

Suspending limitations on conference committee
jurisdiction, H.B. No. 469

By: Seliger

S.R. No. 1102

SENATE RESOLUTION

BE IT RESOLVED by the Senate of the State of Texas, 81st Legislature, Regular Session, 2009, That Senate Rule 12.03 be suspended in part as provided by Senate Rule 12.08 to enable the conference committee appointed to resolve the differences on House Bill No. 469 (the establishment of incentives by this state for the implementation of projects to capture and sequester carbon dioxide that would otherwise be emitted into the atmosphere) to consider and take action on the following matters:

(1) Senate Rules 12.03(1) and (3) are suspended to permit the committee to change, alter, or amend text that is not in disagreement and to add text on a matter that is not in disagreement in SECTION 1 of the bill, in the heading to added Subchapter H, Chapter 490, Government Code, to read as follows:

SUBCHAPTER H. FRANCHISE TAX CREDIT FOR CLEAN ENERGY PROJECT

Explanation: The change is necessary to clarify that the subchapter authorizes a franchise tax credit for a clean energy project.

(2) Senate Rules 12.03(3) and (4) are suspended to permit the committee to add text on a matter that is not in disagreement and to add text on a matter that is not included in either the house or senate version of the bill in SECTION 1 of the bill, in added Subsection (a), Section 490.352, Government Code, to read as follows:

A clean energy project is eligible for a franchise tax credit only if the project is implemented in connection with the

construction of a new facility.

Explanation: This addition is necessary to limit eligibility for the franchise tax credit authorized by the bill to clean energy projects implemented in connection with the construction of a new facility.

(3) Senate Rules 12.03(1), (2), and (3) are suspended to permit the committee to change, alter, or amend text that is not in disagreement, to omit text that is not in disagreement, and to add text on any matter that is not in disagreement in SECTION 1 of the bill, in added Subsection (d), Section 490.352, Government Code, to read as follows:

(d) The amount of the franchise tax credit for each report year is calculated by determining the amount of franchise tax that is due based on the taxable margin generated by a clean energy project from the generation and sale of power and the sale of any products that are produced by the electric generation facility. The amount of the franchise tax credit claimed under this section for a report year may not exceed the amount of franchise tax attributable to the clean energy project for that report year.

Explanation: The change is necessary to specify the method to be used in calculating the amount of the franchise tax credit issued to an entity implementing a clean energy project in this state.

President of the Senate

I hereby certify that the above Resolution was adopted by the Senate on May 31, 2009.

Secretary of the Senate