

By: Patterson

H.B. No. 3244

A BILL TO BE ENTITLED

AN ACT

relating to the location of and light pollution mitigation for wind turbine generators; authorizing an administrative penalty.

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

SECTION 1. Subchapter A, Chapter 35, Utilities Code, is amended by adding Sections 35.0023 and 35.0024 to read as follows:

Sec. 35.0023. WIND TURBINE LIGHT POLLUTION MITIGATION. (a)

This section applies only to an electric cooperative, electric utility, municipally owned utility, power generation company, or exempt wholesale generator that:

(1) is required by the Federal Aviation Administration to use aviation obstruction lighting; and

(2) sells at wholesale electric energy produced by a wind turbine generator.

(b) The commission by rule shall require an electric cooperative, electric utility, municipally owned utility, power generation company, or exempt wholesale generator to apply to the Federal Aviation Administration, or another applicable federal entity, for authorization to install and operate technology to mitigate light pollution from the wind turbine generator using a light mitigation technology system.

(c) The rules adopted under Subsection (b) must require an electric cooperative, electric utility, municipally owned utility, power generation company, or exempt wholesale generator that:

1           (1) installs a wind turbine generator on or after  
2 December 31, 2026, to:

3           (A) submit an application for approval of light  
4 mitigation technology to the Federal Aviation Administration not  
5 later than 180 days before the commercial operations date for the  
6 wind turbine generator;

7           (B) install light mitigation technology on all  
8 wind turbine generators not later than 18 months after receiving  
9 approval of the technology from the Federal Aviation  
10 Administration; and

11           (C) if installation of the light mitigation  
12 technology is delayed due to forces outside of the control of the  
13 cooperative, utility, company, or generator, make a quarterly  
14 report to the commission detailing the reasons for the delay; or

15           (2) installs a wind turbine generator before December  
16 31, 2026, to:

17           (A) on repowering or not later than the 180th day  
18 after the execution of a newly signed long-term power purchase  
19 agreement, submit an application for approval of light mitigation  
20 technology to the Federal Aviation Administration;

21           (B) install light mitigation technology on all  
22 wind turbine generators not later than 18 months after receiving  
23 approval of the technology from the Federal Aviation  
24 Administration; and

25           (C) if installation of the light mitigation  
26 technology is delayed due to forces outside of the control of the  
27 cooperative, utility, company, or generator, make a quarterly

1 report to the commission detailing the reasons for the delay.

2 (d) Subsection (c) applies only to a wind turbine generator  
3 with a commercial operations date that occurs after December 31,  
4 2008.

5 (e) Notwithstanding Section 15.023(b), the total amount of  
6 an administrative penalty assessed for a violation continuing or  
7 occurring on separate days under this section may not exceed \$1  
8 million.

9 Sec. 35.0024. WIND TURBINE GENERATION FACILITY  
10 DETERMINATION. (a) Before an electric cooperative, electric  
11 utility, municipally owned utility, power generation company, or  
12 other person required by commission rule to register with the  
13 commission before generating electricity may begin operation of or  
14 expand a wind turbine generation facility, the cooperative,  
15 utility, company, or person must submit documentation to the  
16 commission establishing that:

17 (1) the Federal Aviation Administration has  
18 determined the facility will not be a hazard to air navigation; and

19 (2) the Military Aviation and Installation Assurance  
20 Siting Clearinghouse, or its successor agency, has determined that:

21 (A) the facility will not have an adverse impact  
22 on military operations or readiness; or

23 (B) a mitigation agreement has been executed to  
24 overcome an adverse impact on military operations or readiness.

25 (b) The commission may impose an administrative penalty  
26 under Section 15.023 on an electric cooperative or municipally  
27 owned utility that violates Subsection (a).

1           SECTION 2. Section 35.0024, Utilities Code, as added by  
2 this Act, applies only to a wind turbine generation facility  
3 installed on or after the effective date of this Act. A generation  
4 facility installed before the effective date of this Act is  
5 governed by the law as it existed immediately before that date, and  
6 the law is continued in effect for that purpose.

7           SECTION 3. This Act takes effect September 1, 2025.