

By: Frank

H.B. No. 1068

A BILL TO BE ENTITLED

AN ACT

relating to the construction of a meteorological tower near a federally owned or operated radar installation or military installation; providing an administrative penalty.

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

SECTION 1. Title 6, Utilities Code, is amended by adding Chapter 303 to read as follows:

CHAPTER 303. METEOROLOGICAL TOWERS

Sec. 303.0001. DEFINITION. In this chapter, "commission" means the Public Utility Commission of Texas.

Sec. 303.0002. NOTIFICATION REQUIRED FOR CERTAIN METEOROLOGICAL TOWERS. (a) This section applies only to a meteorological tower that:

(1) is located:

(A) on dry land in this state; and

(B) within 50 nautical miles of the boundaries of a federally owned or operated radar installation or military installation in this state;

(2) extends 200 feet or higher above ground level; and

(3) is constructed for the purpose of conducting a wind study to determine if an area is suitable for wind-powered electric generation.

(b) A person constructing a meteorological tower described by Subsection (a) shall provide written notice to the commission of

1 the construction not later than the date that construction begins
2 on the tower.

3 (c) The notice required under Subsection (b) must include:

4 (1) the name of the person constructing the
5 meteorological tower;

6 (2) the location of the tower; and

7 (3) the name and location of each federally owned or
8 operated radar installation or military installation in this state
9 whose boundaries are within 50 nautical miles of the tower.

10 (d) Not later than 30 days after the date the commission
11 receives notice of the construction of a meteorological tower under
12 Subsection (b), the commission shall provide a copy of the notice
13 to:

14 (1) a federally owned or operated radar installation
15 or military installation in this state whose boundaries are within
16 50 nautical miles of the tower;

17 (2) the county judge of each county in this state that
18 contains a radar or military installation described by Subdivision
19 (1); and

20 (3) the county judge of each county in this state that
21 borders a county described by Subdivision (2).

22 (e) The commission and attorney general may enforce the
23 provisions of this section and rules adopted under this section in
24 the manner authorized for the judicial or administrative
25 enforcement of a provision of Title 2 by Subchapter B, Chapter 15,
26 including by imposing administrative penalties.

27 SECTION 2. This Act applies only to a person who begins

1 construction of a meteorological tower on or after the effective
2 date of this Act. A person who begins construction of a
3 meteorological tower before the effective date of this Act is
4 governed by the law in effect on the date construction began, and
5 that law is continued in effect for that purpose.

6 SECTION 3. This Act takes effect September 1, 2023.