

By: Keffer

H.B. No. 4248

A BILL TO BE ENTITLED

AN ACT

relating to the authority of certain counties to regulate the location of wind energy electric generating facilities.

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

SECTION 1. Chapter 234, Local Government Code, is amended by adding Subchapter C to read as follows:

SUBCHAPTER C. REGULATION OF WIND ENERGY ELECTRIC GENERATING FACILITIES

Sec. 234.061. SCOPE OF REGULATORY AUTHORITY. (a) The commissioners court of a county to which this subchapter applies by order may regulate the construction of wind energy electric generating facilities in the unincorporated area of the county by:

(1) prohibiting the location of a facility in all or part of the county;

(2) restricting the location of a facility by requiring a buffer zone so that the facility is located at least:

(A) one mile from a habitable structure;

(B) one-half mile from property lines; and

(C) 10 miles from a federal or state natural area or park; or

(3) restricting the location of a facility within the county by establishing other requirements.

(b) Subsection (a) does not authorize a county to adopt zoning regulations.

1 Sec. 234.062. APPLICATION OF REGULATORY AUTHORITY. This
2 subchapter applies only to a county through which the Brazos River
3 flows and that has a population of at least 25,000 but fewer than
4 40,000.

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, 2009.