

By: Jackson

S.B. No. 497

A BILL TO BE ENTITLED

AN ACT

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.

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

SECTION 1. Title 5, Utilities Code, is amended by adding Chapter 252 to read as follows:

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

SUBCHAPTER A. GENERAL PROVISIONS

Sec. 252.001. DEFINITION. In this chapter, "commission" means the Texas Commission on Environmental Quality.

Sec. 252.002. APPLICABILITY OF CHAPTER. This chapter applies to the construction or expansion of a wind-powered electric generation facility if:

(1) the construction or expansion is estimated to cost at least \$10,000; and

(2) 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 included on the notification list described by Section 252.052.

[Sections 252.003-252.050 reserved for expansion]

SUBCHAPTER B. REQUEST FOR NOTIFICATION

Sec. 252.051. REQUEST FOR NOTIFICATION. A federally owned

1 or operated radar installation or military installation may request
2 that the commission notify the installation of a planned
3 construction or expansion project if any part of the construction
4 or expansion will occur within 25 miles of the boundaries of the
5 installation.

6 Sec. 252.052. NOTIFICATION LIST. (a) The commission shall
7 create and maintain a list of federally owned or operated radar
8 installations and military installations that have requested
9 notification from the commission under Section 252.051.

10 (b) The commission shall publish the notification list
11 required by this section on its Internet website and provide a copy
12 of the list to each person who requests a copy.

13 Sec. 252.053. RULES RELATING TO LIST. The commission may
14 adopt rules as necessary to enable federally owned or operated
15 radar installations and military installations to request
16 notification and to be included on the notification list required
17 by Section 252.052, including rules relating to the information an
18 installation must provide to the commission.

19 [Sections 252.054-252.100 reserved for expansion]

20 SUBCHAPTER C. NOTIFICATION OF CONSTRUCTION OR EXPANSION

21 Sec. 252.101. NOTIFICATION TO COMMISSION. (a) A person who
22 intends to begin a construction or expansion project to which this
23 chapter applies shall provide written notice to the commission of
24 the planned construction or expansion. The commission by rule
25 shall set a deadline by which the notification required by this
26 section must be provided.

27 (b) The notice required under Subsection (a) must include:

1 (1) the name of the person planning the construction
2 or expansion;

3 (2) the location of the planned construction or
4 expansion;

5 (3) a detailed description of any construction or
6 expansion that will extend 200 feet or higher above ground level,
7 including the final proposed height of that construction or
8 expansion; and

9 (4) the name and location of each federally owned or
10 operated radar installation or military installation included on
11 the notification list described by Section 252.052 and whose
12 boundaries are within 25 miles of any part of the planned
13 construction or expansion.

14 (c) The commission shall charge a fee in an amount provided
15 by commission rule to a person who provides written notice of a
16 construction or expansion project to the commission under this
17 section. The amount of the fee may not exceed an amount reasonably
18 necessary to recover the cost of administering this chapter.

19 Sec. 252.102. NOTIFICATION BY COMMISSION. Not later than
20 the 25th day after the date the commission receives notice of a
21 proposed construction or expansion project under Section 252.101,
22 the commission shall provide a copy of the notice to:

23 (1) any federally owned or operated radar installation
24 or military installation that the commission determines is included
25 on the notification list described by Section 252.052 and that has
26 boundaries within 25 miles of the proposed project;

27 (2) each county or municipality that the commission

1 determines has boundaries within 25 miles of a federally owned or
2 operated radar installation or military installation described by
3 Subdivision (1);

4 (3) the office of the governor;

5 (4) the Texas Military Preparedness Commission;

6 (5) the office of the comptroller of public accounts;

7 and

8 (6) the State Energy Conservation Office.

9 [Sections 252.103-252.150 reserved for expansion]

10 SUBCHAPTER D. RULES

11 Sec. 252.151. CONSULTATION CONCERNING RULES. The
12 commission shall consult with the office of the governor, the Texas
13 Military Preparedness Commission, the office of the comptroller of
14 public accounts, and the State Energy Conservation Office in
15 developing and amending rules to implement and administer this
16 chapter.

17 SECTION 2. Not later than January 1, 2012, the Texas
18 Commission on Environmental Quality shall adopt rules and
19 procedures necessary to implement Chapter 252, Utilities Code, as
20 added by this Act.

21 SECTION 3. This Act applies only to construction or
22 expansion of a wind-powered electric generation facility that
23 begins on or after the effective date of this Act. Construction or
24 expansion of a wind-powered electric generation facility that began
25 before the effective date of this Act is governed by the law in
26 effect on the date the construction or expansion began, and that law
27 is continued in effect for that purpose.

1 SECTION 4. This Act takes effect immediately if it receives
2 a vote of two-thirds of all the members elected to each house, as
3 provided by Section 39, Article III, Texas Constitution. If this
4 Act does not receive the vote necessary for immediate effect, this
5 Act takes effect September 1, 2011.