

By: Virdell

H.B. No. 3056

A BILL TO BE ENTITLED

AN ACT

relating to municipal and county regulation of certain wind and solar power facilities.

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

SECTION 1. The heading to Chapter 247, Local Government Code, as added by Chapter 19 (S.B. 1017), Acts of the 88th Legislature, Regular Session, 2023, is amended to read as follows:

CHAPTER 247. REGULATION OF ALTERNATIVE ENERGY GENERATION, ENERGY SOURCES, AND ENGINES

SECTION 2. Section 247.001, Local Government Code, as added by Chapter 19 (S.B. 1017), Acts of the 88th Legislature, Regular Session, 2023, is amended by adding Subdivisions (5) and (6) to read as follows:

(5) "Solar power facility" has the meaning assigned by Section 302.0001, Utilities Code.

(6) "Wind power facility" has the meaning assigned by Section 301.0001, Utilities Code.

SECTION 3. Chapter 247, Local Government Code, as added by Chapter 19 (S.B. 1017), Acts of the 88th Legislature, Regular Session, 2023, is amended by adding Section 247.004 to read as follows:

Sec. 247.004. REGULATION OF WIND AND SOLAR POWER FACILITIES. (a) This section applies only to a wind or solar power facility intended to be used to sell at wholesale energy or

1 ancillary services.

2 (b) A municipality by ordinance and a county by order shall  
3 prohibit the installation of a wind or solar power facility within  
4 500 yards of real property owned by a person other than the owner or  
5 operator of the proposed facility unless the owner or operator of  
6 the proposed facility obtains written consent from each owner of  
7 the real property.

8 (c) For the purposes of this section, the measurement of  
9 distance between a wind or solar power facility and a property line  
10 shall be taken from the point on the structure that is nearest to  
11 the nearest point on the property line.

12 (d) A county may not regulate under Subsection (b) the  
13 installation of a wind or solar power facility within the corporate  
14 boundaries of a municipality.

15 SECTION 4. Not later than October 1, 2025, a municipality by  
16 ordinance and a county by order shall adopt a prohibition on the  
17 installation of a wind or solar power facility as required by  
18 Section 247.004, Local Government Code, as added by this Act. The  
19 ordinance or order may not require the removal of a wind or solar  
20 power facility the installation of which began before the effective  
21 date of the ordinance or order.

22 SECTION 5. It is the intent of the 89th Legislature, Regular  
23 Session, 2025, that the amendments made by this Act to Chapter 247,  
24 Local Government Code, be harmonized with another Act of the 89th  
25 Legislature, Regular Session, 2025, relating to nonsubstantive  
26 additions to and corrections in enacted codes.

27 SECTION 6. This Act takes effect September 1, 2025.