

By: Estes

S.B. No. 1666

A BILL TO BE ENTITLED

AN ACT

relating to the establishment of the Texas Bioenergy Policy Council  
and the Texas Bioenergy Research Committee.

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

SECTION 1. Title 3, Agriculture Code, is amended by adding  
Chapter 50D to read as follows:

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

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 50D.001. PURPOSE. The purpose of the Texas Bioenergy  
Policy Council and the Texas Bioenergy Research 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. In this chapter:

(1) "Policy council" means the Texas Bioenergy Policy  
Council.

(2) "Research committee" means the Texas Bioenergy  
Research Committee.

Sec. 50D.003. ADMINISTRATIVE SUPPORT. The department:

(1) shall provide administrative support, including  
staff, to the policy council; and

(2) may allocate appropriate administrative support  
to the research committee.

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

1           SUBCHAPTER B. TEXAS BIOENERGY POLICY COUNCIL

2           Sec. 50D.011. COMPOSITION. (a) The policy council is  
3 composed of the following 16 members:

4           (1) the commissioner, who serves as chair of the  
5 policy council;

6           (2) one representative of the Railroad Commission of  
7 Texas;

8           (3) one representative of the Texas Commission on  
9 Environmental Quality;

10          (4) one representative of the Public Utility  
11 Commission of Texas;

12          (5) one representative of the Texas Water Development  
13 Board;

14          (6) the chancellor of The Texas A&M University System,  
15 or the person designated by the chancellor;

16          (7) the chancellor of the Texas Tech University  
17 System, or the person designated by the chancellor;

18          (8) the chancellor of The University of Texas System,  
19 or the person designated by the chancellor;

20          (9) one member of the senate appointed by the  
21 lieutenant governor;

22          (10) one member of the house of representatives  
23 appointed by the speaker of the house of representatives; and

24          (11) six members appointed by the governor, with each  
25 of the following industries or groups represented by one member:

26               (A) research and development of feedstock and  
27 feedstock production;

1                   (B) retail distribution of energy;

2                   (C) transportation of biomass feedstock;

3                   (D) agricultural production for bioenergy  
4 production or agricultural waste used for production of bioenergy;

5                   (E) production of biodiesel or ethanol from  
6 nonfood feedstocks; and

7                   (F) bio-based electricity generation.

8           (b) The six members of the policy council appointed by the  
9 governor serve at the governor's pleasure and have two-year  
10 staggered terms. The terms of three of those members expire on  
11 January 1 of each even-numbered year, and the terms of three of  
12 those members expire on January 1 of each odd-numbered year.

13           (c) The governor shall fill any vacancy in a position  
14 appointed by the governor for the remainder of the unexpired term.

15           (d) Appointments to the policy council must be made without  
16 regard to the race, color, disability, sex, religion, age, or  
17 national origin of the appointees.

18           (e) The policy council is subject to Chapters 551 and 2001,  
19 Government Code.

20           Sec. 50D.012. REMOVAL OF POLICY COUNCIL MEMBERS. (a) A  
21 member of the policy council may be removed from the policy council  
22 if the member:

23                   (1) is not able to devote the time necessary to perform  
24 the member's duties as a member;

25                   (2) cannot because of illness or disability discharge  
26 the member's duties or cannot discharge those duties for a  
27 substantial part of the term for which the member is appointed; or

1           (3) is absent from more than half of the regularly  
2 scheduled policy council meetings that the member is eligible to  
3 attend during a calendar year, unless the absence is excused by a  
4 majority vote of the policy council.

5           (b) An action of the policy council is not invalid because a  
6 ground for removal of a policy council member exists at the time the  
7 action is taken.

8           (c) If the commissioner has knowledge that a potential  
9 ground for removal of a policy council member exists, the  
10 commissioner shall notify the governor and attorney general of the  
11 potential ground for removal.

12           Sec. 50D.013. DUTIES OF POLICY COUNCIL. (a) The policy  
13 council shall:

14           (1) provide a vision for unifying this state's  
15 agricultural, energy, and research strengths in a successful launch  
16 of a cellulosic biofuel industry;

17           (2) foster development of cellulosic-based fuels and  
18 build on the Texas emerging technology fund's investments in  
19 leading-edge energy research and efforts to commercialize the  
20 production of bioenergy;

21           (3) pursue the creation of a next-generation biofuels  
22 energy research program at a university in this state;

23           (4) work to procure federal and other funding to aid  
24 this state in becoming a bioenergy leader;

25           (5) study the feasibility and economic development  
26 effect of a blending requirement for biodiesel or cellulosic fuels;  
27 and

1           (6) perform other advisory duties as requested by the  
2 commissioner regarding the responsible development of bioenergy  
3 resources in this state.

4           (b) The policy council shall meet regularly as necessary at  
5 the call of the commissioner.

6           Sec. 50D.014. REIMBURSEMENT OF EXPENSES. A member of the  
7 policy council may not receive compensation for service on the  
8 council. Subject to availability of funds, a policy council member  
9 may receive reimbursement for the actual and necessary expenses  
10 incurred while conducting policy council business.

11           [Sections 50D.015-50D.020 reserved for expansion]

12           SUBCHAPTER C. TEXAS BIOENERGY RESEARCH COMMITTEE

13           Sec. 50D.021. COMPOSITION. (a) The research committee is  
14 composed of the following 16 members:

15                   (1) the commissioner or the person designated by the  
16 commissioner, who serves as the chair of the research committee;

17                   (2) one representative of the Railroad Commission of  
18 Texas;

19                   (3) one representative of the Texas Commission on  
20 Environmental Quality;

21                   (4) one representative of the Public Utility  
22 Commission of Texas;

23                   (5) one representative of the Texas Water Development  
24 Board;

25                   (6) one researcher or specialist in the bioenergy  
26 field from each of the following university systems, appointed by  
27 the chancellor of the system:

1           (A) The Texas A&M University System;

2           (B) the Texas Tech University System; and

3           (C) The University of Texas System;

4           (7) one representative of the Texas Agricultural  
5 Finance Authority, appointed by the commissioner to serve as a  
6 nonvoting member;

7           (8) one representative of the Texas emerging  
8 technology fund, appointed by the governor to serve as a nonvoting  
9 member; and

10          (9) six members appointed by the governor, with each  
11 of the following industries or groups represented by one member:

12           (A) research and development of feedstock and  
13 feedstock production;

14           (B) retail distribution of energy;

15           (C) transportation of biomass feedstock;

16           (D) agricultural production for bioenergy  
17 production or agricultural waste used for production of bioenergy;

18           (E) production of biodiesel or ethanol from  
19 nonfood feedstocks; and

20           (F) bio-based electricity generation.

21          (b) The six members of the research committee appointed by  
22 the governor serve at the governor's pleasure and have two-year  
23 staggered terms. The terms of three of those members expire on  
24 January 1 of each even-numbered year, and the terms of three of  
25 those members expire on January 1 of each odd-numbered year.

26          (c) The governor shall fill any vacancy in a position  
27 appointed by the governor for the remainder of the unexpired term.

1        (d) Appointments to the research committee must be made  
2 without regard to the race, color, disability, sex, religion, age,  
3 or national origin of the appointees.

4        (e) The research committee is subject to Chapters 551 and  
5 2001, Government Code.

6        Sec. 50D.022. REMOVAL OF RESEARCH COMMITTEE MEMBERS.

7        (a) A member of the research committee may be removed from the  
8 research committee if the member:

9                (1) is not able to devote the time necessary to perform  
10 the member's duties as a member;

11                (2) cannot because of illness or disability discharge  
12 the member's duties or cannot discharge those duties for a  
13 substantial part of the term for which the member is appointed; or

14                (3) is absent from more than half of the regularly  
15 scheduled committee meetings that the member is eligible to attend  
16 during a calendar year, unless the absence is excused by a majority  
17 vote of the committee.

18        (b) An action of the research committee is not invalid  
19 because a ground for removal of a committee member exists at the  
20 time the action is taken.

21        (c) If the commissioner has knowledge that a potential  
22 ground for removal of a committee member exists, the commissioner  
23 shall notify the governor and attorney general of the potential  
24 ground for removal.

25        Sec. 50D.023. PURPOSES AND DUTY OF RESEARCH COMMITTEE.

26        (a) The research committee is a research consortium among academic  
27 and technical research leadership, with active involvement by all

1 sectors of the economy interested in bioenergy development.

2 (b) The research committee shall:

3 (1) identify and research appropriate and desirable  
4 biomass feedstock for each geographic region of this state;

5 (2) investigate logistical challenges to the  
6 planting, harvesting, and transporting of large volumes of biomass  
7 and provide recommendations to the policy council that will aid in  
8 overcoming barriers to the transportation, distribution, and  
9 marketing of bioenergy;

10 (3) identify strategies for and obstacles to the  
11 potential transition of the agriculture industry in western regions  
12 of this state to dryland bioenergy crops that are not dependent on  
13 groundwater resources;

14 (4) explore regions of this state, including coastal  
15 areas, that may contain available marginal land for use in growing  
16 bioenergy feedstocks;

17 (5) study the potential for producing oil from algae;  
18 and

19 (6) perform other research duties as requested by the  
20 commissioner relating to the responsible development of bioenergy  
21 resources in this state.

22 (c) The research committee shall meet at the call of the  
23 commissioner.

24 Sec. 50D.024. REIMBURSEMENT OF EXPENSES. A member of the  
25 research committee may not receive compensation for service on the  
26 committee. Subject to availability of funds, a research committee  
27 member may receive reimbursement for the actual and necessary



1 expenses incurred while conducting research committee business.

2       SECTION 2. (a) As soon as practicable after the effective  
3 date of this Act, the appropriate persons shall appoint the members  
4 of the Texas Bioenergy Policy Council and the Texas Bioenergy  
5 Research Committee established by Sections 50D.011 and 50D.021,  
6 Agriculture Code, as added by this Act.

7       (b) Not later than the 30th day after the date the final  
8 member is appointed to the Texas Bioenergy Policy Council, the  
9 commissioner of agriculture shall call the first meeting of the  
10 policy council.

11       SECTION 3. This Act does not make an appropriation. A  
12 provision in this Act that creates a new governmental program,  
13 creates a new entitlement, or imposes a new duty on a governmental  
14 entity is not mandatory during a fiscal period for which the  
15 legislature has not made a specific appropriation to implement the  
16 provision.

17       SECTION 4. This Act takes effect immediately if it receives  
18 a vote of two-thirds of all the members elected to each house, as  
19 provided by Section 39, Article III, Texas Constitution. If this  
20 Act does not receive the vote necessary for immediate effect, this  
21 Act takes effect September 1, 2009.