

REFERENCE TITLE: corporation commission; electric generation resources.

State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

SB 1175

Introduced by
Senators Kerr: Gowan, Gray, Leach, Livingston, Shope

AN ACT

AMENDING TITLE 40, CHAPTER 2, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 40-213; RELATING TO PUBLIC SERVICE CORPORATIONS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 40, chapter 2, article 1, Arizona Revised
3 Statutes, is amended by adding section 40-213, to read:

4 40-213. Regulation of critical electric generation resources;
5 legislative authorization; definition

6 A. NOTWITHSTANDING ANY OTHER LAW, WITHOUT EXPRESS LEGISLATIVE
7 AUTHORIZATION, THE CORPORATION COMMISSION MAY NOT ADOPT OR ENFORCE A
8 POLICY, DECISION OR RULE THAT DIRECTLY OR INDIRECTLY REGULATES THE TYPES
9 OF CRITICAL ELECTRIC GENERATION RESOURCES USED OR ACQUIRED BY PUBLIC
10 SERVICE CORPORATIONS WITHIN THIS STATE'S ENERGY GRID.

11 B. THIS SECTION DOES NOT APPLY TO ANY POLICY, DECISION OR RULE
12 ADOPTED BEFORE JUNE 30, 2020.

13 C. THIS SECTION DOES NOT PROHIBIT THE CORPORATION COMMISSION FROM
14 SETTING ELECTRICITY RATES FOR PUBLIC SERVICE CORPORATIONS.

15 D. FOR THE PURPOSES OF THIS SECTION, "CRITICAL ELECTRIC GENERATION
16 RESOURCES" INCLUDES ANY GENERATION RESOURCE USED OR ACQUIRED BY A PUBLIC
17 SERVICE CORPORATION, INCLUDING SOLAR, WIND, BIOMASS, GEOTHERMAL, NUCLEAR,
18 HYDROELECTRIC, FUEL-CELL TECHNOLOGY, NATURAL GAS OR COAL OR ANY OTHER
19 PETROLEUM FUEL SOURCE.

20 Sec. 2. Legislative findings

21 The legislature finds that:

22 1. Energy development, production and generation is an issue of
23 statewide concern necessary to ensure the public's health and safety.

24 2. Policies that restrict or ban critical fuel and energy resources
25 will result in higher electricity prices, harm economic growth, reduce
26 grid reliability and damage Arizona's energy independence.

27 3. Any policy, decision or rule that regulates critical electric
28 generation resources should prioritize affordability and reliability and
29 must be expressly authorized by the legislature.

30 Sec. 3. Retroactivity

31 Section 40-213, Arizona Revised Statutes, as added by this act,
32 applies retroactively to from and after June 29, 2020.