

State of Arizona
House of Representatives
Fifty-fourth Legislature
Second Regular Session
2020

HOUSE BILL 2090

AN ACT

AMENDING TITLE 40, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 8; RELATING TO WIND ENERGY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 40, Arizona Revised Statutes, is amended by adding
3 chapter 8, to read:

4 CHAPTER 8

5 WIND ENERGY FACILITY SITING

6 ARTICLE 1. GENERAL PROVISIONS

7 40-1251. Wind turbine: wind energy facility: siting:
8 requirements; rules

9 A. BEGINNING ON OCTOBER 1, 2020, THE CONSTRUCTION OR OPERATION OF A
10 PROPOSED INDIVIDUAL WIND TURBINE OR ANY OTHER INDIVIDUAL STRUCTURE THAT
11 REQUIRES A FEDERAL AVIATION ADMINISTRATION FORM 7460-1 AND THAT IS PART OF
12 A WIND ENERGY FACILITY MAY NOT ENCROACH ON OR OTHERWISE HAVE A SIGNIFICANT
13 ADVERSE IMPACT ON THE MISSION, TRAINING OR OPERATIONS OF ANY MILITARY
14 INSTALLATION OR BRANCH OF MILITARY AS DETERMINED BY THE MILITARY AVIATION
15 AND INSTALLATION ASSURANCE SITING CLEARINGHOUSE AND THE FEDERAL AVIATION
16 ADMINISTRATION. AREAS OF IMPACT INCLUDE MILITARY TRAINING ROUTES, DROP
17 ZONES, APPROACHES TO RUNWAYS AND BOMBING RANGES. AN INDIVIDUAL WIND
18 TURBINE OR ANY OTHER INDIVIDUAL STRUCTURE THAT REQUIRES A FEDERAL AVIATION
19 ADMINISTRATION FORM 7460-1 AND THAT IS PART OF A WIND ENERGY FACILITY MAY
20 NOT BE CONSTRUCTED OR EXPANDED UNLESS THERE IS AN ACTIVE DETERMINATION OF
21 NO HAZARD FROM THE FEDERAL AVIATION ADMINISTRATION AND ADVERSE IMPACTS TO
22 THE UNITED STATES DEPARTMENT OF DEFENSE, PURSUANT TO 32 CODE OF FEDERAL
23 REGULATIONS SECTION 211.6, HAVE BEEN RESOLVED AS EVIDENCED BY
24 DOCUMENTATION FROM THE MILITARY AVIATION AND INSTALLATION ASSURANCE SITING
25 CLEARINGHOUSE FOR THE INDIVIDUAL WIND TURBINE OR WIND ENERGY FACILITY.
26 THE MISSION COMPATIBILITY CERTIFICATION LETTER OR SUCCESSOR FORM MAY SERVE
27 AS EVIDENCE OF ADVERSE IMPACTS BEING RESOLVED WITH THE UNITED STATES
28 DEPARTMENT OF DEFENSE OR ITS SUCCESSOR AGENCY.

29 B. THE OWNER OR OPERATOR OF THE PROPOSED INDIVIDUAL WIND TURBINE OR
30 WIND ENERGY FACILITY SPECIFIED IN SUBSECTION A OF THIS SECTION SHALL FILE
31 WITH THE CORPORATION COMMISSION THE DETERMINATION OF NO HAZARD AND
32 DOCUMENTATION OF THE RESOLUTION OF ADVERSE IMPACTS TO THE UNITED STATES
33 DEPARTMENT OF DEFENSE.

34 C. SUBSECTION A OF THIS SECTION DOES NOT PROHIBIT THE CONSTRUCTION
35 OF AN INDIVIDUAL WIND TURBINE OR ANY OTHER INDIVIDUAL STRUCTURE THAT
36 REQUIRES A FEDERAL AVIATION ADMINISTRATION FORM 7460-1 AND THAT IS PART OF
37 A WIND ENERGY FACILITY IF THAT INDIVIDUAL WIND TURBINE OR OTHER INDIVIDUAL
38 STRUCTURE HAS RECEIVED A DETERMINATION OF NO HAZARD OR MITIGATION PLAN ON
39 OR BEFORE THE EFFECTIVE DATE OF THIS SECTION.

40 D. THE CORPORATION COMMISSION MAY ADOPT RULES FOR IMPLEMENTING THIS
41 SECTION, INCLUDING ADMINISTRATIVE PENALTIES FOR NOT COMPLETING AND FILING
42 THE DOCUMENTATION REQUIRED BY THIS SECTION.