

1-1 By: Jackson, Van de Putte, Lucio S.B. No. 497
1-2 (In the Senate - Filed February 1, 2011; February 14, 2011,
1-3 read first time and referred to Committee on Natural Resources;
1-4 March 28, 2011, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 7, Nays 0; March 28, 2011,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 497 By: Jackson

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to notice of the construction or expansion of a
1-11 wind-powered electric generation facility located near a federally
1-12 owned or operated radar installation or military installation.

1-13 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-14 SECTION 1. Title 5, Utilities Code, is amended by adding
1-15 Chapter 252 to read as follows:

1-16 CHAPTER 252. NOTIFICATION OF CONSTRUCTION OR EXPANSION OF CERTAIN
1-17 WIND-POWERED ELECTRIC GENERATION FACILITIES

1-18 SUBCHAPTER A. GENERAL PROVISIONS

1-19 Sec. 252.001. DEFINITION. In this chapter, "commission"
1-20 means the Public Utility Commission of Texas.

1-21 Sec. 252.002. APPLICABILITY OF CHAPTER. This chapter
1-22 applies to the construction or expansion of a wind-powered electric
1-23 generation facility if:

1-24 (1) the construction or expansion is estimated to cost
1-25 at least \$10,000; and

1-26 (2) any part of the construction or expansion will
1-27 occur within 25 miles of the boundaries of a federally owned or
1-28 operated radar installation or military installation included on
1-29 the notification list described by Section 252.052.

1-30 [Sections 252.003-252.050 reserved for expansion]

1-31 SUBCHAPTER B. REQUEST FOR NOTIFICATION

1-32 Sec. 252.051. REQUEST FOR NOTIFICATION. A federally owned
1-33 or operated radar installation or military installation may request
1-34 that the commission notify the installation of a planned
1-35 construction or expansion project if any part of the construction
1-36 or expansion will occur within 25 miles of the boundaries of the
1-37 installation.

1-38 Sec. 252.052. NOTIFICATION LIST. (a) The commission shall
1-39 create and maintain a list of federally owned or operated radar
1-40 installations and military installations that have requested
1-41 notification from the commission under Section 252.051.

1-42 (b) The commission shall publish the notification list
1-43 required by this section on its Internet website and provide a copy
1-44 of the list to each person who requests a copy.

1-45 Sec. 252.053. PROCEDURES RELATING TO LIST. The commission
1-46 may establish procedures to enable federally owned or operated
1-47 radar installations and military installations to request
1-48 notification and to be included on the notification list required
1-49 by Section 252.052, including procedures relating to the
1-50 information and installation must provide to the commission.

1-51 [Sections 252.054-252.100 reserved for expansion]

1-52 SUBCHAPTER C. NOTIFICATION OF CONSTRUCTION OR EXPANSION

1-53 Sec. 252.101. NOTIFICATION TO COMMISSION. (a) A person
1-54 who intends to begin a construction or expansion project to which
1-55 this chapter applies shall provide written notice to the commission
1-56 of the planned construction or expansion. The commission shall set
1-57 a deadline by which the notification required by this section must
1-58 be provided.

1-59 (b) The notice required under Subsection (a) must include:

1-60 (1) the name of the person planning the construction
1-61 or expansion;

1-62 (2) the location of the planned construction or
1-63 expansion;

2-1 (3) a detailed description of any construction or
2-2 expansion that will extend 200 feet or higher above ground level,
2-3 including the final proposed height of that construction or
2-4 expansion; and

2-5 (4) the name and location of each federally owned or
2-6 operated radar installation or military installation included on
2-7 the notification list described by Section 252.052 and whose
2-8 boundaries are within 25 miles of any part of the planned
2-9 construction or expansion.

2-10 (c) The commission may charge a fee in an amount provided by
2-11 commission rule to a person who provides written notice of a
2-12 construction or expansion project to the commission under this
2-13 section. The amount of the fee may not exceed an amount reasonably
2-14 necessary to recover the cost of administering this chapter.

2-15 Sec. 252.102. NOTIFICATION BY COMMISSION. Not later than
2-16 the 25th day after the date the commission receives notice of a
2-17 proposed construction or expansion project under Section 252.101,
2-18 the commission shall provide a copy of the notice to:

2-19 (1) any federally owned or operated radar installation
2-20 or military installation that the commission determines is included
2-21 on the notification list described by Section 252.052 and that has
2-22 boundaries within 25 miles of the proposed project;

2-23 (2) each county or municipality that the commission
2-24 determines has boundaries within 25 miles of a federally owned or
2-25 operated radar installation or military installation described by
2-26 Subdivision (1);

2-27 (3) the office of the governor;

2-28 (4) the Texas Military Preparedness Commission;

2-29 (5) the office of the comptroller of public accounts;

2-30 (6) the State Energy Conservation Office; and

2-31 (7) the General Land Office.

2-32 Sec. 252.103. ELECTRONIC REPORTING TO COMMISSION;
2-33 ELECTRONIC TRANSMISSION OF INFORMATION BY COMMISSION. (a) The
2-34 commission shall encourage the use of electronic submission through
2-35 the Internet, to the extent practicable, for submitting the notice
2-36 required by Section 252.101. The commission may adjust fees
2-37 assessed under this chapter as necessary to encourage electronic
2-38 submission. An electronic report must be submitted in a format
2-39 prescribed by the commission.

2-40 (b) The commission may transmit electronically the notice
2-41 required by Section 252.102.

2-42 [Sections 252.104-252.150 reserved for expansion]

2-43 SUBCHAPTER D. PROCEDURES

2-44 Sec. 252.151. CONSULTATION CONCERNING PROCEDURES. The
2-45 commission shall consult with the office of the governor, the Texas
2-46 Military Preparedness Commission, the office of the comptroller of
2-47 public accounts, the State Energy Conservation Office, and the
2-48 General Land Office in developing and amending procedures to
2-49 implement and administer this chapter.

2-50 SECTION 2. Not later than January 1, 2012, the Public
2-51 Utility Commission of Texas shall adopt procedures necessary to
2-52 implement Chapter 252, Utilities Code, as added by this Act.

2-53 SECTION 3. This Act applies only to construction or
2-54 expansion of a wind-powered electric generation facility that
2-55 begins on or after the effective date of this Act. Construction or
2-56 expansion of a wind-powered electric generation facility that began
2-57 before the effective date of this Act is governed by the law in
2-58 effect on the date the construction or expansion began, and that law
2-59 is continued in effect for that purpose.

2-60 SECTION 4. This Act takes effect immediately if it receives
2-61 a vote of two-thirds of all the members elected to each house, as
2-62 provided by Section 39, Article III, Texas Constitution. If this
2-63 Act does not receive the vote necessary for immediate effect, this
2-64 Act takes effect September 1, 2011.

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