

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:

4 (1) that is located adjacent to an international  
5 border; and

6 (2) in which a military aviation facility that trains  
7 military personnel to pilot aircraft and a national recreation area  
8 are located.

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

12 (1) designate one or more appropriate locations for a  
13 person to install a wind-powered energy device in the  
14 unincorporated area of the county in accordance with this section;  
15 and

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

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

21 (c) Areas designated by a county under Subsection (a) must  
22 maintain compatibility with the activities of the military aviation  
23 facility.

24 SECTION 2. This Act takes effect September 1, 2021.