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( T E X T  O F  B I L L  B E G I N S  O N  N E X T  P A G E )
Be it enacted by the Legislature of the State of Arizona:

Section 1. Title 30, Arizona Revised Statutes, is amended by adding chapters 7 and 8, to read:

CHAPTER 7
SOLAR ENERGY POWER PLANTS
ARTICLE 1. GENERAL PROVISIONS

30-901. Local government; standards; conditions; requirements; procedures
A. A CITY, TOWN OR COUNTY MAY ADOPT ZONING STANDARDS, SITE SPECIFIC CONDITIONS AND PERMITTING REQUIREMENTS OR PROCEDURES FOR A SOLAR ENERGY POWER PLANT THAT IS LOCATED IN THE CITY, TOWN OR COUNTY.
B. AN OWNER OR OPERATOR OF A SOLAR ENERGY POWER PLANT SHALL COMPLY WITH THE APPLICABLE STANDARDS, CONDITIONS, REQUIREMENTS AND PROCEDURES FOR A SOLAR ENERGY POWER PLANT THAT ARE ADOPTED BY THE CITY, TOWN OR COUNTY IN WHICH THE SOLAR ENERGY POWER PLANT IS TO BE LOCATED.

30-902. Transfer or sale
A. THE TRANSFER OF A SOLAR ENERGY POWER PLANT OR SPECIAL USE PERMIT OR THE SALE OF THE ENTITY OWNING THE SOLAR ENERGY POWER PLANT MAY NOT OCCUR WITHOUT WRITTEN ACCEPTANCE BY THE TRANSFEREE OF THE TRANSFEROR'S OBLIGATIONS UNDER THIS CHAPTER, INCLUDING THE OBLIGATION TO MAINTAIN AND IMPLEMENT A DECOMMISSIONING AND SITE RESTORATION PLAN PURSUANT TO SECTION 30-904, TO MAINTAIN THE FINANCIAL ASSURANCE PRESCRIBED BY SECTION 30-905 AND TO MAINTAIN THE LIABILITY INSURANCE PRESCRIBED BY SECTION 30-906. A TRANSFER OR SALE DOES NOT ELIMINATE THE LIABILITY OR RESPONSIBILITY OF A TRANSFEROR OR OF ANY OTHER PARTY UNDER THIS CHAPTER FOR ACTS OR OMISSIONS OF THE TRANSFEROR OR OTHER PARTY OCCURRING BEFORE THE TRANSFER OR SALE, EXCEPT WHEN THE TRANSFEREE AND TRANSFEROR PROVIDE FOR THE TRANSFER OF LIABILITY OR RESPONSIBILITY BY AGREEMENT.
B. FOR A TRANSFER OF UNIT OWNERSHIP, THE CITY, TOWN OR COUNTY MAY REASSESS THE AMOUNT OF ANY FINANCIAL ASSURANCE REQUIRED UNDER SECTION 30-905 AND THE SOLAR ENERGY POWER PLANT OWNER OR OPERATOR SHALL REIMBURSE ANY REASONABLE COSTS INCURRED BY THE CITY, TOWN OR COUNTY TO OBTAIN THE REASSESSMENT.
C. A CITY, TOWN OR COUNTY MAY ESTABLISH A PROCEDURE FOR:
1. RECEIVING NOTICE OF A SALE AND TRANSFER OF OBLIGATIONS UNDER THIS SECTION.
2. APPROVING A SALE AND TRANSFER OF OBLIGATIONS UNDER THIS SECTION.
D. IF A SOLAR ENERGY POWER PLANT OWNER Sells A SOLAR ENERGY POWER PLANT TO AN ENTITY DESCRIBED IN SECTION 30-905, SUBSECTION E OR F, THE SOLAR ENERGY POWER PLANT OWNER SHALL PROVIDE WRITTEN NOTICE OF THE SALE TO THE CITY, TOWN OR COUNTY. WITHIN FIFTEEN DAYS AFTER RECEIVING THE NOTICE, THE CITY, TOWN OR COUNTY SHALL WAIVE THE REQUIREMENTS OF SECTION 30-905 AND RETURN OR RELEASE TO THE SOLAR ENERGY POWER PLANT OWNER ANY FINANCIAL ASSURANCE PROVIDED TO THE CITY, TOWN OR COUNTY UNLESS OTHERWISE PROVIDED BY AGREEMENT.
E. BEFORE OR IN CONJUNCTION WITH APPROVING A LAND USE OR ZONING
PERMIT APPLICATION FOR A SOLAR ENERGY POWER PLANT, A CITY, TOWN OR COUNTY
MAY ADOPT A PROCEDURE FOR WAIVING THE FINANCIAL ASSURANCE PRESCRIBED BY
SECTION 30-905 IF THE OWNER OR OPERATOR OF THE PLANNED SOLAR ENERGY POWER
PLANT SUBMITS THE FOLLOWING DOCUMENTATION IN CONJUNCTION WITH ITS
APPLICATION:

1. EVIDENCE THAT THE SOLAR ENERGY POWER PLANT IS BEING CONSTRUCTED
PURSUANT TO A BUILD-TRANSFER AGREEMENT WITH AN ENTITY DESCRIBED IN SECTION
30-905, SUBSECTION E OR F AND THE TRANSFER OF OWNERSHIP WILL OCCUR WITHIN
A REASONABLE TIME PERIOD, AS DETERMINED BY THE CITY, TOWN OR COUNTY, AFTER
THE DATE OF CONSTRUCTION OR OPERATION.

2. THE DOCUMENTATION PRESCRIBED BY SECTION 30-905, SUBSECTION E OR
F, AS APPLICABLE TO THE RELEVANT ENTITY.

30-903. Duty to maintain; cessation of use; abandonment;
damage; notification requirements

A. THE OWNER OR OPERATOR OF A SOLAR ENERGY POWER PLANT SHALL:

1. MAINTAIN THE PLANT IN GOOD CONDITION AND REPAIR.

2. EXCEPT DURING PERIODS OF REGULAR MAINTENANCE AND PLANNED
CURTAILMENTS, ENSURE THAT THE PLANT REMAINS FUNCTIONAL AND OPERATIONAL
UNTIL DECOMMISSIONING OF THE PLANT IS INITIATED PURSUANT TO THIS CHAPTER.

B. A CITY, TOWN OR COUNTY MAY ADOPT REASONABLE TIMELINES AND
REQUIREMENTS FOR THE CURE AND REPAIR OF VISIBLE DAMAGE OR DEFECTS TO A
VISIBLE COMPONENT OF A SOLAR ENERGY POWER PLANT AND FOR THE RESTORATION
AND REPAIR, REPLACEMENT OR REMOVAL OF ANY COMPONENT OF A SOLAR ENERGY
POWER PLANT THAT IS NONFUNCTIONAL OR INOPERABLE.

C. A CITY, TOWN OR COUNTY MAY ADOPT AND ENFORCE REASONABLE
PENALTIES AND PROCEDURES FOR THE VIOLATION OF OR NONCOMPLIANCE WITH ANY
TIMELINE OR REQUIREMENT THAT IS AUTHORIZED PURSUANT TO THIS SECTION,
INCLUDING INITIATING OR COMPLETING DECOMMISSIONING OR SITE RESTORATION AT
THE OWNER'S OR OPERATOR'S EXPENSE PURSUANT TO SECTION 30-904 IF THE OWNER
OR OPERATOR FAILS TO COMPLY WITH THE CITY'S, TOWN'S OR COUNTY'S REASONABLE
TIMELINES OR REQUIREMENTS.

D. A SOLAR ENERGY POWER PLANT OWNER OR OPERATOR SHALL NOT ABANDON A
SOLAR ENERGY POWER PLANT FOR ANY REASON, INCLUDING BANKRUPTCY OR FINANCIAL
INSOLVENCY. IF A SOLAR ENERGY POWER PLANT OWNER FILES FOR BANKRUPTCY OR
OTHERWISE BECOMES INSOLVENT, THE OWNER SHALL IMMEDIATELY PROVIDE WRITTEN
NOTICE OF THE BANKRUPTCY OR INSOLVENCY TO THE CITY, TOWN OR COUNTY WHERE
THE SOLAR ENERGY POWER PLANT IS LOCATED.

E. A CITY, TOWN OR COUNTY MAY ADOPT REASONABLE PROCEDURES FOR
DETERMINING WHEN A SOLAR ENERGY POWER PLANT HAS BEEN ABANDONED AND MAY
ADOPT REASONABLE TIMELINES AND PROCEDURES FOR INITIATING AND COMPLETING
THE DECOMMISSIONING AND SITE RESTORATION FOR A SOLAR ENERGY POWER PLANT
THAT HAS BEEN ABANDONED OR WHOSE OWNER HAS FILED FOR BANKRUPTCY OR
OTHERWISE BECOME INSOLVENT.
F. NOTWITHSTANDING ANY TIMELINE OR PROCEDURE THAT A CITY, TOWN OR COUNTY ADOPTS PURSUANT TO THIS SECTION, A CITY, TOWN OR COUNTY SHALL NOT INITIATE DECOMMISSIONING OR SITE RESTORATION UNDER SUBSECTION E OF THIS SECTION UNLESS THE CITY, TOWN OR COUNTY PROVIDES NOTICE AND AN OPPORTUNITY FOR A HEARING TO THE FOLLOWING:

1. THE LANDOWNER WHERE THE SOLAR ENERGY POWER PLANT IS LOCATED.
2. ALL APPLICABLE CREDITORS AND PARTIES TO THE RELEVANT BANKRUPTCY PROCEEDING.

30-904. Decommissioning and site restoration plan; requirements; certification

A. BEFORE A CITY, TOWN OR COUNTY MAY APPROVE A LAND USE OR ZONING PERMIT APPLICATION FOR A SOLAR ENERGY POWER PLANT, THE SOLAR ENERGY POWER PLANT OWNER OR OPERATOR SHALL PROVIDE THE CITY, TOWN OR COUNTY WHERE THE SOLAR ENERGY POWER PLANT IS LOCATED WITH A DECOMMISSIONING AND SITE RESTORATION PLAN AS PRESCRIBED IN THIS SECTION.

B. A CITY, TOWN OR COUNTY MAY ADOPT PROCEDURES FOR REVIEWING AND APPROVING A DECOMMISSIONING AND SITE RESTORATION PLAN THAT A SOLAR ENERGY POWER PLANT OWNER OR OPERATOR SUBMITS TO THE CITY, TOWN OR COUNTY. THE PROCEDURES MAY INCLUDE REQUIREMENTS FOR RECEIVING OR REVIEWING PUBLIC COMMENTS OR CONDUCTING ONE OR MORE PUBLIC MEETINGS OR HEARINGS.

C. A CITY, TOWN OR COUNTY MAY ESTABLISH THE MINIMUM COMPONENTS OF A DECOMMISSIONING AND SITE RESTORATION PLAN. THE MINIMUM COMPONENTS SHALL INCLUDE ALL OF THE FOLLOWING:

1. A BRIEF NARRATIVE THAT DESCRIBES HOW THE SOLAR ENERGY POWER PLANT WILL BE DECOMMISSIONED AND HOW THE SITE WILL BE RESTORED AND THAT IS CONSISTENT WITH THE MINIMUM DECOMMISSIONING AND SITE RESTORATION STANDARDS AND PROCEDURES ADOPTED BY THE CITY, TOWN OR COUNTY PURSUANT TO SUBSECTIONS F AND G OF THIS SECTION.

2. AN ESTIMATE OF THE COST OF DECOMMISSIONING THE SOLAR ENERGY POWER PLANT AND RESTORING THE SOLAR ENERGY POWER PLANT SITE. THE ESTIMATE SHALL BE MADE BY A PERSON WHOM THE CITY, TOWN OR COUNTY DEEMS QUALIFIED TO ESTIMATE DECOMMISSIONING AND SITE RESTORATION COSTS FOR THE SOLAR ENERGY POWER PLANT.

3. A DESCRIPTION OF THE FINANCIAL RESOURCES THAT THE SOLAR ENERGY POWER PLANT OWNER OR OPERATOR WILL USE TO ACCOMPLISH DECOMMISSIONING AND RESTORATION AND THAT COMPLY WITH SECTION 30-905.

D. A SOLAR ENERGY POWER PLANT OWNER OR OPERATOR SHALL DECOMMISSION A SOLAR ENERGY POWER PLANT AND RESTORE A SOLAR ENERGY POWER PLANT SITE AS DESCRIBED IN THE DECOMMISSIONING AND SITE RESTORATION PLAN THAT IS APPROVED BY THE CITY, TOWN OR COUNTY WHERE THE SOLAR ENERGY POWER PLANT IS LOCATED UNLESS THE CITY, TOWN OR COUNTY DETERMINES IN WRITING THAT A PROVISION OF THE PLAN IS NOT NECESSARY.

E. A CITY, TOWN OR COUNTY MAY ADOPT AND ENFORCE MINIMUM STANDARDS AND PROCEDURES FOR THE DECOMMISSIONING OF A SOLAR ENERGY POWER PLANT THAT IS SUBJECT TO A LAND USE OR ZONING PERMIT AUTHORIZED PURSUANT TO THIS
CHAPTER. THE MINIMUM STANDARDS AND PROCEDURES SHALL COVER ALL OF THE FOLLOWING:

1. THE REMOVAL OF ALL ABOVEGROUND COMPONENTS, INCLUDING SOLAR ARRAYS, TRANSFORMERS, BATTERY ENERGY STORAGE SYSTEMS, ABOVEGROUND COLLECTION CABLES AND POLES.

2. THE REMOVAL OF ALL FOUNDATIONS, BURIED PROJECT COMPONENTS AND COLLECTION LINES TO A DEPTH DETERMINED BY THE CITY, TOWN OR COUNTY, UNLESS THE CITY, TOWN OR COUNTY AUTHORIZES A LESSER DEPTH IN WRITING OR, IF THE SOLAR ENERGY POWER PLANT IS LOCATED ON PRIVATE LAND, THE LANDOWNER AGREES TO A LESSER DEPTH AND THE EXISTENCE OF THE REMAINING FOUNDATIONS OR BURIED PROJECT COMPONENTS ARE DISCLOSED IN WRITING AND RECORDED WITH THE COUNTY RECORDER IN THE COUNTY WHERE THE LAND IS LOCATED.

3. THE COMPLETION OF ALL REMOVAL ACTIVITIES AFTER DECOMMISSIONING INITIATION WITHIN A TIME PERIOD THAT IS DESIGNATED BY THE CITY, TOWN OR COUNTY, UNLESS THE CITY, TOWN OR COUNTY AUTHORIZES A LONGER TIME PERIOD IN WRITING.

F. A CITY, TOWN OR COUNTY MAY ADOPT AND ENFORCE MINIMUM STANDARDS AND PROCEDURES FOR THE RESTORATION OF A SOLAR ENERGY POWER PLANT SITE THAT IS SUBJECT TO A LAND USE OR ZONING PERMIT AUTHORIZED PURSUANT TO THIS CHAPTER. THE MINIMUM STANDARDS AND PROCEDURES SHALL COVER ALL OF THE FOLLOWING:

1. THE REASONABLE MINIMIZATION OR FILLING OF ANY GROUND DISTURBANCES AND RESTORATION OF THE SITE'S GROUND CONTOURS AND GRADING TO ITS ORIGINAL GROUND CONTOURS AND GRADING, AS DETERMINED BY THE CITY, TOWN OR COUNTY WHERE THE SITE IS LOCATED.

2. THE REASONABLE RESTORATION AND REESTABLISHMENT OF DISTURBED ON-SITE SOILS, VEGETATION AND GROUND COVERS TO A CONDITION THAT IS CONSISTENT WITH OR SUPPORTS THE RETURN OF THE SITE OVER TIME TO ITS NATURAL UNDEVELOPED CONDITION, AS DETERMINED BY THE CITY, TOWN OR COUNTY WHERE THE SITE IS LOCATED, WHICH MAY INCLUDE PLANTING ONE OR MORE SITE-SPECIFIC NATIVE PLANTS OR SPECIES OF ONE OR MORE SIZES, VARIETIES OR MATURITIES PER SQUARE AREA. IRRIGATION IS NOT REQUIRED.

3. THE ADEQUATE RESTORATION, RETENTION OR REMOVAL OF OTHER IMPROVEMENTS, INCLUDING PAVED ROADS, ACCESS ROADS, FENCING, DRAINAGE IMPROVEMENTS, WELLS AND OTHER RESIDUAL MINOR IMPROVEMENTS, AS DETERMINED BY THE CITY, TOWN OR COUNTY WHERE THE SITE IS LOCATED.

4. THE REMOVAL AND REMEDIATION OF ANY HAZARDOUS MATERIALS AND WASTE.

5. THE COMPLETION OF ALL SITE RESTORATION ACTIVITIES AFTER DECOMMISSIONING COMPLETION WITHIN A TIME PERIOD THAT IS DESIGNATED BY THE CITY, TOWN OR COUNTY UNLESS THE CITY, TOWN OR COUNTY AUTHORIZES IN WRITING A LONGER TIME PERIOD.

G. IF A SOLAR ENERGY POWER PLANT OWNER OR OPERATOR FAILS TO COMPLETE DECOMMISSIONING AND SITE RESTORATION WITHIN THE TIME PERIOD PRESCRIBED BY THE CITY, TOWN OR COUNTY PURSUANT TO THIS SECTION, AFTER
PROVIDING REASONABLE NOTICE TO THE LANDOWNER, THE CITY, TOWN OR COUNTY MAY ENTER THE SITE TO INITIATE OR COMPLETE DECOMMISSIONING OR SITE RESTORATION PURSUANT TO THE DECOMMISSIONING AND SITE RESTORATION PLAN.

H. A CITY, TOWN OR COUNTY SHALL ADOPT A PROCEDURE FOR CERTIFYING WHEN DECOMMISSIONING AND SITE RESTORATION ACTIVITIES HAVE BEEN COMPLETED, FOR RECEIVING NOTIFICATION RELATED TO THE COMPLETION AND FOR RELEASING A SOLAR ENERGY POWER PLANT OWNER'S OR OPERATOR'S FINANCIAL ASSURANCE DESCRIBED IN SECTION 30-905.

I. NOTWITHSTANDING SUBSECTION H OF THIS SECTION, IF A SOLAR ENERGY POWER PLANT OWNER OR OPERATOR COMPLETES ALL DECOMMISSIONING AND SITE RESTORATION ACTIVITIES PURSUANT TO THIS SECTION AND NOTIFIES THE CITY, TOWN OR COUNTY IN WRITING THAT ALL DECOMMISSIONING AND SITE RESTORATION ACTIVITIES HAVE BEEN COMPLETED, WITHIN NINETY DAYS AFTER THE DATE OF THE NOTICE:

1. THE OWNER OR OPERATOR IS RELEASED FROM ANY OBLIGATION PRESCRIBED IN THIS CHAPTER.

2. THE CITY, TOWN OR COUNTY SHALL RETURN OR RELEASE ANY REMAINING OWNER'S OR OPERATOR'S FINANCIAL ASSURANCE DESCRIBED IN SECTION 30-905.

J. THE OWNER OR OPERATOR OF A SOLAR ENERGY POWER PLANT SHALL PROVIDE A COPY OF THE DECOMMISSIONING AND SITE RESTORATION PLAN TO THE CORPORATION COMMISSION, STATE LAND DEPARTMENT AND DEPARTMENT OF ENVIRONMENTAL QUALITY ON REQUEST.

30-905. Financiał assurance; cost estimate update; estimated salvage value; waiver

A. BEGINNING ON A DATE DETERMINED BY THE CITY, TOWN OR COUNTY WHERE A SOLAR ENERGY POWER PLANT IS LOCATED, A SOLAR ENERGY POWER PLANT OWNER OR OPERATOR SHALL CONTINUOUSLY MAINTAIN FINANCIAL ASSURANCE, IN A FORM DETERMINED BY THE CITY, TOWN OR COUNTY, WHICH MAY INCLUDE A BOND IN AN AMOUNT THAT IS NOT LESS THAN THE TOTAL ESTIMATED COST TO DECOMMISSION THE SOLAR ENERGY POWER PLANT AND RESTORE THE SOLAR ENERGY POWER PLANT SITE AS PRESCRIBED IN SECTION 30-904, AS DETERMINED BY THE CITY, TOWN OR COUNTY WHERE THE SOLAR ENERGY POWER PLANT IS LOCATED AND THAT IS REASONABLY BASED ON THE ESTIMATE PROVIDED PURSUANT TO SECTION 30-904.

B. A CITY, TOWN OR COUNTY MAY REQUIRE A SOLAR ENERGY POWER PLANT OWNER OR OPERATOR TO UPDATE THE COST ESTIMATE PROVIDED PURSUANT TO SECTION 30-904, SUBSECTION C, PARAGRAPH 2 OR ADOPT PROCEDURES FOR THE OWNER OR OPERATOR OF A SOLAR ENERGY POWER PLANT TO SUBMIT UPDATED COST ESTIMATES TO THE CITY, TOWN OR COUNTY BASED ON A SCHEDULE OR TIMELINE THAT IS ESTABLISHED BY THE CITY, TOWN OR COUNTY. A CITY, TOWN OR COUNTY THAT ADOPTS REQUIREMENTS OR PROCEDURES MAY REASSESS THE AMOUNT OF ANY FINANCIAL ASSURANCE REQUIRED UNDER SUBSECTION A OF THIS SECTION AND, BASED ON THE MOST RECENT COST ESTIMATE RECEIVED BY THE CITY, TOWN OR COUNTY, MAY MODIFY OR ADJUST THE AMOUNT REQUIRED PURSUANT TO THIS SECTION.

C. A CITY, TOWN OR COUNTY MAY ADOPT PROCEDURES FOR AN OWNER OR OPERATOR OF A SOLAR ENERGY POWER PLANT TO SUBMIT WITH THE COST ESTIMATE...
PROVIDED PURSUANT TO SECTION 30-904, SUBSECTION C, PARAGRAPH 2 OR AN
UPDATED COST ESTIMATE DESCRIBED IN SUBSECTION B OF THIS SECTION, AND FOR
THE CITY, TOWN OR COUNTY TO CONSIDER DURING THE CALCULATION OF THE AMOUNT
OF FINANCIAL ASSURANCE REQUIRED PURSUANT TO SUBSECTION A OF THIS SECTION,
THE ESTIMATED SALVAGE VALUE OF THE SOLAR ENERGY POWER PLANT EQUIPMENT AT
THE TIME OF DECOMMISSIONING. IF THE CITY, TOWN OR COUNTY ADOPTS THE
PROCEDURES, THE CITY, TOWN OR COUNTY MAY ESTABLISH MINIMUM REQUIREMENTS
FOR DETERMINING HOW THE SALVAGE VALUE SHOULD BE ESTIMATED AND WHO SHOULD
BE DEEMED QUALIFIED TO MAKE THE ESTIMATES. A CITY, TOWN OR COUNTY THAT
HAS ADOPTED THE PROCEDURES MAY ALLOW A FINANCIAL ASSURANCE REQUIRED
PURSUANT TO THIS SECTION TO BE NOT LESS THAN THE TOTAL ESTIMATED COST OF
DECOMMISSIONING THE SOLAR ENERGY POWER PLANT AND RESTORING THE SOLAR
ENERGY POWER PLANT SITE, NET OF THE ESTIMATED SALVAGE VALUE AT THE TIME OF
DECOMMISSIONING.

D. A CITY, TOWN OR COUNTY THAT HAS ADOPTED THE PROCEDURES
AUTHORIZED IN SUBSECTION C OF THIS SECTION MAY WAIVE THE FINANCIAL
ASSURANCE REQUIRED PURSUANT TO THIS SECTION IF THE CITY, TOWN OR COUNTY
DETERMINES, BASED ON THE MOST RECENT COST ESTIMATE SUBMITTED TO AND
APPROVED BY THE CITY, TOWN OR COUNTY PURSUANT TO THIS SECTION, THAT THE
ESTIMATED SALVAGE VALUE OF THE SOLAR ENERGY POWER PLANT AT THE TIME OF
DECOMMISSIONING IS SUFFICIENT TO COVER THE ESTIMATED COST OF
DECOMMISSIONING THE SOLAR ENERGY POWER PLANT AND RESTORING THE SOLAR
ENERGY POWER PLANT SITE. A SOLAR ENERGY POWER PLANT OWNER OR OPERATOR
THAT SUBMITS AN ESTIMATED SALVAGE VALUE TO A CITY, TOWN OR COUNTY PURSUANT
to this section is not guaranteed a waiver of financial assurance but the
city, town or county that has adopted the procedures shall consider the
estimated salvage value when determining the amount of financial assurance
be required pursuant to this section.

E. IN LIEU OF MAINTAINING THE FINANCIAL ASSURANCE REQUIRED UNDER
THIS SECTION, A SOLAR ENERGY POWER PLANT OWNER OR OPERATOR THAT IS A CITY,
TOWN, COUNTY OR OTHER LOCAL GOVERNMENTAL ENTITY OR POLITICAL SUBDIVISION
OF THIS STATE MAY DEMONSTRATE FINANCIAL CAPABILITY OF MEETING THE COSTS OF
DECOMMISSIONING THE SOLAR ENERGY POWER PLANT AND RESTORING THE SITE AS
PRESCRIBED IN SECTION 30-904 BY SUBMITTING BOTH OF THE FOLLOWING:
1. A LETTER THAT IS SIGNED BY THE CHIEF FINANCIAL OFFICER OF THE
CITY, TOWN, COUNTY OR OTHER LOCAL GOVERNMENTAL ENTITY OR POLITICAL
SUBDIVISION OF THIS STATE STATING THAT THE CITY, TOWN, COUNTY OR OTHER
LOCAL GOVERNMENTAL ENTITY OR POLITICAL SUBDIVISION IS FINANCIALLY CAPABLE
OF MEETING THE COSTS OF DECOMMISSIONING THE SOLAR ENERGY POWER PLANT AND
RESTORING THE SITE AS PRESCRIBED IN SECTION 30-904.
2. A STATEMENT SPECIFYING THE DETAILS OF THE FINANCIAL ARRANGEMENTS
THAT THE CITY, TOWN, COUNTY OR OTHER LOCAL GOVERNMENTAL ENTITY OR
POLITICAL SUBDIVISION OF THIS STATE WILL USE TO MEET THE ESTIMATED
DECOMMISSIONING AND SITE RESTORATION COSTS.
F. IN LIEU OF MAINTAINING THE FINANCIAL ASSURANCE REQUIRED UNDER THIS SECTION, A SOLAR ENERGY POWER PLANT OWNER OR OPERATOR THAT IS A PUBLIC SERVICE CORPORATION REGULATED BY THE CORPORATION COMMISSION MAY DEMONSTRATE FINANCIAL CAPABILITY OF MEETING THE COSTS OF DECOMMISSIONING THE SOLAR ENERGY POWER PLANT AND RESTORING THE SITE AS PRESCRIBED IN SECTION 30-904 BY SUBMITTING BOTH OF THE FOLLOWING:

1. AN ORDER ISSUED BY THE CORPORATION COMMISSION STATING THAT THE CORPORATION COMMISSION HAS ADOPTED A FINANCIAL ASSURANCE REQUIREMENT FOR THE PUBLIC SERVICE CORPORATION THAT IS SUBSTANTIALLY SIMILAR TO THE REQUIREMENT ESTABLISHED IN SUBSECTION A OF THIS SECTION AND APPROVING A PROCESS OR MECHANISM FOR COVERING THE ESTIMATED COST OF DECOMMISSIONING THE SOLAR ENERGY POWER PLANT AND RESTORING THE SITE AS PRESCRIBED IN SECTION 30-904.

2. A STATEMENT SPECIFYING THE DETAILS OF THE FINANCIAL ARRANGEMENTS OR MECHANISMS THAT THE CORPORATION COMMISSION HAS APPROVED TO ENSURE THAT THE PUBLIC SERVICE CORPORATION MEETS THE ESTIMATED DECOMMISSIONING AND SITE RESTORATION COSTS.

G. A CITY, TOWN OR COUNTY MAY USE THE FINANCIAL ASSURANCE REQUIRED BY THIS SECTION TO COVER THE COST OF INITIATING OR COMPLETING DECOMMISSIONING OR SITE RESTORATION AS DESCRIBED IN THE DECOMMISSIONING AND SITE RESTORATION PLAN AS AUTHORIZED PURSUANT TO PROCEDURES ADOPTED BY THE CITY, TOWN OR COUNTY PURSUANT TO SECTION 30-903, SUBSECTION B OR E OR IF THE SOLAR ENERGY POWER PLANT OWNER OR OPERATOR FAILS TO COMPLETE DECOMMISSIONING AND SITE RESTORATION AS DESCRIBED IN SECTION 30-904, SUBSECTION G.

30-906. LIABILITY INSURANCE REQUIRED; NOTICE OF CANCELLATION; CERTIFICATE OF INSURANCE

A. A SOLAR ENERGY POWER PLANT OWNER OR OPERATOR SHALL MAINTAIN A COMMERCIAL GENERAL LIABILITY INSURANCE POLICY THAT RESULTS IN COVERAGE OF ANY REASONABLE LIABILITY TO THIRD PARTIES FOR REAL OR PERSONAL INJURIES OR DAMAGES ARISING FROM THE SOLAR ENERGY POWER PLANT OWNER'S OR OPERATOR'S ACTIONS OR NEGLIGENCE RELATED TO THE CONSTRUCTION, OPERATION, MAINTENANCE OR DECOMMISSIONING OF THE SOLAR ENERGY POWER PLANT OR THE RESTORATION OF THE SOLAR ENERGY POWER PLANT SITE.

B. A SOLAR ENERGY POWER PLANT OWNER OR OPERATOR SHALL IMMEDIATELY PROVIDE WRITTEN NOTICE OF ANY CANCELLATION OF THE INSURANCE POLICY DESCRIBED IN SUBSECTION A OF THIS SECTION TO THE CITY, TOWN OR COUNTY WHERE THE SOLAR ENERGY POWER PLANT IS LOCATED.

C. TO THE EXTENT THAT A CONTRACTUAL RELATIONSHIP EXISTS BETWEEN A SOLAR ENERGY POWER PLANT OWNER OR OPERATOR AND THE CITY, TOWN, OR COUNTY WHERE THE SOLAR ENERGY POWER PLANT IS LOCATED, THE CITY, TOWN OR COUNTY WHERE THE SOLAR ENERGY POWER PLANT IS LOCATED MAY REQUIRE THE SOLAR ENERGY POWER PLANT OWNER OR OPERATOR TO MAINTAIN, WHEN REQUIRED BY THE CONTRACT, COMMERCIAL GENERAL LIABILITY INSURANCE COVERAGE WITH RESPECT TO THE SOLAR ENERGY POWER PLANT THAT NAMES THE CITY, TOWN OR COUNTY AS AN ADDITIONAL
INSURED. WHEN A CITY, TOWN OR COUNTY IS NAMED AS AN ADDITIONAL INSURED, THE SOLAR ENERGY POWER PLANT OWNER OR OPERATOR SHALL PROVIDE A CERTIFICATE OF INSURANCE DEMONSTRATING COVERAGE ON WRITTEN REQUEST FROM THE CITY, TOWN OR COUNTY.

D. A CITY, TOWN OR COUNTY THAT APPROVES A PERMIT, STANDARD, CONDITION, REQUIREMENT OR DECOMMISSIONING AND SITE RESTORATION PLAN FOR A SOLAR ENERGY POWER PLANT PURSUANT TO THIS CHAPTER IS NOT LIABLE OR RESPONSIBLE FOR ANY DAMAGES, ANY REAL OR PERSONAL INJURIES OR ANY ACTS OR OMISSIONS RELATED TO OR RESULTING FROM THE CONSTRUCTION, OPERATION, MAINTENANCE OR DECOMMISSIONING OF THE SOLAR ENERGY POWER PLANT OR THE RESTORATION OF THE SOLAR ENERGY POWER PLANT SITE BASED SOLELY ON THE FACT THAT THE CITY, TOWN OR COUNTY WHERE THE SOLAR ENERGY POWER PLANT IS LOCATED ISSUED THE APPROVAL. THE CITY, TOWN OR COUNTY SHALL NOT BE NAMED AS AN ADDITIONAL PARTY OR DEFENDANT IN ANY CAUSE OF ACTION THAT IS BASED SOLELY ON ANY APPROVAL DESCRIBED IN THIS SUBSECTION.

30-907. Applicability of chapter

A. THIS CHAPTER APPLIES TO ANY SOLAR ENERGY POWER PLANT THAT IS THE SUBJECT OF AN INITIAL LAND USE OR ZONING PERMIT APPLICATION IF THE APPLICATION IS BOTH:
   1. SUBMITTED TO A CITY, TOWN OR COUNTY WHERE THE SOLAR ENERGY POWER PLANT IS LOCATED.
   2. SUBMITTED FOR THE FIRST TIME FOR THE SOLAR ENERGY POWER PLANT ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION.

B. THIS CHAPTER DOES NOT APPLY TO A SOLAR ENERGY POWER PLANT THAT IS THE SUBJECT OF AN INITIAL LAND USE OR ZONING PERMIT APPLICATION IF THE APPLICATION IS BOTH:
   1. SUBMITTED TO A CITY, TOWN OR COUNTY WHERE THE SOLAR ENERGY POWER PLANT IS LOCATED.
   2. SUBMITTED FOR THE FIRST TIME FOR THE SOLAR ENERGY POWER PLANT BEFORE THE EFFECTIVE DATE OF THIS CHAPTER.

C. THIS CHAPTER APPLIES ONLY TO A GROUND-MOUNTED SOLAR ENERGY SYSTEM THAT IS FIFTY-ONE KILOWATTS OR MORE AND THAT IS LOCATED OR PROPOSED TO BE LOCATED ON VACANT OR AGRICULTURAL LAND. THIS CHAPTER DOES NOT APPLY TO A SOLAR ENERGY SYSTEM THAT IS MOUNTED ON A RESIDENTIAL, COMMERCIAL OR INDUSTRIAL ROOF OR STRUCTURE THAT HAS A PRIMARY PURPOSE TO PROVIDE SHADE OR SHELTER OVER LANDS THAT HAVE BEEN DEDICATED, IMPROVED OR ZONED FOR A PURPOSE OTHER THAN TO GENERATE SOLAR ELECTRIC ENERGY.

CHAPTER 8
WIND ENERGY POWER PLANTS
ARTICLE 1. GENERAL PROVISIONS

30-1001. Local government; standards; conditions; requirements; procedures

A. A CITY, TOWN OR COUNTY MAY ADOPT ZONING STANDARDS, SITE SPECIFIC CONDITIONS AND PERMITTING REQUIREMENTS OR PROCEDURES FOR A WIND ENERGY POWER PLANT THAT IS LOCATED IN THE CITY, TOWN OR COUNTY.
B. An applicant for a wind energy power plant shall comply with the requirements and procedures for a wind energy power plant that are adopted by the city, town or county in which the wind energy power plant is to be located.

30-1002. Transfer or sale

A. The transfer of a wind energy power plant or special use permit or the sale of the entity owning the wind energy power plant may not occur without written acceptance by the transferee of the transferor's obligations under this chapter, including the obligation to maintain and implement a decommissioning and site restoration plan pursuant to section 30-1004, to demonstrate and maintain the financial assurance prescribed by section 30-1005 and to maintain the liability insurance as prescribed by section 30-1006. A transfer or sale may not eliminate the liability or responsibility of a transferor or of any other party under this chapter for acts or omissions of the transferor or other party occurring before the transfer or sale, except when the transferee and transferor provide for the transfer of liability or responsibility by agreement.

B. For a transfer of unit ownership, the city, town or county may reassess the amount of any financial assurance required under section 30-1005 and the wind energy power plant owner or operator shall reimburse any reasonable costs incurred by the city, town or county to obtain the reassessment.

C. A city, town or county may establish a procedure for:

1. Receiving notice of a sale and transfer of obligations under this section.

2. Approving a sale and transfer of obligations under this section.

D. If a wind energy power plant owner sells a wind energy power plant to an entity described in section 30-1005, subsection E or F, the wind energy power plant owner shall provide written notice of the sale to the city, town or county. Within fifteen days after receiving the notice, the city, town or county shall waive the requirements of section 30-1005 and return or release to the wind energy power plant owner any financial assurance provided to the city, town or county unless otherwise provided by agreement.

E. Before or in conjunction with approving a land use or zoning permit application for a wind energy power plant, a city, town or county may adopt a procedure for waiving the financial assurance prescribed by section 30-1005 if the owner or operator of the planned wind energy power plant submits the following documentation in conjunction with its application:

1. Evidence that the wind energy power plant is being constructed pursuant to a build-transfer agreement with an entity described in section 30-1005, subsection E or F and the transfer of ownership will occur within a reasonable time period, as determined by the city, town or county, after the date of construction or operation.
2. THE DOCUMENTATION PRESCRIBED BY SECTION 30-1005, SUBSECTION E OR F, AS APPLICABLE TO THE RELEVANT ENTITY.

30-1003. Duty to maintain; cessation of use; abandonment; damage; notification requirements

A. THE OWNER OR OPERATOR OF A WIND ENERGY POWER PLANT SHALL:
   1. MAINTAIN THE PLANT IN GOOD CONDITION AND REPAIR.
   2. EXCEPT DURING PERIODS OF REGULAR MAINTENANCE AND PLANNED CURTAILMENTS, ENSURE THAT THE PLANT REMAINS FUNCTIONAL AND OPERATIONAL UNTIL DECOMMISSIONING OF THE PLANT IS INITIATED PURSUANT TO THIS CHAPTER.

B. A CITY, TOWN OR COUNTY MAY ADOPT REASONABLE TIMELINES AND REQUIREMENTS FOR THE CURE AND REPAIR OF VISIBLE DAMAGE OR DEFECTS TO A VISIBLE COMPONENT OF A WIND ENERGY POWER PLANT AND FOR THE RESTORATION AND REPAIR, REPLACEMENT OR REMOVAL OF ANY COMPONENT OF A WIND ENERGY POWER PLANT THAT IS NONFUNCTIONAL OR INOPERABLE.

C. A CITY, TOWN OR COUNTY MAY ADOPT AND ENFORCE REASONABLE PENALTIES AND PROCEDURES FOR THE VIOLATION OF OR NONCOMPLIANCE WITH ANY TIMELINE OR REQUIREMENT THAT IS AUTHORIZED PURSUANT TO SUBSECTION A OR B OF THIS SECTION, INCLUDING INITIATING OR COMPLETING DECOMMISSIONING OR SITE RESTORATION AT THE OWNER'S OR OPERATOR'S EXPENSE PURSUANT TO SECTION 30-1004 IF THE OWNER OR OPERATOR FAILS TO COMPLY WITH THE CITY'S, TOWN'S OR COUNTY'S REASONABLE TIMELINES OR REQUIREMENTS.

D. A WIND ENERGY POWER PLANT OWNER OR OPERATOR SHALL NOT ABANDON A WIND ENERGY POWER PLANT FOR ANY REASON, INCLUDING BANKRUPTCY OR FINANCIAL INSOLVENCY. IF A WIND ENERGY POWER PLANT OWNER FILES FOR BANKRUPTCY OR OTHERWISE BECOMES INSOLVENT, THE OWNER SHALL IMMEDIATELY PROVIDE WRITTEN NOTICE OF THE BANKRUPTCY OR INSOLVENCY TO THE CITY, TOWN OR COUNTY WHERE THE WIND ENERGY POWER PLANT IS LOCATED.

E. A CITY, TOWN OR COUNTY MAY ADOPT REASONABLE PROCEDURES FOR DETERMINING WHEN A WIND ENERGY POWER PLANT HAS BEEN ABANDONED AND MAY ADOPT REASONABLE TIMELINES AND PROCEDURES FOR INITIATING AND COMPLETING THE DECOMMISSIONING AND SITE RESTORATION FOR A WIND ENERGY POWER PLANT THAT HAS BEEN ABANDONED OR WHOSE OWNER HAS FILED FOR BANKRUPTCY OR OTHERWISE BECOME INSOLVENT.

F. NOTWITHSTANDING ANY TIMELINE OR PROCEDURE THAT A CITY, TOWN OR COUNTY ADOPTS PURSUANT TO THIS SECTION, A CITY, TOWN OR COUNTY SHALL NOT INITIATE DECOMMISSIONING OR SITE RESTORATION UNDER SUBSECTION E OF THIS SECTION UNLESS THE CITY, TOWN OR COUNTY PROVIDES NOTICE AND AN OPPORTUNITY FOR A HEARING TO THE FOLLOWING:
   1. THE LANDOWNER WHERE THE WIND ENERGY POWER PLANT IS LOCATED.
   2. ALL APPLICABLE CREDITORS AND PARTIES TO THE RELEVANT BANKRUPTCY PROCEEDING.

30-1004. Decommissioning and site restoration plan; requirements; certification

A. BEFORE A CITY, TOWN OR COUNTY MAY APPROVE A LAND USE OR ZONING PERMIT APPLICATION FOR A WIND ENERGY POWER PLANT, THE WIND ENERGY POWER
PLANT OWNER OR OPERATOR SHALL PROVIDE THE CITY, TOWN OR COUNTY WHERE THE WIND ENERGY POWER PLANT IS LOCATED WITH A DECOMMISSIONING AND SITE RESTORATION PLAN AS PRESCRIBED IN THIS SECTION.

B. A CITY, TOWN OR COUNTY MAY ADOPT PROCEDURES FOR REVIEWING AND APPROVING A DECOMMISSIONING AND SITE RESTORATION PLAN THAT A WIND ENERGY POWER PLANT OWNER OR OPERATOR SUBMITS TO THE CITY, TOWN OR COUNTY. THE PROCEDURES MAY INCLUDE REQUIREMENTS FOR RECEIVING OR REVIEWING PUBLIC COMMENTS OR CONDUCTING ONE OR MORE PUBLIC MEETINGS OR HEARINGS.

C. A CITY, TOWN OR COUNTY MAY ESTABLISH THE MINIMUM COMPONENTS OF A DECOMMISSIONING AND SITE RESTORATION PLAN. THE MINIMUM COMPONENTS SHALL INCLUDE ALL OF THE FOLLOWING:

1. A BRIEF NARRATIVE THAT DESCRIBES HOW THE WIND ENERGY POWER PLANT WILL BE DECOMMISSIONED AND HOW THE SITE WILL BE RESTORED AND THAT IS CONSISTENT WITH THE MINIMUM DECOMMISSIONING AND SITE RESTORATION STANDARDS AND PROCEDURES ADOPTED BY THE CITY, TOWN OR COUNTY PURSUANT TO SUBSECTIONS F AND G OF THIS SECTION.

2. AN ESTIMATE OF THE COST OF DECOMMISSIONING THE WIND ENERGY POWER PLANT AND RESTORING THE WIND ENERGY POWER PLANT SITE. THE ESTIMATE SHALL BE MADE BY A PERSON WHOM THE CITY, TOWN OR COUNTY DEEMS QUALIFIED TO ESTIMATE DECOMMISSIONING AND SITE RESTORATION COSTS FOR THE WIND ENERGY POWER PLANT.

3. A DESCRIPTION OF THE FINANCIAL RESOURCES THAT THE WIND ENERGY POWER PLANT OWNER OR OPERATOR WILL USE TO ACCOMPLISH DECOMMISSIONING AND RESTORATION AND THAT COMPLY WITH SECTION 30-1005.

D. A WIND ENERGY POWER PLANT OWNER OR OPERATOR SHALL DECOMMISSION A WIND ENERGY POWER PLANT AND RESTORE A WIND ENERGY POWER PLANT SITE AS DESCRIBED IN THE DECOMMISSIONING AND SITE RESTORATION PLAN THAT IS APPROVED BY THE CITY, TOWN OR COUNTY WHERE THE WIND ENERGY POWER PLANT IS LOCATED UNLESS THE CITY, TOWN OR COUNTY DETERMINES IN WRITING THAT A PROVISION OF THE PLAN IS NOT NECESSARY.

E. A CITY, TOWN OR COUNTY MAY ADOPT AND ENFORCE MINIMUM STANDARDS AND PROCEDURES FOR THE DECOMMISSIONING OF A WIND ENERGY POWER PLANT THAT IS SUBJECT TO A LAND USE OR ZONING PERMIT AUTHORIZED PURSUANT TO THIS CHAPTER. THE MINIMUM STANDARDS AND PROCEDURES SHALL COVER ALL OF THE FOLLOWING:

1. THE REMOVAL OF ALL ABOVEGROUND COMPONENTS, INCLUDING TURBINES, BLADES, NACELLES, TOWERS, TRANSFORMERS, BATTERY ENERGY STORAGE SYSTEMS, ABOVEGROUND COLLECTION CABLES AND POLES.

2. THE REMOVAL OF ALL FOUNDATIONS, BURIED PROJECT COMPONENTS AND COLLECTION LINES TO A DEPTH DETERMINED BY THE CITY, TOWN OR COUNTY, UNLESS THE CITY, TOWN OR COUNTY AUTHORIZES A LESSER DEPTH IN WRITING OR, IF THE WIND ENERGY POWER PLANT IS LOCATED ON PRIVATE LAND, THE LANDOWNER AGREES TO A LESSER DEPTH AND THE EXISTENCE OF THE REMAINING FOUNDATIONS OR BURIED PROJECT COMPONENTS ARE DISCLOSED IN WRITING AND RECORDED WITH THE COUNTY RECORDER IN THE COUNTY WHERE THE LAND IS LOCATED.
3. THE COMPLETION OF ALL REMOVAL ACTIVITIES AFTER DECOMMISSIONING INITIATION WITHIN A TIME PERIOD THAT IS DESIGNATED BY THE CITY, TOWN OR COUNTY, UNLESS THE CITY, TOWN OR COUNTY AUTHORIZES A LONGER TIME PERIOD IN WRITING.

F. A CITY, TOWN OR COUNTY MAY ADOPT AND ENFORCE MINIMUM STANDARDS AND PROCEDURES FOR THE RESTORATION OF A WIND ENERGY POWER PLANT SITE THAT IS SUBJECT TO A LAND USE OR ZONING PERMIT AUTHORIZED PURSUANT TO THIS CHAPTER. THE MINIMUM STANDARDS AND PROCEDURES SHALL COVER ALL OF THE FOLLOWING:

1. THE REASONABLE MINIMIZATION OR FILLING OF ANY GROUND DISTURBANCES AND RESTORATION OF THE SITE'S GROUND CONTOURS AND GRADING TO ITS ORIGINAL GROUND CONTOURS AND GRADING, AS DETERMINED BY THE CITY, TOWN OR COUNTY WHERE THE SITE IS LOCATED.

2. THE REASONABLE RESTORATION AND REESTABLISHMENT OF DISTURBED ON-SITE SOILS, VEGETATION AND GROUND COVERS TO A CONDITION THAT IS CONSISTENT WITH OR SUPPORTS THE RETURN OF THE SITE OVER TIME TO ITS NATURAL UNDEVELOPED CONDITION, AS DETERMINED BY THE CITY, TOWN OR COUNTY WHERE THE SITE IS LOCATED, WHICH MAY INCLUDE PLANTING ONE OR MORE SITE-SPECIFIC NATIVE PLANTS OR SPECIES OF ONE OR MORE SIZES, VARIETIES OR MATURITIES PER SQUARE AREA. IRRIGATION IS NOT REQUIRED.

3. THE ADEQUATE RESTORATION, RETENTION OR REMOVAL OF OTHER IMPROVEMENTS, INCLUDING PAVED ROADS, ACCESS ROADS, FENCING, DRAINAGE IMPROVEMENTS, WELLS AND OTHER RESIDUAL MINOR IMPROVEMENTS, AS DETERMINED BY THE CITY, TOWN OR COUNTY WHERE THE SITE IS LOCATED.

4. THE REMOVAL AND REMEDIATION OF ANY HAZARDOUS MATERIALS AND WASTE.

5. THE COMPLETION OF ALL SITE RESTORATION ACTIVITIES AFTER DECOMMISSIONING COMPLETION WITHIN A TIME PERIOD THAT IS DESIGNATED BY THE CITY, TOWN OR COUNTY UNLESS THE CITY, TOWN OR COUNTY AUTHORIZES IN WRITING A LONGER TIME PERIOD.

G. IF A WIND ENERGY POWER PLANT OWNER OR OPERATOR FAILS TO COMPLETE DECOMMISSIONING AND SITE RESTORATION WITHIN THE TIME PERIOD PRESCRIBED BY THE CITY, TOWN OR COUNTY PURSUANT TO THIS SECTION, THE CITY, TOWN OR COUNTY, AFTER PROVIDING REASONABLE NOTICE TO THE LANDOWNER, THE CITY, TOWN OR COUNTY MAY ENTER THE SITE TO INITIATE OR COMPLETE DECOMMISSIONING AND SITE RESTORATION PURSUANT TO THE DECOMMISSIONING PLAN.

H. A CITY, TOWN OR COUNTY SHALL ADOPT A PROCEDURE FOR CERTIFYING WHEN DECOMMISSIONING AND SITE RESTORATION ACTIVITIES HAVE BEEN COMPLETED, FOR RECEIVING NOTIFICATION RELATED TO THE COMPLETION AND FOR RELEASING A WIND ENERGY POWER PLANT OWNER'S OR OPERATOR'S FINANCIAL ASSURANCE DESCRIBED IN SECTION 30-1005.

I. NOTWITHSTANDING SUBSECTION H OF THIS SECTION, IF A WIND ENERGY POWER PLANT OWNER OR OPERATOR COMPLETES ALL DECOMMISSIONING AND SITE RESTORATION ACTIVITIES PURSUANT TO THIS SECTION AND NOTIFIES THE CITY, TOWN OR COUNTY IN WRITING THAT ALL DECOMMISSIONING AND SITE RESTORATION...
ACTIVITIES HAVE BEEN COMPLETED, WITHIN NINETY DAYS AFTER THE DATE OF THE NOTICE:

1. THE OWNER OR OPERATOR IS RELEASED FROM ANY OBLIGATION PRESCRIBED IN THIS CHAPTER.
2. THE CITY, TOWN OR COUNTY SHALL RETURN OR RELEASE ANY REMAINING OWNER'S OR OPERATOR'S FINANCIAL ASSURANCE DESCRIBED IN SECTION 30-1005.
3. THE OWNER OR OPERATOR OF A WIND ENERGY POWER PLANT SHALL PROVIDE A COPY OF THE DECOMMISSIONING AND SITE RESTORATION PLAN TO THE CORPORATION COMMISSION, STATE LAND DEPARTMENT AND DEPARTMENT OF ENVIRONMENTAL QUALITY ON REQUEST.

30-1005. Financial assurance; cost estimate update; estimated salvage value; waiver

A. BEGINNING ON A DATE DETERMINED BY THE CITY, TOWN OR COUNTY WHERE A WIND ENERGY POWER PLANT IS LOCATED, A WIND ENERGY POWER PLANT OWNER OR OPERATOR SHALL CONTINUOUSLY MAINTAIN FINANCIAL ASSURANCE, IN A FORM DETERMINED BY THE CITY, TOWN OR COUNTY, WHICH MAY INCLUDE A BOND IN AN AMOUNT THAT IS NOT LESS THAN THE TOTAL ESTIMATED COST TO DECOMMISSION THE WIND ENERGY POWER PLANT AND RESTORE THE WIND ENERGY POWER PLANT SITE AS PRESCRIBED IN SECTION 30-1004, AS DETERMINED BY THE CITY, TOWN OR COUNTY WHERE THE WIND ENERGY POWER PLANT IS LOCATED AND THAT IS REASONABLY BASED ON THE ESTIMATE PROVIDED PURSUANT TO SECTION 30-1004.

B. A CITY, TOWN OR COUNTY MAY REQUIRE A WIND ENERGY POWER PLANT OWNER OR OPERATOR TO UPDATE THE COST ESTIMATE PROVIDED PURSUANT TO SECTION 30-1004, SUBSECTION C, PARAGRAPH 2 OR ADOPT PROCEDURES FOR THE OWNER OR OPERATOR OF A WIND ENERGY POWER PLANT TO SUBMIT UPDATED COST ESTIMATES TO THE CITY, TOWN OR COUNTY BASED ON A SCHEDULE OR TIMELINE THAT IS ESTABLISHED BY THE CITY, TOWN OR COUNTY. A CITY, TOWN OR COUNTY THAT ADOPTS REQUIREMENTS OR PROCEDURES MAY REASSESS THE AMOUNT OF ANY FINANCIAL ASSURANCE REQUIRED UNDER SUBSECTION A OF THIS SECTION AND, BASED ON THE MOST RECENT COST ESTIMATE RECEIVED BY THE CITY, TOWN OR COUNTY, MAY MODIFY OR ADJUST THE AMOUNT REQUIRED PURSUANT TO THIS SECTION.

C. A CITY, TOWN OR COUNTY MAY ADOPT PROCEDURES FOR AN OWNER OR OPERATOR OF A WIND ENERGY POWER PLANT TO SUBMIT WITH THE COST ESTIMATE PROVIDED PURSUANT TO SECTION 30-904, SUBSECTION C, PARAGRAPH 2 OR AN UPDATED COST ESTIMATE DESCRIBED IN SUBSECTION B OF THIS SECTION, AND FOR THE CITY, TOWN OR COUNTY TO CONSIDER DURING THE CALCULATION OF THE AMOUNT OF FINANCIAL ASSURANCE REQUIRED PURSUANT TO SUBSECTION A OF THIS SECTION, THE ESTIMATED SALVAGE VALUE OF THE WIND ENERGY POWER PLANT EQUIPMENT AT THE TIME OF DECOMMISSIONING. IF THE CITY, TOWN OR COUNTY ADOPTS THE PROCEDURES, THE CITY, TOWN OR COUNTY MAY ESTABLISH MINIMUM REQUIREMENTS FOR DETERMINING HOW THE SALVAGE VALUE SHOULD BE ESTIMATED AND WHO SHOULD BE DEEMED QUALIFIED TO MAKE THE ESTIMATES. A CITY, TOWN OR COUNTY THAT HAS ADOPTED THE PROCEDURES MAY ALLOW A FINANCIAL ASSURANCE REQUIRED PURSUANT TO THIS SECTION TO BE NOT LESS THAN THE TOTAL ESTIMATED COST OF DECOMMISSIONING THE WIND ENERGY POWER PLANT AND RESTORING THE WIND ENERGY
POWER PLANT SITE, NET OF THE ESTIMATED SALVAGE VALUE AT THE TIME OF DECOMMISSIONING.

D. A CITY, TOWN OR COUNTY THAT HAS ADOPTED THE PROCEDURES AUTHORIZED IN SUBSECTION C OF THIS SECTION MAY WAIVE THE FINANCIAL ASSURANCE REQUIRED PURSUANT TO THIS SECTION IF THE CITY, TOWN OR COUNTY DETERMINES, BASED ON THE MOST RECENT COST ESTIMATE SUBMITTED TO AND APPROVED BY THE CITY, TOWN OR COUNTY PURSUANT TO THIS SECTION, THAT THE ESTIMATED SALVAGE VALUE OF THE WIND ENERGY POWER PLANT AT THE TIME OF DECOMMISSIONING IS SUFFICIENT TO COVER THE ESTIMATED COST OF DECOMMISSIONING THE WIND ENERGY POWER PLANT AND RESTORING THE WIND ENERGY POWER PLANT SITE. A WIND ENERGY POWER PLANT OWNER OR OPERATOR THAT SUBMITS AN ESTIMATED SALVAGE VALUE TO A CITY, TOWN OR COUNTY PURSUANT TO THIS SECTION IS NOT GUARANTEED A WAIVER OF FINANCIAL ASSURANCE BUT THE CITY, TOWN OR COUNTY THAT HAS ADOPTED THE PROCEDURES SHALL CONSIDER THE ESTIMATED SALVAGE VALUE WHEN DETERMINING THE AMOUNT OF FINANCIAL ASSURANCE TO BE REQUIRED PURSUANT TO THIS SECTION.

E. IN LIEU OF MAINTAINING THE FINANCIAL ASSURANCE REQUIRED UNDER THIS SECTION, A WIND ENERGY POWER PLANT OWNER OR OPERATOR THAT IS A CITY, TOWN, COUNTY OR OTHER LOCAL GOVERNMENTAL ENTITY OR POLITICAL SUBDIVISION OF THIS STATE MAY DEMONSTRATE FINANCIAL CAPABILITY OF MEETING THE COSTS OF DECOMMISSIONING THE WIND ENERGY POWER PLANT AND RESTORING THE SITE AS PRESCRIBED IN SECTION 30-1004 BY SUBMITTING BOTH OF THE FOLLOWING:

1. A LETTER THAT IS SIGNED BY THE CHIEF FINANCIAL OFFICER OF THE CITY, TOWN, COUNTY OR OTHER LOCAL GOVERNMENTAL ENTITY OR POLITICAL SUBDIVISION OF THIS STATE STATING THAT THE CITY, TOWN, COUNTY OR OTHER LOCAL GOVERNMENTAL ENTITY OR POLITICAL SUBDIVISION IS FINANCIALLY CAPABLE OF MEETING THE COSTS OF DECOMMISSIONING THE WIND ENERGY POWER PLANT AND RESTORING THE SITE AS PRESCRIBED IN SECTION 30-1004.

2. A STATEMENT SPECIFYING THE DETAILS OF THE FINANCIAL ARRANGEMENTS THAT THE CITY, TOWN, COUNTY OR OTHER LOCAL GOVERNMENTAL ENTITY OR POLITICAL SUBDIVISION OF THIS STATE WILL USE TO MEET THE ESTIMATED DECOMMISSIONING AND SITE RESTORATION COSTS.

F. IN LIEU OF MAINTAINING THE FINANCIAL ASSURANCE REQUIRED UNDER THIS SECTION, A WIND ENERGY POWER PLANT OWNER OR OPERATOR THAT IS A PUBLIC SERVICE CORPORATION REGULATED BY THE CORPORATION COMMISSION MAY DEMONSTRATE FINANCIAL CAPABILITY OF MEETING THE COSTS OF DECOMMISSIONING THE WIND ENERGY POWER PLANT AND RESTORING THE SITE AS PRESCRIBED IN SECTION 30-1004 BY SUBMITTING BOTH OF THE FOLLOWING:

1. AN ORDER ISSUED BY THE CORPORATION COMMISSION STATING THAT THE CORPORATION COMMISSION HAS ADOPTED A FINANCIAL ASSURANCE REQUIREMENT FOR THE PUBLIC SERVICE CORPORATION THAT IS SUBSTANTIALLY SIMILAR TO THE REQUIREMENT ESTABLISHED IN SUBSECTION A OF THIS SECTION AND APPROVING A PROCESS OR MECHANISM FOR COVERING THE ESTIMATED COST OF DECOMMISSIONING THE WIND ENERGY POWER PLANT AND RESTORING THE SITE AS PRESCRIBED IN SECTION 30-1004.
2. A statement specifying the details of the financial arrangements or mechanisms that the Corporation Commission has approved to ensure that the public service corporation meets the estimated decommissioning and site restoration costs.

G. A city, town or county may use the financial assurance required by this section to cover the cost of initiating or completing decommissioning or site restoration as described in the decommissioning and site restoration plan as authorized pursuant to procedures adopted by the city, town or county pursuant to section 30-1003, subsection B or E or if the wind energy power plant owner or operator fails to complete decommissioning and site restoration as described in section 30-1004, subsection G.

30-1006. Liability insurance required; notice of cancellation; certificate of insurance

A. A wind energy power plant owner or operator shall maintain a commercial general liability insurance policy that results in coverage of any reasonable liability to third parties for real or personal injuries or damages arising from the wind energy power plant owner's or operator's action or negligence related to the construction, operation, maintenance or decommissioning of the wind energy power plant or the restoration of the wind energy power plant site.

B. A wind energy power plant owner or operator shall immediately provide written notice of any cancellation of the insurance policy described in subsection A of this section to the city, town or county where the wind energy power plant is located.

C. To the extent that a contractual relationship exists between a wind energy power plant owner or operator and the city, town or county where the wind energy power plant is located, the city, town or county where the wind energy power plant is located may require the wind energy power plant owner or operator to maintain, when required by the contract, commercial general liability insurance coverage with respect to the wind energy power plant that names the city, town or county as an additional insured. When a city, town or county is named as an additional insured, the wind energy power plant owner or operator shall provide a certificate of insurance demonstrating coverage on written request from the city, town or county.

D. A city, town or county that approves a permit, standard, condition, requirement or decommissioning and site restoration plan for a wind energy power plant pursuant to this chapter is not liable or responsible for any damages, any real or personal injuries or any acts or omissions related to or resulting from the construction, operation, maintenance or decommissioning of the wind energy power plant or the restoration of the wind energy power plant site based solely on the fact that the city, town or county where the wind energy power plant is located issued the approval. The city, town or county shall not be named as an
ADDITIONAL PARTY OR DEFENDANT IN ANY CAUSE OF ACTION THAT IS BASED SOLELY ON ANY APPROVAL DESCRIBED IN THIS SUBSECTION.

30-1007. Applicability of chapter

A. THIS CHAPTER APPLIES TO ANY WIND ENERGY POWER PLANT THAT IS THE SUBJECT OF AN INITIAL LAND USE OR ZONING PERMIT APPLICATION IF THE APPLICATION IS BOTH:

1. SUBMITTED TO A CITY, TOWN OR COUNTY WHERE THE POWER PLANT IS LOCATED.

2. SUBMITTED FOR THE FIRST TIME FOR THE WIND ENERGY POWER PLANT ON OR AFTER THE EFFECTIVE DATE OF THIS SECTION.

B. THIS CHAPTER DOES NOT APPLY TO ANY WIND ENERGY POWER PLANT THAT IS THE SUBJECT OF AN INITIAL LAND USE OR ZONING PERMIT APPLICATION IF THE APPLICATION IS BOTH:

1. SUBMITTED TO A CITY, TOWN OR COUNTY WHERE THE WIND ENERGY POWER PLANT IS LOCATED.

2. SUBMITTED FOR THE FIRST TIME FOR THE WIND ENERGY POWER PLANT BEFORE THE EFFECTIVE DATE OF THIS CHAPTER.