

By: Cyrier

H.B. No. 783

A BILL TO BE ENTITLED

1 AN ACT
2 relating to the powers and duties of the Parks and Wildlife
3 Department regarding wind-powered energy devices; providing a
4 civil penalty.

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

6 SECTION 1. Title 2, Parks and Wildlife Code, is amended by
7 adding Chapter 15 to read as follows:

8 CHAPTER 15. POWERS AND DUTIES RELATING TO WIND-POWERED ENERGY
9 DEVICES

10 Sec. 15.0101. DEFINITIONS. In this chapter:

11 (1) "Protected lands" means state or federal parks or
12 recreational areas with environmental, recreational, historical,
13 aesthetic, ecological, or cultural value.

14 (2) "Wind-powered energy device" means an apparatus
15 designed or adapted to:

16 (A) convert the energy available in the wind into
17 thermal, mechanical, or electrical energy;

18 (B) store the energy converted under Paragraph
19 (A), either in the form to which originally converted or another
20 form; or

21 (C) distribute the energy converted under
22 Paragraph (A).

23 Sec. 15.0102. PURPOSE. The purpose of this chapter is to
24 enable the department to manage the potential effects of

1 wind-powered energy devices on protected lands so that the natural
2 and cultural values of protected lands continue for the benefit of
3 present and future generations.

4 Sec. 15.0103. APPLICABILITY. This chapter applies only in
5 a county:

6 (1) in which all or part of the Devils River State
7 Natural Area is located; or

8 (2) adjacent to a county described by Subdivision (1).

9 Sec. 15.0104. DESIGNATION OF CONSTRUCTION AREAS. (a) The
10 commission may adopt rules that designate locations where the
11 installation of a wind-powered energy device in an area to which
12 this chapter applies is not authorized.

13 (b) In adopting rules under Subsection (a), the commission
14 shall consider:

15 (1) the protection of natural resources, including the
16 avoidance of visual or acoustic impacts near a national
17 recreational area, state natural area, park, lake, or river;

18 (2) the protection of public health and safety;

19 (3) the enjoyment of protected lands; and

20 (4) other factors the commission determines are
21 necessary to achieve the purpose of this chapter.

22 (c) A rule adopted under Subsection (a) may not apply to a
23 wind-powered energy device installed before the effective date of
24 the Act enacting this section.

25 Sec. 15.0105. ENFORCEMENT. (a) A person who violates a
26 rule adopted under Section 15.0104 is subject to a civil penalty of
27 not less than \$100 or more than \$10,000 for each violation and for

1 each day of violation.

2 (b) If a person has violated, is violating, or is
3 threatening to violate a rule adopted under Section 15.0104, the
4 department may bring suit:

5 (1) for injunctive relief to restrain the person from
6 continuing the violation or threat of violation; and

7 (2) to recover the civil penalty under Subsection (a).

8 SECTION 2. This Act takes effect immediately if it receives
9 a vote of two-thirds of all the members elected to each house, as
10 provided by Section 39, Article III, Texas Constitution. If this
11 Act does not receive the vote necessary for immediate effect, this
12 Act takes effect September 1, 2021.