adopt or implement rules in a manner that restricts the
13 production or distribution of fuel ethanol or biodiesel if the
14 rules impose a restriction more stringent than federal law
15 provides.

16 (c) After May 1, 2009, Subsection (b) does not apply to a
17 rule adopted by the Texas Commission on Environmental Quality if
18 that commission determines that, without imposing the restriction
19 provided by the rule, emissions generated by using fuel ethanol or
20 biodiesel will materially jeopardize compliance with the state
21 implementation plan for attaining national ambient air quality
22 standards.

23 SECTION 2. This Act takes effect immediately if it receives
24 a vote of two-thirds of all the members elected to each house, as

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1 provided by Section 39, Article III, Texas Constitution. If this
2 Act does not receive the vote necessary for immediate effect, this
3 Act takes effect September 1, 2007.