

By: Ellis

S.B. No. 860

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to a temporary moratorium on authorizations for certain  
3 coal-fired electric generating facilities.

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

5 SECTION 1. The legislature finds that:

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

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

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

21 (4) to better understand the environmental and  
22 economic effects of coal-fired electric generating facilities, it  
23 is in the public interest to place a two-year moratorium on  
24 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.