

By: Rodriguez of Travis

H.B. No. 3069

A BILL TO BE ENTITLED

AN ACT

relating to the authority and obligations of the Texas Commission on Environmental Quality and the Public Utility Commission of Texas to comply with and implement a Clean Power Plan.

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

SECTION 1. Subchapter B, Chapter 382, Health and Safety Code, is amended by adding Section 382.0174 to read as follows:

Sec. 382.0174. COMMISSION AND UTILITY COMMISSION AUTHORITY AND OBLIGATIONS UNDER CERTAIN FEDERAL REQUIREMENTS. (a) In this section:

(1) "Clean Power Plan" means a final rulemaking action of the United States Environmental Protection Agency that establishes carbon pollution guidelines for existing electric utility generating units under Section 111(d) of the federal Clean Air Act (42 U.S.C. Section 7411(d)).

(2) "Utility commission" means the Public Utility Commission of Texas.

(b) The commission is the primary authority responsible for ensuring that this state complies with and implements a Clean Power Plan. The commission shall, as necessary, submit to the United States Environmental Protection Agency a state plan or a federal plan implemented under 42 U.S.C. Section 7411(d) that the commission has accepted.

(c) Notwithstanding any other law, the commission and the

1 utility commission:

2 (1) have the authority necessary to comply with and
3 implement a Clean Power Plan;

4 (2) shall take measures necessary to comply with or
5 implement a Clean Power Plan, including adopting, amending, or
6 repealing rules, collaborating to update or adopt a state plan, or
7 considering possible acceptance of a federal plan implemented under
8 42 U.S.C. Section 7411(d);

9 (3) may collaborate with the Railroad Commission of
10 Texas, the State Energy Conservation Office, and other state
11 agencies to develop and implement a state plan; and

12 (4) if a Clean Power Plan is established and later
13 expires or is repealed or invalidated, shall adopt, amend, or
14 repeal rules adopted under Subdivision (2) as necessary to comply
15 with or implement 42 U.S.C. Section 7411(d).

16 (d) The commission and the utility commission shall develop
17 and adopt a memorandum of understanding as necessary to clarify or
18 provide for their respective duties, responsibilities, or
19 functions on any matter under the jurisdiction of the commission or
20 utility commission that relates to a Clean Power Plan and is not
21 expressly assigned to either the commission or utility commission.

22 (e) On behalf of this state, the governor may execute a
23 compact with another state to comply with and implement a Clean
24 Power Plan.

25 SECTION 2. This Act takes effect immediately if it receives
26 a vote of two-thirds of all the members elected to each house, as
27 provided by Section 39, Article III, Texas Constitution. If this

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1 Act does not receive the vote necessary for immediate effect, this
2 Act takes effect September 1, 2015.