

By: Cyrier

H.B. No. 4554

A BILL TO BE ENTITLED

AN ACT

relating to the parks and wildlife commission's authority to designate wind-powered energy device construction areas near certain lands.

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

SECTION 1. Chapter 13, Parks and Wildlife Code, is amended by adding Subchapter E to read as follows:

SUBCHAPTER E. WIND-POWERED ENERGY DEVICES

Sec. 13.400. DEFINITIONS. In this subchapter:

(1) "Wind-powered energy device" means an apparatus designed or adapted to convert the energy available in the wind into thermal, mechanical, or electrical energy; to store the converted energy, either in the form to which originally converted or another form; or to distribute the converted energy.

(2) "Protected lands" means state or federal parks or recreational areas with environmental, recreational, historical, aesthetic, ecological, or cultural value.

(3) "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.

13.401. PURPOSE. The purpose of this subchapter is to enable the commission to manage the potential effects of wind-powered energy devices on protected lands so that the natural and cultural values of protected lands continue for the benefit of

1 present and future generations.

2 Sec. 13.402. APPLICABILITY. This subchapter applies only
3 to protected lands that are located in a county:

4 (1) with between 45,000 and 55,000 in population;

5 (2) with a military aviation facility that trains military
6 personnel to pilot aircraft; and

7 (3) containing lands acquired by the department in 2010.

8 Sec. 13.403. DESIGNATION OF CONSTRUCTION AREAS. (a)

9 Within a county to which this subchapter applies, the commission
10 may adopt rules to establish locations where installation of a
11 wind-powered energy device is not authorized.

12 (b) Rules adopted by the commission under this section shall
13 consider:

14 (1) protection of natural resources, including
15 avoidance of visual or acoustic impacts near a national
16 recreational area, state natural area, park, lake, or river;

17 (2) protection of public health, safety, and enjoyment
18 of protected lands; and

19 (3) other factors that the commission considers to be
20 necessary to achieve the purpose of this subchapter.

21 (c) A rule adopted under this section shall not apply to a
22 wind-powered energy device installed before the effective date of
23 this section.

24 Sec. 13.404. ENFORCEMENT.

25 (a) A person who violates a rule adopted under this
26 subchapter is subject to a civil penalty of not less than \$100 or
27 more than \$10,000 for each act of violation and for each day of

1 violation, to be recovered as provided in this subchapter.

2 (b) If a person has violated, is violating, or is
3 threatening to violate a rule under this subchapter, the director
4 may bring suit to restrain the person from continuing the violation
5 or threat of violation, or to recover the civil penalty under this
6 section, or for any appropriate combination of these remedies.

7 SECTION 2. This Act takes effect immediately if it receives
8 a vote of two-thirds of all the members elected to each house, as
9 provided by Section 39, Article III, Texas Constitution. If this
10 Act does not receive the vote necessary for immediate effect this
11 Act takes effect September 1, 2019.