

By: Rogers

H.B. No. 3518

A BILL TO BE ENTITLED

AN ACT

relating to the powers and duties of the Parks and Wildlife Department relating to certain energy infrastructure; providing a civil penalty.

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

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

CHAPTER 15. POWERS AND DUTIES RELATING TO CERTAIN ENERGY INFRASTRUCTURE

Sec. 15.0101. DEFINITIONS. In this chapter:

(1) "Energy infrastructure" means equipment and facilities used to produce oil and gas or solar or wind energy. The term includes solar panels, wind turbines, and oil and gas wells and pumps.

(2) "Scenic riverway" means a water quality protection area to which Subchapter M, Chapter 26, Water Code, applies.

(3) "State park" means a park under the control and custody of the department as described by Section 13.001(a).

Sec. 15.0102. PURPOSE. The purpose of this chapter is to enable the department to manage the potential effects of energy infrastructure on scenic riverways and state parks so that the natural value of those lands continues for the benefit of present and future generations.

Sec. 15.0103. PERMIT REQUIRED FOR CERTAIN ENERGY

1 INFRASTRUCTURE. (a) A person may not construct or install energy
2 infrastructure at a location closer than 10 miles to a boundary of a
3 scenic riverway or state park unless the person holds a permit
4 issued by the department under this section.

5 (b) In considering an application for a permit under this
6 section, the department shall consider the impact of the energy
7 infrastructure on the natural value of a scenic riverway or state
8 park.

9 (c) The department may deny an application for a permit
10 under this section if the department determines that the energy
11 infrastructure will:

12 (1) produce:

13 (A) light visible from any point on a scenic
14 riverway or in a state park; or

15 (B) sound that exceeds 40 decibels when measured
16 from any point on a scenic riverway or in a state park; or

17 (2) obstruct or intrude on views from any point on a
18 scenic riverway or in a state park.

19 Sec. 15.0104. RULES. The commission shall adopt rules to
20 implement this chapter, including rules establishing application
21 procedures and fees for a permit required by Section 15.0103(a).

22 Sec. 15.0105. ENFORCEMENT. (a) A person who violates
23 Section 15.0103(a) is subject to a civil penalty of not less than
24 \$100 or more than \$10,000 for each violation and for each day of
25 violation.

26 (b) If a person has violated, is violating, or is
27 threatening to violate Section 15.0103(a), the department may bring

1 suit:

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

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

5 SECTION 2. This Act takes effect immediately if it receives
6 a vote of two-thirds of all the members elected to each house, as
7 provided by Section 39, Article III, Texas Constitution. If this
8 Act does not receive the vote necessary for immediate effect, this
9 Act takes effect September 1, 2023.