

Amend CSSB 2116 (house committee report) as follows:

(1) Add the following appropriately numbered SECTION to the bill:

SECTION _____. Title 2, Parks and Wildlife Code, is amended by adding Chapter 15 to read as follows:

CHAPTER 15. POWERS AND DUTIES RELATING TO WIND-POWERED ENERGY
DEVICES

Sec. 15.0101. DEFINITIONS. In this chapter:

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

(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 Paragraph (A).

Sec. 15.0102. PURPOSE. The purpose of this chapter is to enable the department 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 present and future generations.

Sec. 15.0103. APPLICABILITY. This chapter applies only in a county:

(1) in which all or part of the Devils River State Natural Area is located; or

(2) adjacent to a county described by Subdivision (1).

Sec. 15.0104. DESIGNATION OF CONSTRUCTION AREAS. (a) The commission may adopt rules that designate locations where the installation of a wind-powered energy device in an area to which this chapter applies is not authorized.

(b) In adopting rules under Subsection (a), the commission shall consider:

(1) the protection of natural resources, including the

avoidance of visual or acoustic impacts near a national recreational area, state natural area, park, lake, or river;

(2) the protection of public health and safety;

(3) the enjoyment of protected lands; and

(4) other factors the commission determines are necessary to achieve the purpose of this chapter.

(c) A rule adopted under Subsection (a) may not apply to a wind-powered energy device installed before the effective date of the Act enacting this section.

Sec. 15.0105. ENFORCEMENT. (a) A person who violates a rule adopted under Section 15.0104 is subject to a civil penalty of not less than \$100 or more than \$10,000 for each violation and for each day of violation.

(b) If a person has violated, is violating, or is threatening to violate a rule adopted under Section 15.0104, the department may bring suit:

(1) for injunctive relief to restrain the person from continuing the violation or threat of violation; and

(2) to recover the civil penalty under Subsection (a).

(2) Strike SECTION 5 of the bill (page 5, line 25), and substitute the following appropriately numbered SECTION:

SECTION _____. (a) Except as provided by Subsection (b) of this section, this Act takes effect September 1, 2021.

(b) Chapter 15, Parks and Wildlife Code, as added by this Act, takes effect immediately if this Act receives a vote of two-thirds of all the members elected to each house, as provided by Section 39, Article III, Texas Constitution. If this Act does not receive the vote necessary for immediate effect, that section takes effect September 1, 2021.

(3) Renumber the SECTIONS of the bill accordingly.