

A BILL TO BE ENTITLED

AN ACT

relating to the location of wind energy electric generating facilities.

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

SECTION 1. Chapter 39, Utilities Code, is amended by adding Subchapter K to read as follows:

SUBCHAPTER K. WIND ENERGY PLANNING AND EXECUTION

Sec. 39.501. STATE POLICY FOR WIND ENERGY. It is the policy of this state to encourage that wind energy electric generating facilities constructed in this state be constructed in competitive renewable energy zones established under Section 39.904(g).

Sec. 39.502. COUNTIES OPPOSED TO CONSTRUCTION OF WIND ENERGY ELECTRIC GENERATING FACILITIES. (a) The commissioners court of a county may file with the commission a resolution that states that the county is opposed to the construction of wind energy electric generating facilities in the county.

(b) The commission by rule shall establish and maintain a list of all counties that file a resolution with the commission under Subsection (a). The commission shall provide for the list to be posted prominently on a publicly accessible Internet website.

(c) Before a person begins construction of a wind energy electric generating facility, the person must:

(1) review the list of counties opposed to the construction of wind energy electric generating facilities; and

1           (2) acknowledge, in a manner prescribed by the  
2 commission, that the person has reviewed the list of counties  
3 opposed to the construction of wind energy electric generating  
4 facilities.

5           (d) Construction of a wind energy electric generating  
6 facility in a county listed as being opposed to such construction is  
7 prohibited unless:

8           (1) not later than the 90th day before any lease,  
9 acquisition, or option is executed for the construction of the  
10 facility, the person proposing construction of the facility holds a  
11 public meeting in conjunction with the commissioners court of the  
12 county regarding the proposed construction; and

13           (2) before the construction of the facility, the  
14 equity owner of the facility posts with the commissioners court of  
15 the county a bond or letter of credit in an amount sufficient to pay  
16 for the decommissioning of the facility.

17           (e) The commissioners court, by resolution, may require  
18 that specific information be presented by the person proposing  
19 construction of the wind energy electric generating facility at a  
20 public meeting required under Subsection (d)(1).

21           Sec. 39.503. EMERGENCY SHUTDOWN OF CERTAIN WIND ENERGY  
22 ELECTRIC GENERATING FACILITIES. If an independent organization  
23 certified under Section 39.151 determines that a reduction in the  
24 amount of energy generated is necessary to maintain the stability  
25 and safety of the transmission system the organization oversees,  
26 the organization shall begin the reduction by first ordering to  
27 shut down:

1           (1) wind energy electric generating facilities  
2 constructed outside of competitive renewable energy zones on or  
3 after September 1, 2009; and

4           (2) wind energy electric generating facilities  
5 constructed without complying with Section 39.502(c).

6           SECTION 2. (a) Not later than the 90th day after the  
7 effective date of this Act, the Public Utility Commission of Texas  
8 shall begin accepting for filing resolutions of counties opposed to  
9 the construction of wind energy electric generating facilities and  
10 shall begin listing those counties as required by Section 39.502,  
11 Utilities Code, as added by this Act.

12           (b) The changes in law made by Section 39.503, Utilities  
13 Code, as added by this Act, apply only to a wind energy electric  
14 generating facility for which construction begins on or after  
15 October 2, 2009. A wind energy electric generating facility  
16 constructed before October 2, 2009, is subject to the law in effect  
17 on the date construction begins, and that law is continued in effect  
18 for that purpose.

19           SECTION 3. This Act takes effect immediately if it receives  
20 a vote of two-thirds of all the members elected to each house, as  
21 provided by Section 39, Article III, Texas Constitution. If this  
22 Act does not receive the vote necessary for immediate effect, this  
23 Act takes effect September 1, 2009.