application under this section before September 1, 2018. The application must be accompa-
nied by:

(1) a certificate from a qualified independent engineer that the project is operational and
meets the standards provided by Sections 120.001(2)(A), (B), and (C); and

(2) a fee payable to the commission.

SECTION 5. Section 120.003(a), Natural Resources Code, is amended to read as follows:

(a) An entity that applies to the commission under Section 120.002 for a certification that a
project operated by the entity meets the requirements for a clean energy project is
responsible for conducting a monitoring, measuring, and verification process that demon-
strates that the project complies with the requirements of Section 171.652(b)(4), Tax

SECTION 6. Section 120.004(b), Natural Resources Code, is amended to read as follows:

(b) The commission may not issue a certificate of compliance for more than three clean
energy projects. Not more than one of the clean energy projects may be a natural gas
project.

SECTION 7. Not later than January 1, 2014, the comptroller of public accounts shall
adopt rules necessary to implement Subchapter L, Chapter 171, Tax Code, as redesignated
and amended by this Act.

SECTION 8. Not later than January 1, 2014, the Texas Commission on Environmental
Quality shall adopt rules as necessary to implement the change in law made by this Act to
Section 382.003, Health and Safety Code.

SECTION 9. The Railroad Commission of Texas may adopt rules as necessary to
implement the change in law made by this Act to Section 120.001, Natural Resources Code.

SECTION 10. The changes in law made by this Act do not apply to a clean energy project
that includes a precombustion integrated gasification combined cycle technology with carbon
capture and was selected by the United States Department of Energy for a Clean Coal Power
Initiative award before February 1, 2010. A clean energy project that includes a precombus-
tion integrated gasification combined cycle technology with carbon capture and was selected
by the United States Department of Energy for a Clean Coal Power Initiative award before
February 1, 2010, is governed by the law in effect immediately before the effective date of
this Act, and the former law is continued in effect for that purpose.

SECTION 11. This Act takes effect immediately if it receives a vote of two-thirds of all
the members elected to each house, as provided by Section 39, Article III, Texas Constitution.
If this Act does not receive the vote necessary for immediate effect, this Act takes effect
September 1, 2013.

Passed by the House on May 7, 2013: Yeas 120, Nays 11, 2 present, not voting; passed
by the Senate on May 22, 2013: Yeas 29, Nays 2.

Approved June 14, 2013.

Effective June 14, 2013.

CHAPTER 1004

H.B. No. 2447

AN ACT

relating to the sale and advertisement of portable fire extinguishers.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Subtitle C, Title 9, Health and Safety Code, is amended by adding Chapter
797 to read as follows:

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CHAPTER 797. PORTABLE FIRE EXTINGUISHERS

Sec. 797.001. DEFINITIONS. In this chapter:

(1) "NFPA" means the National Fire Protection Association.

(2) "Portable fire extinguisher" means a device that contains liquid, powder, or gases for suppressing or extinguishing fires.

Sec. 797.002. PORTABLE FIRE EXTINGUISHERS. A person may not use the term "portable fire extinguisher" or "fire extinguisher" in the sale or advertisement of an aerosol fire suppression device or similar fire suppression device unless the device conforms to NFPA Standard 10 (2010), "Standard for Portable Fire Extinguishers," or a successor standard adopted by the commissioner of insurance that is at least as stringent as the NFPA Standard 10, and is specifically listed for that use by a testing laboratory approved by the Texas Department of Insurance.

SECTION 2. Section 6001.001, Insurance Code, is amended to read as follows:

Sec. 6001.001. PURPOSE. The purpose of this chapter is to safeguard lives and property by:

(1) regulating:

(A) the leasing, selling, installing, and servicing of portable fire extinguishers; and

(B) the planning, certifying, installing, and servicing of fixed fire extinguisher systems; and

(2) prohibiting portable fire extinguishers, fixed fire extinguisher systems, or extinguisher equipment that is not listed by a testing laboratory approved by the department.

SECTION 3. Section 6001.156(a), Insurance Code, is amended to read as follows:

(a) The licensing provisions of this chapter do not apply to:

(1) the filling or charging of a portable fire extinguisher by the manufacturer before initial sale of the fire extinguisher;

(2) the servicing by a firm of the firm’s portable fire extinguishers or fixed systems by the firm’s personnel who are specially trained for that servicing;

(2-a) the inspection of a firm’s portable fire extinguisher by a person who is:

(A) specially trained to perform portable fire extinguisher inspections; and

(B) under contract with the firm for that purpose;

(3) the installation of portable fire extinguishers in a building by the building owner, the owner’s managing agent, or an employee of the building owner or the owner’s managing agent;

(4) the installation or servicing of water sprinkler systems installed in compliance with the National Fire Protection Association’s Standards for the Installation of Sprinkler Systems;

(5) a firm that is engaged in the retail or wholesale sale of portable fire extinguishers that carry the [an approval label or] listing of a testing laboratory approved by the department, but that is not engaged in the installation or servicing of those extinguishers;

(6) a fire department that services portable fire extinguishers as a public service without charge, if the members of the fire department are trained in the proper servicing of the fire extinguishers;

(7) a firm that is a party to a contract under which:

(A) the installation of portable fire extinguishers or a fixed fire extinguisher system is performed under the direct supervision of and certified by a firm appropriately registered to install and certify portable extinguishers or fixed systems; and

(B) the registered firm assumes full responsibility for the installation; or

(8) an engineer licensed under Chapter 1001, Occupations Code, while acting solely in the engineer’s professional capacity.
SECTION 4. (a) Section 797.001, Health and Safety Code, as added by this Act, and Section 6001.156(a), Insurance Code, as amended by this Act, do not apply to the sale or advertisement of an aerosol fire suppression device or similar fire suppression device that, on or before September 1, 2013, is:

(1) listed for use as a portable fire extinguisher by a testing laboratory approved the Texas Department of Insurance, other than the National Fire Protection Association; and

(2) approved for use as a portable fire extinguisher by the Texas Department of Insurance.

(b) This section expires September 1, 2015.

SECTION 5. This Act takes effect September 1, 2013.

Passed by the House on May 7, 2013: Yeas 94, Nays 37, 3 present, not voting; the House concurred in Senate amendments to H.B. No. 2447 on May 22, 2013: Yeas 83, Nays 65, 2 present, not voting; passed by the Senate, with amendments, on May 20, 2013: Yeas 23, Nays 8.

Approved June 14, 2013.

Effective September 1, 2013.

CHAPTER 1005

H.B. No. 2448

AN ACT
relating to tuition for certain students residing outside of a junior college district.

Be it enacted by the Legislature of the State of Texas:

SECTION 1. Section 130.0032, Education Code, is amended by adding Subsection (b-1) to read as follows:

(b-1) The governing board of a public junior college district that includes at least six campuses shall allow a person who resides outside the district and in the taxing district of a contiguous public junior college district to pay tuition and fees at the rate applicable to a student who resides in the district for enrollment at a campus located within an area in which the person resides that, as of January 1, 2013, is designated as a super neighborhood by a municipality with a population greater than two million.

SECTION 2. This Act takes effect immediately if it receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, this Act takes effect September 1, 2013.

Passed by the House on May 2, 2013: Yeas 146, Nays 1, 2 present, not voting; the House concurred in Senate amendments to H.B. No. 2448 on May 23, 2013: Yeas 146, Nays 1, 2 present, not voting; passed by the Senate, with amendments, on May 21, 2013: Yeas 31, Nays 0.

Approved June 14, 2013.

Effective June 14, 2013.

CHAPTER 1006

H.B. No. 2451

AN ACT
relating to the exclusion by taxable entities engaged in providing services as an agricultural aircraft operation of certain costs in determining total revenue for purposes of the franchise tax.

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