

By: Slawson

H.B. No. 1443

A BILL TO BE ENTITLED

AN ACT

relating to the operation of a wind-powered generation facility near a joint-use airport.

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

SECTION 1. Section 39.002, Utilities Code, as amended by Chapters 908 (H.B. 4492) and 950 (S.B. 1580), Acts of the 87th Legislature, Regular Session, 2021, is reenacted and amended to read as follows:

Sec. 39.002. APPLICABILITY. This chapter, other than Sections 39.151, 39.1516, 39.155, 39.157(e), 39.159, 39.160, 39.203, 39.904, 39.9051, 39.9052, 39.9056, and 39.914(e), and Subchapters M and N, does not apply to a municipally owned utility or an electric cooperative. Sections 39.157(e), 39.203, and 39.904, however, apply only to a municipally owned utility or an electric cooperative that is offering customer choice. If there is a conflict between the specific provisions of this chapter and any other provisions of this title, except for Chapters 40 and 41, the provisions of this chapter control.

SECTION 2. Subchapter Z, Chapter 39, Utilities Code, is amended by adding Section 39.9056 to read as follows:

Sec. 39.9056. OPERATION OF WIND-POWERED GENERATION FACILITY NEAR JOINT-USE AIRPORT. (a) In this section, "joint-use airport" means an airport:

(1) that is owned or operated by a federal defense

1 agency;

2 (2) at which both military and civilian aircraft make  
3 shared use of the airfield; and

4 (3) that provides air traffic control for all military  
5 and civilian aircraft operating within 60 nautical miles of the  
6 airport's boundaries.

7 (b) A power generation company or other person required by  
8 commission rule to register with the commission before generating  
9 electricity may not operate a wind-powered generation facility in  
10 the ERCOT power region at a location that is within 65 nautical  
11 miles of the boundaries of a joint-use airport located in this  
12 state.

13 (c) An electric cooperative or municipally owned utility  
14 may not operate a wind-powered generation facility in the ERCOT  
15 power region at a location that is within 65 nautical miles of the  
16 boundaries of a joint-use airport located in this state.

17 SECTION 3. Section 39.9056, Utilities Code, as added by  
18 this Act, applies only to a wind-powered generation facility  
19 installed on or after the effective date of this Act. A wind-powered  
20 generation facility installed before the effective date of this Act  
21 is governed by the law as it existed immediately before that date,  
22 and that law is continued in effect for that purpose.

23 SECTION 4. To the extent of any conflict, this Act prevails  
24 over another Act of the 88th Legislature, Regular Session, 2023,  
25 relating to nonsubstantive additions to and corrections in enacted  
26 codes.

27 SECTION 5. This Act takes effect September 1, 2023.