

By: Estes

S.B. No. 1666

Substitute the following for S.B. No. 1666:

By: Hardcastle

C.S.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) "Alternative chemical feedstock" means a  
feedstock that is produced by a thermochemical process that  
converts alternative sources of fuel, including biomass, or other  
renewable sources, to a raw material to be used in the chemical  
manufacturing process.

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

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

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

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

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

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

6           SUBCHAPTER B. TEXAS BIOENERGY POLICY COUNCIL

7           Sec. 50D.011. COMPOSITION. (a) The policy council is  
8 composed of the following 18 members:

9           (1) the commissioner, who serves as chair of the  
10 policy council;

11           (2) one representative of the Railroad Commission of  
12 Texas;

13           (3) one representative of the Texas Commission on  
14 Environmental Quality;

15           (4) one representative of the Public Utility  
16 Commission of Texas;

17           (5) one representative of the Texas Water Development  
18 Board;

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

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

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

25           (9) one member of the senate appointed by the  
26 lieutenant governor;

27           (10) one member of the house of representatives

appointed by the speaker of the house of representatives; and

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

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

(B) retail distribution of energy;

(C) transportation of biomass feedstock;

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

(E) production of biodiesel from nonfood feedstocks;

(F) production of ethanol from nonfood feedstocks;

(G) bio-based electricity generation; and

(H) chemical manufacturing.

(b) The eight members of the policy council appointed by the governor serve at the governor's pleasure and have two-year staggered terms, with the terms of either three or four members expiring on January 1 of each year.

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

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

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

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

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

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

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

13       (b) An action of the policy council is not invalid because a  
14 ground for removal of a policy council member exists at the time the  
15 action is taken.

16       (c) If the commissioner has knowledge that a potential  
17 ground for removal of a policy council member exists, the  
18 commissioner shall notify the governor and attorney general of the  
19 potential ground for removal.

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

22           (1) provide a vision for unifying this state's  
23 agricultural, energy, and research strengths in a successful launch  
24 of a cellulosic biofuel and bioenergy industry;

25           (2) foster development of cellulosic-based and  
26 bio-based fuels and build on the Texas emerging technology fund's  
27 investments in leading-edge energy research and efforts to

1 commercialize the production of bioenergy;

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

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

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

8 (6) pursue the development and use of thermochemical  
9 process technologies to produce alternative chemical feedstocks;

10 (7) study the feasibility and economic development of  
11 the requirements for pipeline-quality, renewable natural gas; and

12 (8) perform other advisory duties as requested by the  
13 commissioner regarding the responsible development of bioenergy  
14 resources in this state.

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

17 Sec. 50D.014. REIMBURSEMENT OF EXPENSES. A member of the  
18 policy council may not receive compensation for service on the  
19 council. Subject to availability of funds, a policy council member  
20 may receive reimbursement for the actual and necessary expenses  
21 incurred while conducting policy council business.

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

23 SUBCHAPTER C. TEXAS BIOENERGY RESEARCH COMMITTEE

24 Sec. 50D.021. COMPOSITION. (a) The research committee is  
25 composed of the following 18 members:

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

1           (2) one representative of the Railroad Commission of  
2 Texas;

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

5           (4) one representative of the Public Utility  
6 Commission of Texas;

7           (5) one representative of the Texas Water Development  
8 Board;

9           (6) one researcher or specialist in the bioenergy  
10 field from each of the following university systems, appointed by  
11 the chancellor of the system:

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

13                   (B) the Texas Tech University System; and

14                   (C) The University of Texas System;

15           (7) one representative of the Texas Agricultural  
16 Finance Authority, appointed by the commissioner to serve as a  
17 nonvoting member;

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

21           (9) eight members appointed by the governor, with each  
22 of the following industries or groups represented by one member:

23                   (A) research and development of feedstock and  
24 feedstock production;

25                   (B) retail distribution of energy;

26                   (C) transportation of biomass feedstock;

27                   (D) agricultural production for bioenergy

1 production or agricultural waste used for production of bioenergy;  
2 (E) production of biodiesel from nonfood  
3 feedstocks;  
4 (F) production of ethanol from nonfood  
5 feedstocks;  
6 (G) bio-based electricity generation; and  
7 (H) chemical manufacturing.

8 (b) The eight members of the research committee appointed by  
9 the governor serve at the governor's pleasure and have two-year  
10 staggered terms, with the terms of either three or four members  
11 expiring on January 1 of each year.

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

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

17 (e) The research committee is subject to Chapters 551 and  
18 2001, Government Code.

19 Sec. 50D.022. REMOVAL OF RESEARCH COMMITTEE MEMBERS. (a) A  
20 member of the research committee may be removed from the research  
21 committee if the member:

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

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

27 (3) is absent from more than half of the regularly

1 scheduled committee meetings that the member is eligible to attend  
2 during a calendar year, unless the absence is excused by a majority  
3 vote of the committee.

4 (b) An action of the research committee is not invalid  
5 because a ground for removal of a committee member exists at the  
6 time the action is taken.

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

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

15 (b) The research committee shall:

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

18 (2) investigate logistical challenges to the  
19 planting, harvesting, and transporting of large volumes of biomass  
20 and provide recommendations to the policy council that will aid in  
21 overcoming barriers to the transportation, distribution, and  
22 marketing of bioenergy;

23 (3) identify strategies for and obstacles to the  
24 potential transition of the agriculture industry in western regions  
25 of this state to dryland bioenergy crops that are not dependent on  
26 groundwater resources;

27 (4) explore regions of this state, including coastal



1 areas, that may contain available marginal land for use in growing  
2 bioenergy feedstocks;

3 (5) study the potential for producing oil from algae;

4 (6) study the potential for the advancement of  
5 thermochemical process technologies to produce alternative  
6 chemical feedstocks;

7 (7) study the potential for producing  
8 pipeline-quality natural gas from renewable sources; and

9 (8) perform other research duties as requested by the  
10 commissioner relating to the responsible development of bioenergy  
11 resources in this state.

12 (c) The research committee shall meet at the call of the  
13 commissioner.

14 Sec. 50D.024. REIMBURSEMENT OF EXPENSES. A member of the  
15 research committee may not receive compensation for service on the  
16 committee. Subject to availability of funds, a research committee  
17 member may receive reimbursement for the actual and necessary  
18 expenses incurred while conducting research committee business.

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

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

1           SECTION 3. This Act does not make an appropriation. A  
2 provision in this Act that creates a new governmental program,  
3 creates a new entitlement, or imposes a new duty on a governmental  
4 entity is not mandatory during a fiscal period for which the  
5 legislature has not made a specific appropriation to implement the  
6 provision.

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