

Amend CSSB 497 (senate committee report) as follows:

(1) In SECTION 1 of the bill, in the heading to added Chapter 252, Utilities Code (page 1, line 16), strike "NOTIFICATION OF CONSTRUCTION OR EXPANSION OF".

(2) In SECTION 1 of the bill, in the heading to added Subchapter D, Chapter 252, Utilities Code (page 2, line 43), strike "PROCEDURES" and substitute "HAZARD TO AIR NAVIGATION".

(3) In SECTION 1 of the bill, in added Section 252.151, Utilities Code (page 2, line 44), between "252.151." and "CONSULTATION", insert the following:

FEDERAL AVIATION ADMINISTRATION DETERMINATION. A person may not begin construction or expansion of a wind-powered electric generation facility to which this chapter applies until the person files with the commission a determination issued by the Federal Aviation Administration under 14 C.F.R. Section 77.31 regarding whether the proposed construction or expansion would be a hazard to air navigation.

Sec. 252.152. EXCEPTION IN CASE OF EMERGENCY. (a) Section 252.151 does not apply to the emergency construction or expansion of a wind-powered electric generation facility to which this chapter applies that is prompted by an emergency involving essential public services, public health, or public safety.

(b) A person who begins emergency construction or expansion under Subsection (a) shall file the determination required by Section 252.151 not later than the fifth day after the date the person begins the construction or expansion.

Sec. 252.153. ADMINISTRATIVE PENALTY. The commission may implement penalties and other enforcement actions under Chapter 15 against a person who does not comply with this subchapter or a rule or order adopted under this subchapter.

Sec. 252.154. RULES. The commission may adopt rules and conduct proceedings necessary to administer and enforce this subchapter.

[Sections 252.155-252.200 reserved for expansion]

SUBCHAPTER E. PROCEDURES

Sec. 252.201.

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