

By: Anderson

H.B. No. 366

A BILL TO BE ENTITLED

AN ACT

relating to creating a task force to review electric energy generation policies and certain permits for operation of electric generation facilities and to study the state's long-term demand for electric generation capacity.

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

SECTION 1. Chapter 31, Utilities Code, is amended by adding Section 31.006 to read as follows:

Sec. 31.006. ELECTRIC ENERGY AND ENVIRONMENTAL IMPACT TASK FORCE. (a) In this section, "task force" means the electric energy and environmental impact task force.

(b) The electric energy and environmental impact task force shall meet quarterly to:

(1) study the state's long-term demand for electric generation capacity and the infrastructure and technology available and necessary for meeting that demand;

(2) study the environmental effects of existing and proposed electric generating facilities;

(3) inventory all existing electric generating facilities operating in this state;

(4) review changes to state statutes, administrative rules and regulations, judicial decisions, and executive branch policies regarding electric energy generation; and

(5) as necessary and in accordance with Section

1 382.05171, Health and Safety Code, determine whether the issuance  
2 of a permit to operate an electric generating facility is necessary  
3 to meet the state's demand for electric generation capacity.

4 (c) The task force is composed of representatives of:

5 (1) the commission;

6 (2) the Texas Commission on Environmental Quality;

7 (3) ERCOT; and

8 (4) the Texas Water Development Board.

9 (d) The members of the task force shall elect a presiding  
10 officer from among the members and shall adopt rules governing the  
11 operation of the committee.

12 (e) All meetings of the task force shall be conducted in  
13 accordance with Chapter 551, Government Code.

14 (f) The task force may solicit and accept gifts, grants, and  
15 appropriations for purposes of this section.

16 SECTION 2. Subchapter C, Chapter 382, Health and Safety  
17 Code, is amended by adding Section 382.05171 to read as follows:

18 Sec. 382.05171. REVIEW OF ELECTRIC ENERGY AND ENVIRONMENTAL  
19 IMPACT TASK FORCE. (a) In this section, "task force" means the  
20 electric energy and environmental impact task force established  
21 under Section 31.006, Utilities Code.

22 (b) In addition to the requirements for obtaining a permit  
23 under this chapter, before the commission may issue a permit to  
24 operate an electric generating facility, the commission shall  
25 submit a copy of the application to the task force to determine  
26 whether the issuance of the permit is necessary to meet the state's  
27 demand for electric generation capacity.

1        (c) The commission may not grant a permit to operate an  
2 electric generating facility under this chapter if the task force  
3 determines that the issuance of the permit is not necessary to meet  
4 the state's demand for electric generation capacity.

5        SECTION 3. Section 382.05171, Health and Safety Code, as  
6 added by this Act, applies only to an application for a permit to  
7 operate an electric generating facility for which the Texas  
8 Commission on Environmental Quality has not issued a permit before  
9 the effective date of this Act.

10       SECTION 4. Not later than October 1, 2009, the electric  
11 energy and environmental impact task force established under  
12 Section 31.006, Utilities Code, as added by this Act, shall conduct  
13 an organizational meeting.

14       SECTION 5. This Act takes effect immediately if it receives  
15 a vote of two-thirds of all the members elected to each house, as  
16 provided by Section 39, Article III, Texas Constitution. If this  
17 Act does not receive the vote necessary for immediate effect, this  
18 Act takes effect September 1, 2009.