

By: McLaughlin

H.B. No. 3278

A BILL TO BE ENTITLED

1 AN ACT

2 relating to the study of and incentives for the use of solar and
3 wind energy.

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

5 SECTION 1. STUDY ON SOLAR AND WIND ENERGY AND RELATED
6 FACILITIES. (a) In this Act, "commission" means the Texas
7 Commission on Environmental Quality.

8 (b) The commission, in consultation with the Public Utility
9 Commission of Texas, the Parks and Wildlife Department, and any
10 other relevant state agency, shall conduct a study on the effects of
11 solar generation facilities and wind generation facilities on the
12 environment, the economy, and infrastructure in this state.

13 (c) In conducting the study, the commission shall examine:

14 (1) land use and habitat disruption, including the
15 impact of large solar and wind generation facilities on
16 agricultural land, native ecosystems, and wildlife habitats;

17 (2) decommissioning and disposal challenges related
18 to solar and wind generation facilities, including a consideration
19 of the life cycle of solar panels and wind turbines, hazardous waste
20 risks, sustainability of recycling methods, and the disposal of
21 components;

22 (3) grid reliability and energy security, including
23 any effects of an increased reliance on solar and wind energy on
24 electric grid stability, energy storage needs, and grid reliability

1 during periods of peak demand;

2 (4) the economic impact of solar and wind generation
3 facilities on rural communities, including changes in land value,
4 tax revenue, or agricultural productivity in areas where solar
5 generation facilities or wind generation facilities are
6 established;

7 (5) potential fire risks associated with lithium-ion
8 battery storage and the capability of rural emergency services to
9 effectively respond to a fire at a battery facility;

10 (6) risks of soil and water contamination from solar
11 generation facilities, including risks associated with water
12 usage, long-term soil degradation, and the disposal of solar panel
13 materials;

14 (7) wildlife and avian mortality related to the
15 production of wind energy, including the effects of wind turbines
16 on migratory birds, bats, and other wildlife populations; and

17 (8) the noise created by and potential health effects
18 of wind generation facilities, including the potential effects of
19 wind turbine noise, infrasound, and shadow flicker on nearby
20 communities.

21 (d) The commission shall hold public hearings in rural
22 counties and counties in which solar or wind generation facilities
23 are located to collect input relevant to the study from landowners,
24 energy industry representatives, environmental experts, and local
25 officials.

26 (e) Not later than September 1, 2026, the commission shall
27 submit to the governor, the lieutenant governor, the speaker of the

1 house of representatives, and the chair of the standing committee
2 of each house of the legislature with primary jurisdiction over
3 energy production an interim report that includes the initial
4 results of the study conducted under this section.

5 (f) Not later than January 31, 2027, the commission shall
6 submit a final report to the governor, the lieutenant governor, the
7 speaker of the house of representatives, and the chair of the
8 standing committee of each house of the legislature with primary
9 jurisdiction over energy production a written report that includes
10 the results of the study conducted under this section and any
11 recommendations for the legislature.

12 (g) The commission shall begin the interim study required by
13 this section not later than September 1, 2025.

14 SECTION 2. MORATORIUM ON STATE ECONOMIC INCENTIVES. (a)
15 Notwithstanding any other law and except as otherwise provided by
16 this section, during the period that begins on the effective date of
17 this Act and ends on the last day of the 90th Legislature, Regular
18 Session, a solar energy project, wind energy project, solar
19 generation facility, or wind generation facility is not eligible to
20 receive a state economic incentive, including a state tax
21 incentive.

22 (b) Subsection (a) of this section does not apply to a state
23 economic incentive the application for which was submitted on or
24 before the effective date of this Act.

25 (c) The members of the 90th Legislature, Regular Session, by
26 adoption of a concurrent resolution approved by a record vote of a
27 majority of the members of each house of the legislature may

1 terminate the moratorium imposed under Subsection (a) of this
2 section before the date the moratorium would otherwise expire under
3 that subsection.

4 SECTION 3. EXPIRATION. This Act expires September 1, 2027.

5 SECTION 4. EFFECTIVE DATE. This Act takes effect
6 immediately if it receives a vote of two-thirds of all the members
7 elected to each house, as provided by Section 39, Article III, Texas
8 Constitution. If this Act does not receive the vote necessary for
9 immediate effect, this Act takes effect September 1, 2025.