

By: Martinez Fischer

H.B. No. 4368

A BILL TO BE ENTITLED

AN ACT

relating to the designation of wind-powered energy device construction areas by certain counties.

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

SECTION 1. Chapter 240, Local Government Code, is amended by adding Subchapter F to read as follows:

SUBCHAPTER F. WIND-POWERED ENERGY DEVICES

Sec. 240.101. DEFINITIONS. In this subchapter:

(1) "Military aviation facility" means a base, station, fort, or camp at which fixed-wing aviation operations or training is conducted by the United States Air Force, the United States Air Force Reserve, the United States Army, the United States Army Reserve, the United States Navy, the United States Navy Reserve, the United States Marine Corps, the United States Marine Corps Reserve, the United States Coast Guard, the United States Coast Guard Reserve, or the Texas National Guard.

(2) "Wind-powered energy device" means an apparatus designed or adapted to:

(A) convert the energy available in the wind into thermal, mechanical, or electrical energy;

(B) store the energy converted under Paragraph (A), either in the form to which originally converted or another form; or

(C) distribute the energy converted under

1 Paragraph (A).

2 Sec. 240.102. APPLICABILITY OF SUBCHAPTER. This subchapter  
3 applies only to a county in which a military aviation facility that  
4 trains military personnel to pilot aircraft is located.

5 Sec. 240.103. DESIGNATION OF CONSTRUCTION AREAS. (a) The  
6 commissioners court of a county by order may, in collaboration with  
7 the military aviation facility located in the county:

8 (1) designate one or more appropriate locations for a  
9 person to install a wind-powered energy device in the  
10 unincorporated area of the county in accordance with this section;  
11 and

12 (2) prohibit the installation of a wind-powered energy  
13 device in the county in an area other than a designated area.

14 (b) An order under Subsection (a) may not apply to a  
15 wind-powered energy device installed before the effective date of  
16 the order.

17 (c) Areas designated by a county under Subsection (a) must:

18 (1) maintain compatibility with the activities of the  
19 military aviation facility; and

20 (2) if practicable, constitute in total at least 40  
21 percent of the county's total area.

22 SECTION 2. This Act takes effect September 1, 2019.