

BILL ANALYSIS

Senate Research Center
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S.B. 497
By: Jackson
Natural Resources
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Currently, the growth and development of wind farms in some areas has resulted in issues for local military installations with regard to visibility. To avoid the possibility of a lack of communication, and to ensure that local military and radar installations are aware of wind farm development in the surrounding areas, establishing a communication network connecting these developments with military and radar installations could serve as a solution.

S.B. 497 would implement a notification system for proposed wind farm developments. The Texas Commission on Environmental Quality (TCEQ) will administer a notification process for wind farm developers to submit to TCEQ information regarding the proposed site before spending \$10,000 on the development.

Upon receipt of the developer's information, the agency will have 25 days to notify the city, county, and any military or radar installations within 25 miles that choose to opt-in to the notification system. Also, TCEQ will notify the Office of the Governor, the Texas Military Preparedness Commission, the comptroller of public accounts, and the State Energy Conservation Office. This information will be published on TCEQ's website as well, and a copy of the list will be provided to any person who requests a copy.

As proposed, S.B. 497 amends current law relating to notice of the construction or expansion of a wind-powered electric generation facility located near a federally owned or operated radar installation or military installation.

RULEMAKING AUTHORITY

Rulemaking authority is expressly granted to the Texas Commission on Environmental Quality in SECTION 1 (Sections 252.053 and 252.101, Utilities Code) of this bill.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Title 5, Utilities Code, by adding Chapter 252, as follows:

CHAPTER 252. NOTIFICATION OF CONSTRUCTION OR EXPANSION OF CERTAIN WIND-POWERED ELECTRIC GENERATION FACILITIES

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 252.001. DEFINITION. Defines, in this chapter, "commission."

Sec. 252.002. APPLICABILITY OF CHAPTER. Provides that this chapter applies to the construction or expansion of a wind-powered electric generation facility if the construction or expansion is estimated to cost at least \$10,000, and any part of the construction or expansion will occur within 25 miles of the boundaries of a federally owned or operated radar installation or military installation (installation) included on the notification list described by Section 252.052.

[Reserves Sections 252.003-252.050 for expansion.]

SUBCHAPTER B. REQUEST FOR NOTIFICATION

Sec. 252.051. REQUEST FOR NOTIFICATION. Authorizes an installation to request that the Texas Commission on Environmental Quality (TCEQ) notify the installation of a planned construction or expansion project if any part of the construction or expansion will occur within 25 miles of the boundaries of the installation.

Sec. 252.052. NOTIFICATION LIST. (a) Requires TCEQ to create and maintain a list of installations that have requested notification from TCEQ under Section 252.051.

(b) Requires TCEQ to publish the notification list required by this section on its Internet website and provide a copy of the list to each person who requests a copy.

Sec. 252.053. RULES RELATING TO LIST. Authorizes TCEQ to adopt rules as necessary to enable installations to request notification and to be included on the notification list required by Section 252.052, including rules relating to the information an installation must provide to TCEQ.

[Reserves Sections 252.054-252.100 for expansion.]

SUBCHAPTER C. NOTIFICATION OF CONSTRUCTION OR EXPANSION

Sec. 252.101. NOTIFICATION TO COMMISSION. (a) Requires a person who intends to begin a construction or expansion project to which this chapter applies to provide written notice to TCEQ of the planned construction or expansion. Requires TCEQ by rule to set a deadline by which the notification required by this section must be provided.

(b) Sets forth the required content of the notice under Subsection (a).

(c) Requires TCEQ to charge a fee in an amount provided by TCEQ rule to a person who provides written notice of a construction or expansion project to TCEQ under this section. Prohibits the amount of the fee from exceeding an amount reasonably necessary to recover the cost of administering this chapter.

Sec. 252.102. NOTIFICATION BY COMMISSION. Requires TCEQ, not later than the 25th day after the date TCEQ receives notice of a proposed construction or expansion project under Section 252.101, to provide a copy of the notice to various parties. Sets forth a list of the recipients to whom TCEQ is required to give notice.

[Reserves Sections 252.103-252.150 for expansion.]

SUBCHAPTER D. RULES

Sec. 252.151. CONSULTATION CONCERNING RULES. Requires TCEQ to consult with the office of the governor, the Texas Military Preparedness Commission, the office of the comptroller of public accounts, and the State Energy Conservation Office in developing and amending rules to implement and administer this chapter.

SECTION 2. Requires TCEQ, not later than January 1, 2010, to adopt rules and procedures necessary to implement Chapter 252, Utilities Code, as added by this Act.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: upon passage or September 1, 2011.