

By: Spiller

H.B. No. 4007

A BILL TO BE ENTITLED

AN ACT

relating to siting requirements for the construction of a wind turbine.

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

SECTION 1. Title 6, Utilities Code, is amended by adding Chapter 302 to read as follows:

CHAPTER 302. WIND TURBINE SITING

Sec. 302.0001. SITING. (a) A person may not construct at a site a wind turbine for electric generation unless the site complies with the minimum setback requirements provided by this section.

(b) The minimum setback for a wind turbine is the greater of:

(1) a distance equal to 10 times the maximum blade tip height of the proposed turbine, measured from the closest structure on each property that borders the property on which the site is located; or

(2) 5,280 feet, measured from the property line of each property that borders the property on which the site is located.

(c) The setback distances described by Subsection (b) must be measured as a straight line from the vertical centerline of the proposed wind turbine to the nearest point on the permanent foundation of a structure or the nearest point on the property line,

1 as applicable.

2 (d) This section does not create an offense.

3 Sec. 302.0002. SITING WAIVER. (a) A person may begin
4 construction of a wind turbine at a site that does not comply with
5 the requirements of Section 302.0001 if the person obtains a
6 signed, written waiver from the owner of the property that is the
7 source of the noncompliance.

8 (b) A waiver may not be made effective for a period of more
9 than one year after the date the owner signs the waiver. A waiver
10 may be retroactive for any period of time.

11 Sec. 302.0003. INJUNCTION. (a) A county or district court
12 by injunction may prevent, restrain, abate, or otherwise remedy a
13 violation of this chapter.

14 (b) Except as provided by Subsection (c), a person affected
15 or who may be affected by a violation or threatened violation of
16 this chapter may bring suit under Subsection (a).

17 (c) A person may not bring suit under Subsection (a) if the
18 sole alleged violation relates to a structure on an adjacent
19 property as described by Section 302.0001(b)(1) that was
20 constructed less than one year before the date the wind turbine
21 construction is proposed to begin.

22 SECTION 2. Chapter 302, Utilities Code, as added by this
23 Act, applies only to a wind turbine the construction of which begins
24 on or after the effective date of this Act. Construction of a wind
25 turbine that began before the effective date of this Act is governed
26 by the law as it existed immediately before the effective date of
27 this Act, and the former law is continued in effect for that

1 purpose.

2 SECTION 3. This Act takes effect September 1, 2021.