

By: Rogers, Price, Spiller, King of Hemphill,
Patterson, et al.

H.B. No. 2549

Substitute the following for H.B. No. 2549:

By: Metcalf

C.S.H.B. No. 2549

A BILL TO BE ENTITLED

AN ACT

relating to light pollution mitigation for wind turbine generators.

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

SECTION 1. Subchapter A, Chapter 35, Utilities Code, is amended by adding Section 35.0022 to read as follows:

Sec. 35.0022. WIND TURBINE LIGHT POLLUTION MITIGATION. (a)

This section applies only to an electric utility, power generation company, or exempt wholesale generator that:

(1) is required by the Federal Aviation Administration to use aviation obstruction lighting; and

(2) sells at wholesale electric energy produced by a wind turbine generator.

(b) The commission by rule shall require an electric utility, power generation company, or exempt wholesale generator to apply to the Federal Aviation Administration, or other applicable federal entity, for authorization to install and operate technology to mitigate light pollution from the wind turbine generator using a light mitigation technology system.

(c) The rules adopted under Subsection (b) must require an electric utility, power generation company, or exempt wholesale generator that:

(1) installs a wind turbine generator on or after December 31, 2024, to:

(A) submit an application for approval of light

1 mitigation technology to the Federal Aviation Administration not
2 later than 180 days before the commercial operations date for the
3 wind turbine generator;

4 (B) install light mitigation technology on all
5 wind turbine generators not later than 18 months after receiving
6 approval of the technology from the Federal Aviation
7 Administration; and

8 (C) if installation of the light mitigation
9 technology is delayed due to forces outside of the control of the
10 utility, company, or generator, make a quarterly report to the
11 commission detailing the reasons for the delay; or

12 (2) installs a wind turbine generator before December
13 31, 2024, to:

14 (A) on repowering or not later than the 180th day
15 after the execution of a newly signed long-term power purchase
16 agreement, submit an application for approval of light mitigation
17 technology to the Federal Aviation Administration;

18 (B) install light mitigation technology on all
19 wind turbine generators not later than 18 months after receiving
20 approval of the technology from the Federal Aviation
21 Administration; and

22 (C) if installation of the light mitigation
23 technology is delayed due to forces outside of the control of the
24 utility, company, or generator, make a quarterly report to the
25 commission detailing the reasons for the delay.

26 (d) Subsection (c) applies only to a wind turbine generator
27 with a commercial operations date that occurs after December 31,

1 2008.

2 (e) Notwithstanding Section 15.023(b), the total amount of
3 an administrative penalty assessed for a violation continuing or
4 occurring on separate days under this section may not exceed \$1
5 million.

6 SECTION 2. This Act takes effect September 1, 2023.