

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1666
By: Estes
Agriculture & Rural Affairs
4/17/2009
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

A state with a vast agricultural and forest industry, Texas has the potential to become a major biofuel feedstock producer. Biofuels, particularly cellulosic ethanol and biodiesel, hold substantial promise for supplying a significant portion of the nation's future vehicle fuel. Texas possesses key factors, including a large agricultural industry, a broad, multi-sectored energy industry, and major research universities actively researching critically needed cellulosic energy breakthroughs. Thoughtful planning of the state's role as a biofuel leader will require a consortium of political leadership, university representation and research collaboration, energy industry and agricultural expertise and efforts to maximize federal funding.

Texas is already a leader in wind power, agriculture, and natural gas production. By evolving as a leader in alternative feedstock development, the state would position itself as the leader in renewable energy for years to come. Bioenergy has huge implications for economic development and energy independence.

C.S.S.B. 1666 relates to the establishment of the Texas Bioenergy Policy Council and the Texas Bioenergy Research Committee.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 3, Agriculture Code, by adding Chapter 50D, as follows:

CHAPTER 50D. TEXAS BIOENERGY POLICY COUNCIL AND TEXAS BIOENERGY RESEARCH COMMITTEE

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 50D.001. **PURPOSE.** Provides that the purpose of the Texas Bioenergy Policy Council (council) and the Texas Bioenergy Research Committee (committee) is to promote the goal of making biofuels a significant part of the energy industry in this state not later than January 1, 2019.

Sec. 50D.002. **DEFINITIONS.** Defines "policy council" and "research committee."

Sec. 50D.003. **ADMINISTRATIVE SUPPORT.** Requires the Texas Department of Agriculture (TDA) to provide administrative support, including staff, to the council and authorizes TDA to allocate appropriate administrative support to the committee.

[Reserves Sections 50D.004-50D.010 for expansion.]

SUBCHAPTER B. TEXAS BIOENERGY POLICY COUNCIL

Sec. 50D.011. **COMPOSITION.** (a) Provides that the council is composed of 16 certain members.

(b) Provides that the six members of the council appointed by the governor serve at the governor's pleasure and have two-year staggered terms. Provides that the terms of three of those members expire on January 1 of each even-numbered year, and the terms of three of those members expire on January 1 of each odd-numbered year.

(c) Requires the governor to fill any vacancy in a position appointed by the governor for the remainder of the unexpired term.

(d) Requires that appointments to the council be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

(e) Provides that the council is subject to Chapters 551 (Open Meetings) and 2001 (Administrative Procedure), Government Code.

Sec. 50D.012. REMOVAL OF POLICY COUNCIL MEMBERS. (a) Authorizes the removal of a member of the council from the council if the member is not able to devote the time necessary to perform the member's duties as a member, cannot because of illness or disability discharge the member's duties or cannot discharge those duties for a substantial part of the term for which the member is appointed, or is absent from more than half of the regularly scheduled council meetings that the member is eligible to attend during the calendar year, unless the absence is excused by a majority vote of the council.

(b) Provides that an action of the council is not invalid because a ground for removal of a council member exists at the time the action is taken.

(c) Requires the commissioner of agriculture (commissioner), if the commissioner has knowledge that a potential ground for removal of a member exists, to notify the governor and attorney general of the potential ground for removal.

Sec. 50D.013. DUTIES OF POLICY COUNCIL. Requires the council to provide a vision for unifying the state's agricultural, energy, and research strengths in a successful launch of cellulosic biofuel industry; foster development of cellulosic-based fuels and build on the Texas emerging technology fund's investments in leading-edge energy research and efforts to commercialize the production of bioenergy; pursue the creation of a next-generation biofuels energy research program at a university in the state; work to procure federal and other funding to aid this state in becoming a bioenergy leader; and perform other advisory duties as requested by the commissioner regarding the responsible development of bioenergy resources in this state.

(b) Requires the council to meet regularly as necessary at the call of the commissioner.

Sec. 50D.014. REIMBURSEMENT OF EXPENSES. (a) Prohibits a member of the council from receiving compensation for service on the council. Authorizes the member to receive reimbursement, subject to availability of funds, for the actual and necessary expenses incurred while conducting policy council business.

[Reserves Sections 50D.015-50D.020 for expansion.]

SUBCHAPTER C. TEXAS BIOENERGY RESEARCH COMMITTEE

Sec. 50D.021. COMPOSITION. (a) Provides that the committee is composed of 16 certain members.

(b) Provides that the six members of the committee appointed by the governor serve at the governor's pleasure and have two-year staggered terms. Provides that the terms of three of those members expire on January 1 of each even-numbered year, and the terms of three of those members expire on January 1 of each odd-numbered year.

(c) Requires the governor to fill any vacancy in a position appointed by the governor for the remainder of the unexpired term.

(d) Requires that appointments to the committee be made without regard to the race, color, disability, sex, religion, age, or national origin of the appointees.

(e) Provides that the committee is subject to Chapters 551 and 2001, Government Code.

Sec. 50D.022. REMOVAL OF RESEARCH COMMITTEE MEMBERS. (a) Authorizes the removal of a member of the committee from the committee if the member is not able to devote the time necessary to perform the member's duties as a member, cannot because of illness or disability discharge the member's duties or cannot discharge those duties for a substantial part of the term for which the member is appointed, or is absent from more than half of the regularly scheduled council meetings that the member is eligible to attend during a calendar year, unless the absence is excused by a majority vote of the committee.

(b) Provides that an action of the committee is not invalid because a ground for removal of a committee member exists at the time the action is taken.

(c) Requires the commissioner, if the commissioner has knowledge that a potential ground for removal of a member exists, to notify the governor and attorney general of the potential ground for removal.

Sec. 50D.023. PURPOSES AND DUTY OF RESEARCH COMMITTEE. (a) Provides that the committee is a research consortium among academic and technical research leadership, with active involvement by all sectors of the economy interested in bioenergy development.

(b) Requires the committee to identify and research appropriate and desirable biomass feedstock for each geographic region of this state; investigate logistical challenges to the planting, harvesting, and transporting of large volumes of biomass and provide recommendation to the council that will aid in overcoming barriers to the transporting, disturbing, and marketing of bioenergy; identify strategies for and obstacles to the potential transition of the agriculture industry in western regions of this state to dryland bioenergy crops that are not dependent on groundwater resources; explore regions in the state, including coastal areas, that may contain available marginal land for use in growing bioenergy feedstocks; and perform other research duties as requested by the commissioner relating to the responsible development of bioenergy resource in the state.

(c) Requires the committee to meet at the call of the commissioner.

Sec. 50D.024. REIMBURSEMENT OF EXPENSES. Prohibits a member of the committee from receiving compensation for service on the committee. Authorizes a committee member, subject to the availability of funds, to be reimbursed for the actual and necessary expenses incurred while conducting committee business.

SECTION 2. (a) Requires the appropriate persons, as soon as practicable after the effective date of this Act, to appoint the members of the council and the committee established by Sections 50D.011 and 50D.021, Agriculture Code, as added by this Act.

(b) Requires the commissioner, not later than the 30th day after the date the final member is appointed, to call the first meeting of the council.

SECTION 3. Effective date: upon passage or September 1, 2009.