

By: Ellis

S.B. No. 126

A BILL TO BE ENTITLED

1 AN ACT

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

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

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

15 (2) the modification of an existing coal-fired
16 electric generating facility.

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

21 (d) This section does not apply to the construction of a new
22 electric generating facility the carbon dioxide generated by which
23 will be captured and sequestered in a geological formation.

24 SECTION 2. This Act takes effect immediately if it receives

1 a vote of two-thirds of all the members elected to each house, as
2 provided by Section 39, Article III, Texas Constitution. If this
3 Act does not receive the vote necessary for immediate effect, this
4 Act takes effect September 1, 2009.