State of Arizona
House of Representatives
Fifty-sixth Legislature
First Regular Session
2023

HOUSE BILL 2437

AN ACT

AMENDING SECTIONS 40-360.03 AND 40-360.07, ARIZONA REVISED STATUTES; RELATING TO THE POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE.

(TEXT OF BILL BEGINS ON NEXT PAGE)
Be it enacted by the Legislature of the State of Arizona:

Section 1. Section 40-360.03, Arizona Revised Statutes, is amended to read:

40-360.03. Applications before construction of facilities; exception
A. Every utility planning to construct a plant OR transmission line, or both, in this state shall first file with the commission an application for a certificate of environmental compatibility. The application shall be in a form prescribed by the commission and shall be accompanied by information with respect to the proposed type of facilities and description of the site, including the areas of jurisdiction affected and the estimated cost of the proposed facilities and site. Also the application shall ALSO be accompanied by a receipt evidencing payment of the appropriate fee required by section 40-360.09. The COMMISSION SHALL promptly refer the application and accompanying information shall be promptly referred by the commission to the chairman of the committee for the committee's review and decision.

B. THIS SECTION DOES NOT APPLY IF THE TRANSMISSION LINE AND ITS ASSOCIATED RIGHT-OF-WAY IS TO BE LOCATED ON LAND THAT IS ENTIRELY OWNED IN FEE SIMPLE BY ONE OR MORE OWNERS OF THE TRANSMISSION LINE. FOR THE PURPOSES OF THIS SUBSECTION, LAND THAT IS HELD IN FEE SIMPLE BY AN AFFILIATE OF ONE OR MORE OWNERS OF THE TRANSMISSION LINE IS DEEMED TO BE HELD BY THE OWNERS OF THE TRANSMISSION LINE IF EACH OF THE OWNERS OF THE AFFILIATE HAS AN OWNERSHIP INTEREST IN THE TRANSMISSION LINE.

Sec. 2. Section 40-360.07, Arizona Revised Statutes, is amended to read:

40-360.07. Compliance by utility; commission order
A. No utility may NOT construct a plant or transmission line within this state until it has received a certificate of environmental compatibility from the committee with respect to the proposed site, affirmed and approved by an order of the commission which shall be issued not less than thirty days nor more than sixty days after the certificate is issued by the committee, except that within fifteen days after the committee has rendered its written decision any party to a certification proceeding may request a review of the committee's decision by the commission. THIS SUBSECTION DOES NOT APPLY IF THE TRANSMISSION LINE AND ITS ASSOCIATED RIGHT-OF-WAY IS TO BE LOCATED ON LAND THAT IS ENTIRELY OWNED IN FEE SIMPLE BY ONE OR MORE OWNERS OF THE TRANSMISSION LINE. FOR THE PURPOSES OF THIS SUBSECTION, LAND THAT IS HELD IN FEE SIMPLE BY AN AFFILIATE OF ONE OR MORE OWNERS OF THE TRANSMISSION LINE IS DEEMED TO BE HELD BY THE OWNERS OF THE TRANSMISSION LINE IF EACH OF THE OWNERS OF THE AFFILIATE HAS AN OWNERSHIP INTEREST IN THE TRANSMISSION LINE.

B. The grounds for review shall be stated in a written notice filed with the commission with a copy thereof served on the chairman of the committee. The committee shall transmit to the commission the complete
record, including a certified transcript, and the review shall be conducted on the basis of the record. The commission may, at the request of any party, require written briefs or oral argument and shall within sixty days from the date the notice is filed either confirm, deny or modify any certificate granted by the committee, or in the event that the committee refused to grant a certificate, the commission may issue a certificate to the applicant. In arriving at its decision, the commission shall comply with the provisions of section 40-360.06 and shall balance, in the broad public interest, the need for an adequate, economical and reliable supply of electric power with the desire to minimize the effect thereof on the environment and ecology of this state.

C. The committee or any party to a decision by the commission pursuant to subsection B of this section may request the commission to reconsider its decision within thirty days after the decision is issued. A request for reconsideration made pursuant to this subsection shall set forth the grounds upon which it is based and state the manner in which the party believes the commission unreasonably or unlawfully applied or failed to apply the criteria set forth in section 40-360.06. The decision of the commission is final with respect to all issues, subject only to judicial review as provided by law in the event of an appeal by a person having a legal right or interest that will be injuriously affected by the decision.