

1 AN ACT

2 relating to the implementation of advanced clean energy projects
3 and other environmentally protective projects in this state.

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

5 SECTION 1. Chapter 447, Government Code, is amended by
6 adding Section 447.013 to read as follows:

7 Sec. 447.013. ADVANCED CLEAN ENERGY PROJECT GRANT AND LOAN
8 PROGRAM. (a) In this section:

9 (1) "Account" means the advanced clean energy project
10 account established under this section.

11 (2) "Advanced clean energy project" has the meaning
12 assigned by Section 382.003, Health and Safety Code.

13 (3) "Program" means the advanced clean energy project
14 grant and loan program established under this section.

15 (b) The advanced clean energy project grant and loan program
16 is established to encourage the development of advanced clean
17 energy projects in an environmentally protective manner. The
18 program is administered by the State Energy Conservation Office.

19 (c) The advanced clean energy project account is an account
20 in the general revenue fund.

21 (d) The account consists of:

22 (1) a sub-account in the account that consists of the
23 proceeds of bonds issued under Subsection (j);

24 (2) revenues allocated to the account under Section

1 182.122, Tax Code;

2 (3) any amount appropriated by the legislature for the
3 account;

4 (4) gifts, grants, and other donations received for
5 the account; and

6 (5) interest earned on the investment of money in the
7 account.

8 (e) Money in the account may be appropriated only to the
9 State Energy Conservation Office to award grants or to make or
10 guarantee loans under this section. The total amount of grants that
11 may be awarded under this section in any state fiscal biennium from
12 revenues described by Subsection (d)(2) may not exceed \$20 million.
13 The total amount of loans that may be made or guaranteed under this
14 section in any state fiscal biennium from revenues described by
15 Subsection (d)(2) may not exceed \$10 million.

16 (f) Before awarding a grant or making a loan under this
17 section, the State Energy Conservation Office shall enter into a
18 written agreement with the entity to which the grant is to be
19 awarded or the loan is to be made. The agreement may specify that
20 if, as of a date specified by the agreement, the entity has not used
21 the grant or loan for the purposes for which the grant or loan was
22 intended, the entity shall repay the amount of the grant or the
23 amount of the loan and any accrued interest, as applicable, under
24 terms specified by the agreement.

25 (g) Under the program, the State Energy Conservation Office
26 may award a grant to the managing entity of an advanced clean energy
27 project in an amount not to exceed 50 percent of the total amount

1 invested in the project by private industry sources. The managing
2 entity of the project must provide any information considered
3 necessary by the State Energy Conservation Office to determine
4 whether the entity qualifies for the grant.

5 (h) Under the program, the State Energy Conservation Office
6 may make or guarantee a loan to the managing entity of an advanced
7 clean energy project in this state. If the loan or guarantee is to
8 be funded by the proceeds of bonds issued under Subsection (j), the
9 project must qualify for the loan or guarantee under Section 49-q,
10 Article III, Texas Constitution.

11 (i) A recipient of a grant or loan under this section is
12 encouraged to purchase goods and services from small businesses and
13 historically underutilized businesses, as those terms are defined
14 by Section 481.191, Government Code.

15 (j) The Texas Public Finance Authority shall issue general
16 obligation bonds in accordance with and subject to Chapter 1232,
17 Government Code, for the purposes authorized by Section 49-q,
18 Article III, Texas Constitution.

19 SECTION 2. Section 382.003, Health and Safety Code, is
20 amended by adding Subdivisions (1-a), (3-a), (7-a), and (11-a) to
21 read as follows:

22 (1-a) "Advanced clean energy project" means a project
23 for which an application for a permit under this chapter is received
24 by the commission on or after January 1, 2008, and before January 1,
25 2020, and that:

26 (A) involves the use of coal, biomass, petroleum
27 coke, solid waste, or fuel cells using hydrogen derived from such

1 fuels, in the generation of electricity, or the creation of liquid
2 fuels outside of the existing fuel production infrastructure while
3 co-generating electricity;

4 (B) is capable of achieving on an annual basis a
5 99 percent or greater reduction of sulfur dioxide emissions, a 95
6 percent or greater reduction of mercury emissions, and an emission
7 rate for nitrogen oxides of 0.05 pounds or less per million British
8 thermal units; and

9 (C) renders carbon dioxide capable of capture,
10 sequestration, or abatement if any carbon dioxide is produced by
11 the project.

12 (3-a) "Coal" has the meaning assigned by Section
13 134.004, Natural Resources Code.

14 (7-a) "Federally qualified clean coal technology"
15 means a technology or process, including a technology or process
16 applied at the precombustion, combustion, or postcombustion stage,
17 for use at a new or existing facility that will achieve on an annual
18 basis a 97 percent or greater reduction of sulfur dioxide
19 emissions, an emission rate for nitrogen oxides of 0.08 pounds or
20 less per million British thermal units, and significant reductions
21 in mercury emissions associated with the use of coal in the
22 generation of electricity, process steam, or industrial products,
23 including the creation of liquid fuels, hydrogen for fuel cells,
24 and other coproducts. The technology used must comply with
25 applicable federal law regarding mercury emissions and must render
26 carbon dioxide capable of capture, sequestration, or abatement.
27 Federally qualified clean coal technology includes atmospheric or

1 pressurized fluidized bed combustion technology, integrated
2 gasification combined cycle technology, methanation technology,
3 magnetohydrodynamic technology, direct and indirect coal-fired
4 turbines, undiluted high-flame temperature oxygen combustion
5 technology that excludes air, and integrated gasification fuel
6 cells.

7 (11-a) "Solid waste" has the meaning assigned by
8 Section 361.003.

9 SECTION 3. Subchapter C, Chapter 382, Health and Safety
10 Code, is amended by adding Sections 382.0566 and 382.0567 to read as
11 follows:

12 Sec. 382.0566. ADVANCED CLEAN ENERGY PROJECT PERMITTING
13 PROCEDURE. (a) As authorized by federal law, not later than nine
14 months after the executive director declares an application for a
15 permit under this chapter for an advanced clean energy project to be
16 administratively complete, the executive director shall complete
17 its technical review of the application.

18 (b) The commission shall issue a final order issuing or
19 denying the permit not later than nine months after the executive
20 director declares the application technically complete. The
21 commission may extend the deadline set out in this subsection up to
22 three months if it determines that the number of complex pending
23 applications for permits under this chapter will prevent the
24 commission from meeting the deadline imposed by this subsection
25 without creating an extraordinary burden on the resources of the
26 commission.

27 (c) The permit process authorized by this section is subject

1 to the requirements relating to a contested case hearing under this
2 chapter, Chapter 5, Water Code, or Subchapters C-G, Chapter 2001,
3 Government Code, as applicable.

4 (d) The commission shall adopt rules to implement this
5 section.

6 Sec. 382.0567. PROOF THAT TECHNOLOGY IS COMMERCIALY
7 FEASIBLE NOT REQUIRED; CONSIDERATION OF TECHNOLOGY TO BE ACHIEVABLE
8 FOR CERTAIN PURPOSES PROHIBITED. (a) An applicant for a permit
9 under this chapter for a project in connection with which advanced
10 clean energy technology, federally qualified clean coal
11 technology, or another technology is proposed to be used is not
12 required to prove, as part of an analysis of whether the project
13 will use the best available control technology or reduce emissions
14 to the lowest achievable rate, that the technology proposed to be
15 used has been demonstrated to be feasible in a commercial
16 operation.

17 (b) The commission may not consider any technology or level
18 of emission reduction to be achievable for purposes of a best
19 available control technology analysis or lowest achievable
20 emission rate analysis conducted by the commission under another
21 provision of this chapter solely because the technology is used or
22 the emission reduction is achieved by a facility receiving an
23 incentive as an advanced clean energy project.

24 SECTION 4. Section 11.31, Tax Code, is amended by adding
25 Subsections (k), (l), and (m) to read as follows:

26 (k) The Texas Commission on Environmental Quality shall
27 adopt rules establishing a nonexclusive list of facilities,

1 devices, or methods for the control of air, water, or land
2 pollution, which must include:

3 (1) coal cleaning or refining facilities;

4 (2) atmospheric or pressurized and bubbling or
5 circulating fluidized bed combustion systems and gasification
6 fluidized bed combustion combined cycle systems;

7 (3) ultra-supercritical pulverized coal boilers;

8 (4) flue gas recirculation components;

9 (5) syngas purification systems and gas-cleanup
10 units;

11 (6) enhanced heat recovery systems;

12 (7) exhaust heat recovery boilers;

13 (8) heat recovery steam generators;

14 (9) superheaters and evaporators;

15 (10) enhanced steam turbine systems;

16 (11) methanation;

17 (12) coal combustion or gasification byproduct and
18 coproduct handling, storage, or treatment facilities;

19 (13) biomass cofiring storage, distribution, and
20 firing systems;

21 (14) coal cleaning or drying processes, such as coal
22 drying/moisture reduction, air jigging, precombustion
23 decarbonization, and coal flow balancing technology;

24 (15) oxy-fuel combustion technology, amine or chilled
25 ammonia scrubbing, fuel or emission conversion through the use of
26 catalysts, enhanced scrubbing technology, modified combustion
27 technology such as chemical looping, and cryogenic technology;

1 (16) if the United States Environmental Protection
2 Agency adopts a final rule or regulation regulating carbon dioxide
3 as a pollutant, property that is used, constructed, acquired, or
4 installed wholly or partly to capture carbon dioxide from an
5 anthropogenic source in this state that is geologically sequestered
6 in this state;

7 (17) fuel cells generating electricity using hydrogen
8 derived from coal, biomass, petroleum coke, or solid waste; and

9 (18) any other equipment designed to prevent, capture,
10 abate, or monitor nitrogen oxides, volatile organic compounds,
11 particulate matter, mercury, carbon monoxide, or any criteria
12 pollutant.

13 (l) The Texas Commission on Environmental Quality by rule
14 shall update the list adopted under Subsection (k) at least once
15 every three years. An item may be removed from the list if the
16 commission finds compelling evidence to support the conclusion that
17 the item does not provide pollution control benefits.

18 (m) Notwithstanding the other provisions of this section,
19 if the facility, device, or method for the control of air, water, or
20 land pollution described in an application for an exemption under
21 this section is a facility, device, or method included on the list
22 adopted under Subsection (k), the executive director of the Texas
23 Commission on Environmental Quality, not later than the 30th day
24 after the date of receipt of the information required by
25 Subsections (c)(2) and (3) and without regard to whether the
26 information required by Subsection (c)(1) has been submitted, shall
27 determine that the facility, device, or method described in the

1 application is used wholly or partly as a facility, device, or
2 method for the control of air, water, or land pollution and shall
3 take the actions that are required by Subsection (d) in the event
4 such a determination is made.

5 SECTION 5. Section 26.045, Tax Code, is amended to read as
6 follows:

7 Sec. 26.045. ROLLBACK RELIEF FOR POLLUTION CONTROL
8 REQUIREMENTS. (a) The rollback tax rate for a political
9 subdivision of this state is increased by the rate that, if applied
10 to the total current value, would impose an amount of taxes equal to
11 the amount the political subdivision will spend out of its
12 maintenance and operation funds under Section 26.012(16) [~~Tax~~
13 ~~Code,~~] to pay for a facility, device, or method for the control of
14 air, water, or land pollution that is necessary to meet the
15 requirements of a permit issued by the Texas [~~Natural Resource~~
16 ~~Conservation~~] Commission on Environmental Quality.

17 (b) In this section, "facility, device, or method for
18 control of air, water, or land pollution" means any land,
19 structure, building, installation, excavation, machinery,
20 equipment, or device, and any attachment or addition to or
21 reconstruction, replacement, or improvement of that property, that
22 is used, constructed, acquired, or installed wholly or partly to
23 meet or exceed rules or regulations adopted by any environmental
24 protection agency of the United States or this state for the
25 prevention, monitoring, control, or reduction of air, water, or
26 land pollution.

27 (c) To receive an adjustment to the rollback tax rate under

1 this section, a political subdivision shall present information to
2 the executive director of the Texas [~~Natural Resource Conservation~~
3 Commission on Environmental Quality in a permit application or in a
4 request for any exemption from a permit that would otherwise be
5 required detailing:

6 (1) the anticipated environmental benefits from the
7 installation of the facility, device, or method for the control of
8 air, water, or land pollution;

9 (2) the estimated cost of the pollution control
10 facility, device, or method; and

11 (3) the purpose of the installation of the facility,
12 device, or method, and the proportion of the installation that is
13 pollution control property.

14 (d) Following submission of the information required by
15 Subsection (c), the executive director of the Texas [~~Natural~~
16 ~~Resource Conservation~~] Commission on Environmental Quality shall
17 determine whether [~~if~~] the facility, device, or method is used
18 wholly or partly as a facility, device, or method for the control of
19 air, water, or land pollution. If the executive director determines
20 that the facility, device, or method is used wholly or partly to
21 control pollution, the director shall issue a letter to the
22 political subdivision stating that determination and the portion of
23 the cost of the installation that is pollution control property.

24 (e) The Texas [~~Natural Resource Conservation~~] Commission on
25 Environmental Quality may charge a political subdivision seeking a
26 determination that property is pollution control property an
27 additional fee not to exceed its administrative costs for

1 processing the information, making the determination, and issuing
2 the letter required by this section. The commission may adopt rules
3 to implement this section.

4 (f) The Texas Commission on Environmental Quality shall
5 adopt rules establishing a nonexclusive list of facilities,
6 devices, or methods for the control of air, water, or land
7 pollution, which must include:

8 (1) coal cleaning or refining facilities;

9 (2) atmospheric or pressurized and bubbling or
10 circulating fluidized bed combustion systems and gasification
11 fluidized bed combustion combined cycle systems;

12 (3) ultra-supercritical pulverized coal boilers;

13 (4) flue gas recirculation components;

14 (5) syngas purification systems and gas-cleanup
15 units;

16 (6) enhanced heat recovery systems;

17 (7) exhaust heat recovery boilers;

18 (8) heat recovery steam generators;

19 (9) superheaters and evaporators;

20 (10) enhanced steam turbine systems;

21 (11) methanation;

22 (12) coal combustion or gasification byproduct and
23 coproduct handling, storage, or treatment facilities;

24 (13) biomass cofiring storage, distribution, and
25 firing systems;

26 (14) coal cleaning or drying processes such as coal
27 drying/moisture reduction, air jigging, precombustion

1 decarbonization, and coal flow balancing technology;

2 (15) oxy-fuel combustion technology, amine or chilled
3 ammonia scrubbing, fuel or emission conversion through the use of
4 catalysts, enhanced scrubbing technology, modified combustion
5 technology such as chemical looping, and cryogenic technology;

6 (16) if the United States Environmental Protection
7 Agency adopts a final rule or regulation regulating carbon dioxide
8 as a pollutant, property that is used, constructed, acquired, or
9 installed wholly or partly to capture carbon dioxide from an
10 anthropogenic source in this state that is geologically sequestered
11 in this state;

12 (17) fuel cells generating electricity using hydrogen
13 derived from coal, biomass, petroleum coke, or solid waste; and

14 (18) any other equipment designed to prevent, capture,
15 abate, or monitor nitrogen oxides, volatile organic compounds,
16 particulate matter, mercury, carbon monoxide, or any criteria
17 pollutant.

18 (g) The Texas Commission on Environmental Quality by rule
19 shall update the list adopted under Subsection (f) at least once
20 every three years. An item may be removed from the list if the
21 commission finds compelling evidence to support the conclusion that
22 the item does not render pollution control benefits.

23 (h) Notwithstanding the other provisions of this section,
24 if the facility, device, or method for the control of air, water, or
25 land pollution described in a permit application or in a request for
26 any exemption from a permit that would otherwise be required is a
27 facility, device, or method included on the list adopted under

1 Subsection (f), the executive director of the Texas Commission on
2 Environmental Quality, not later than the 30th day after the date of
3 receipt of the information required by Subsections (c)(2) and (3)
4 and without regard to whether the information required by
5 Subsection (c)(1) has been submitted, shall determine that the
6 facility, device, or method described in the permit application or
7 in the request for an exemption from a permit that would otherwise
8 be required is used wholly or partly as a facility, device, or
9 method for the control of air, water, or land pollution and shall
10 take the action that is required by Subsection (d) in the event such
11 a determination is made.

12 (i) A political subdivision of the state seeking an
13 adjustment in its rollback tax rate under this section shall
14 provide to its tax assessor a copy of the letter issued by the
15 executive director of the Texas [~~Natural Resource Conservation~~]
16 Commission on Environmental Quality under Subsection (d). The tax
17 assessor shall accept the copy of the letter from the executive
18 director as conclusive evidence that the facility, device, or
19 method is used wholly or partly as pollution control property and
20 shall adjust the rollback tax rate for the political subdivision as
21 provided for by Subsection (a).

22 SECTION 6. Section 182.022, Tax Code, is amended by adding
23 Subsection (c) to read as follows:

24 (c) Notwithstanding any other provision of this chapter, a
25 tax under this chapter may not be imposed on gross receipts from the
26 sale of electricity generated by an advanced clean energy project,
27 as defined by Section 382.003, Health and Safety Code.

1 SECTION 7. Section 182.122, Tax Code, is amended to read as
2 follows:

3 Sec. 182.122. ALLOCATION OF TAX. (a) Revenues collected
4 under this chapter are allocated:

5 (1) one-fourth to the foundation school fund; and

6 (2) three-fourths to the general revenue fund.

7 (b) The comptroller shall transfer to the advanced clean
8 energy project account the first \$30 million of the revenues
9 collected under this chapter that are allocated to the general
10 revenue fund under Subsection (a)(2) in any state fiscal biennium.

11 SECTION 8. Effective September 1, 2020, Section 182.122,
12 Tax Code, is amended to read as follows:

13 Sec. 182.122. ALLOCATION OF TAX. Revenues collected under
14 this chapter are allocated:

15 (1) one-fourth to the foundation school fund; and

16 (2) three-fourths to the general revenue fund.

17 SECTION 9. Subchapter B, Chapter 202, Tax Code, is amended
18 by adding Section 202.0545 to read as follows:

19 Sec. 202.0545. TAX EXEMPTION FOR ENHANCED RECOVERY PROJECTS
20 USING ANTHROPOGENIC CARBON DIOXIDE. (a) Subject to the
21 limitations provided by this section, until the later of the
22 seventh anniversary of the date that the comptroller first approves
23 an application for a tax rate reduction under this section or the
24 effective date of a final rule adopted by the United States
25 Environmental Protection Agency regulating carbon dioxide as a
26 pollutant, the producer of oil recovered through an enhanced oil
27 recovery project that qualifies under Section 202.054 for the

1 recovered oil tax rate provided by Section 202.052(b) is entitled
2 to an additional 50 percent reduction in that tax rate if in the
3 recovery of the oil the enhanced oil recovery project uses carbon
4 dioxide that:

5 (1) is captured from an anthropogenic source in this
6 state;

7 (2) would otherwise be released into the atmosphere as
8 industrial emissions;

9 (3) is measurable at the source of capture; and

10 (4) is sequestered in one or more geological
11 formations in this state following the enhanced oil recovery
12 process.

13 (b) In the event that a portion of the carbon dioxide used in
14 the enhanced oil recovery project is anthropogenic carbon dioxide
15 that satisfies the criteria of Subsection (a) and a portion of the
16 carbon dioxide used in the project fails to satisfy the criteria of
17 Subsection (a) because it is not anthropogenic, the tax reduction
18 provided by Subsection (a) shall be reduced to reflect the
19 proportion of the carbon dioxide used in the project that satisfies
20 the criteria of Subsection (a).

21 (c) To qualify for the tax rate reduction under this
22 section, the operator must:

23 (1) apply to the comptroller for the reduction and
24 include with the application any information and documentation that
25 the comptroller may require; and

26 (2) apply for a certification from:

27 (A) the Railroad Commission of Texas, if carbon

1 dioxide used in the project is to be sequestered in an oil or
2 natural gas reservoir;

3 (B) the Texas Commission on Environmental
4 Quality, if carbon dioxide used in the project is to be sequestered
5 in a geological formation other than an oil or natural gas
6 reservoir; or

7 (C) both the Railroad Commission of Texas and the
8 Texas Commission on Environmental Quality if both Paragraphs (A)
9 and (B) apply.

10 (d) An agency to which an operator applies for a
11 certification under Subsection (c)(2) may issue the certification
12 only if the agency finds that, based on substantial evidence, there
13 is a reasonable expectation that:

14 (1) the operator's planned sequestration program will
15 ensure that at least 99 percent of the carbon dioxide sequestered as
16 required by Subsection (a)(4) will remain sequestered for at least
17 1,000 years; and

18 (2) the operator's planned sequestration program will
19 include appropriately designed monitoring and verification
20 measures that will be employed for a period sufficient to
21 demonstrate whether the sequestration program is performing as
22 expected.

23 (e) The tax rate reduction does not apply if the operator's
24 sequestration program or the operator's monitoring and
25 verification measures differ substantially from the planned
26 program described by Subsection (d), and the operator shall refund
27 the difference between the amount of the tax paid under this section

1 and the amount that would have been imposed in the absence of this
2 section.

3 (f) The comptroller shall approve the application if the
4 operator submits the certification or certifications required by
5 Subsection (c)(2) and if the comptroller determines that the oil is
6 otherwise eligible under this section.

7 (g) If, before the comptroller approves an application for
8 the tax rate reduction under this section, the tax imposed by this
9 chapter is paid at the rate provided by Section 202.052(a) or (b) on
10 oil that qualifies under this section, the producer or producers of
11 the oil are entitled to a credit against taxes imposed by this
12 chapter in an amount equal to the difference between the tax paid on
13 the oil and the tax due on the oil after the rate reduction under
14 this section is applied. The credit is allowed to each producer
15 according to the producer's proportionate share in the oil. To
16 receive a credit, one or more of the producers of the oil must apply
17 to the comptroller for the credit not later than the first
18 anniversary of the date the oil is produced.

19 (h) The comptroller, the Railroad Commission of Texas, and
20 the Texas Commission on Environmental Quality may adopt rules and
21 establish procedures to implement and administer this section.

22 SECTION 10. Section 313.024(b), Tax Code, as effective
23 January 1, 2008, is amended to read as follows:

24 (b) To be eligible for a limitation on appraised value under
25 this subchapter, the entity must use the property in connection
26 with:

27 (1) manufacturing;

- 1 (2) research and development;
- 2 (3) a clean coal project, as defined by Section 5.001,
- 3 Water Code;
- 4 (4) an advanced clean energy [~~a gasification~~] project,
- 5 as defined by Section 382.003, Health and Safety Code [~~for a coal~~
- 6 ~~and biomass mixture~~]; or
- 7 (5) renewable energy electric generation.

8 SECTION 11. (a) Not later than September 1, 2012, and
9 September 1, 2016, the Texas Commission on Environmental Quality
10 and the State Energy Conservation Office shall issue a joint report
11 to the legislature providing a status update on the implementation
12 of the advanced clean energy program and an assessment of whether
13 the emissions profile set out in Section 382.003(1-a)(B), Health
14 and Safety Code, as added by this Act, should be adjusted to
15 increase or decrease elements of the emissions profile.

16 (b) Factors to be considered in the assessment of the
17 emissions profile shall include:

18 (1) the technical and economic feasibility of meeting
19 all of the elements of the emissions profile in a commercially
20 viable project, as documented by the United States Department of
21 Energy;

22 (2) the technical and economic feasibility of projects
23 to meet all of the elements of the emissions profile and still use a
24 diverse range of fuels, including lignite; and

25 (3) the adequacy of the incentives provided by this
26 Act to continue to attract investment in and federal funding for
27 advanced clean energy projects in this state.

1 (c) Any adjustments to the emissions profile implemented by
2 the legislature in response to a report required by this section
3 shall not apply to an application deemed administratively complete
4 on or before the date of the report.

5 SECTION 12. Not later than September 1, 2015, the State
6 Energy Conservation Office shall issue a report to the legislature
7 providing an assessment of whether the advanced clean energy
8 program should be extended due to a continued need for incentives to
9 ensure that a diverse range of affordable fuels, including lignite,
10 can be used in a manner that achieves the lowest emissions profile
11 that is technically and economically feasible.

12 SECTION 13. The State Energy Conservation Office shall
13 adopt rules to establish the advanced clean energy project grant
14 and loan program under Section 447.013, Government Code, as added
15 by this Act, not later than January 1, 2008. Such rules may allow
16 for the recovery of fees and administrative expenses.

17 SECTION 14. Not later than January 1, 2008, the Texas
18 Commission on Environmental Quality shall adopt rules required
19 under Section 382.0566, Health and Safety Code, and Section
20 11.31(k), Tax Code, as added by this Act, and Section 26.045(f), Tax
21 Code, as amended by this Act.

22 SECTION 15. Section 447.013(j), Government Code, as added
23 by this Act, takes effect only if the constitutional amendment
24 proposed by the 80th Legislature, Regular Session, 2007,
25 authorizing the issuance of general obligation bonds to provide and
26 guarantee loans to encourage clean energy projects is approved by
27 the voters. If that amendment is not approved by the voters,

1 Section 447.013(j), Government Code, as added by this Act, has no
2 effect.

3 SECTION 16. Except as otherwise provided by this Act, this
4 Act takes effect immediately if it receives a vote of two-thirds of
5 all the members elected to each house, as provided by Section 39,
6 Article III, Texas Constitution. If this Act does not receive the
7 vote necessary for immediate effect, this Act takes effect
8 September 1, 2007.

David Newkirk

President of the Senate

Jim Caddell

Speaker of the House

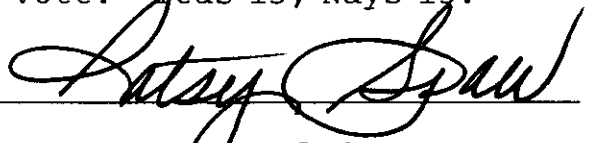
I certify that H.B. No. 3732 was passed by the House on April 26, 2007, by the following vote: Yeas 141, Nays 2, 1 present, not voting; that the House refused to concur in Senate amendments to H.B. No. 3732 on May 24, 2007, and requested the appointment of a conference committee to consider the differences between the two houses; and that the House adopted the conference committee report on H.B. No. 3732 on May 28, 2007, by the following vote: Yeas 112, Nays 30, 2 present, not voting.

Robert Haney

Chief Clerk of the House

H.B. No. 3732

I certify that H.B. No. 3732 was passed by the Senate, with amendments, on May 22, 2007, by the following vote: Yeas 31, Nays 0; at the request of the House, the Senate appointed a conference committee to consider the differences between the two houses; and that the Senate adopted the conference committee report on H.B. No. 3732 on May 27, 2007, by the following vote: Yeas 15, Nays 13.


Secretary of the Senate

APPROVED: 15 JUN 07

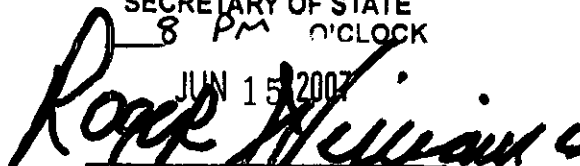
Date


Governor

FILED IN THE OFFICE OF THE
SECRETARY OF STATE

8 PM O'CLOCK

JUN 15 2007


Secretary of State