

By: Springer

S.B. No. 1003

A BILL TO BE ENTITLED

AN ACT

relating to location requirements for the construction of certain wind-powered energy devices.

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 3,000 feet measured from the property line of each property that borders the property on which the site is located.

(c) The setback distance 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 property line.

(d) This section does not create an offense.

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

(b) A waiver may not be made effective for a period of more

1 than one year after the date the owner signs the waiver. A waiver  
2 may be retroactive for any period of time.

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

6 (b) A person affected or who may be affected by a violation  
7 or threatened violation of this chapter may bring suit under  
8 Subsection (a).

9 SECTION 2. Chapter 240, Local Government Code, is amended  
10 by adding Subchapter F to read as follows:

11 SUBCHAPTER F. WIND-POWERED ENERGY DEVICES

12 Sec. 240.101. DEFINITIONS. In this subchapter:

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

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

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

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

1                   (C) distribute the energy converted under  
2 Paragraph (A).

3           Sec. 240.102. APPLICABILITY OF SUBCHAPTER. This subchapter  
4 applies only to a county:

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

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

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

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

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

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

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

25           SECTION 3. Chapter 302, Utilities Code, as added by this  
26 Act, applies only to a wind turbine the construction of which begins  
27 on or after the effective date of this Act. Construction of a wind

1 turbine that began before the effective date of this Act is governed  
2 by the law as it existed immediately before the effective date of  
3 this Act, and the former law is continued in effect for that  
4 purpose.

5 SECTION 4. This Act takes effect September 1, 2021.