

REFERENCE TITLE: renewable energy; public service corporations

State of Arizona
Senate
Fifty-seventh Legislature
First Regular Session
2025

SB 1113

Introduced by
Senator Dunn

AN ACT

AMENDING TITLE 40, CHAPTER 2, ARIZONA REVISED STATUTES, BY ADDING ARTICLE 13; 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, Arizona Revised Statutes, is
3 amended by adding article 13, to read:

4 ARTICLE 13. RENEWABLE ENERGY

5 40-501. Renewable energy resources; public service
6 corporation; public power entity; right of first
7 refusal; rules; exemption; definitions

8 A. A PUBLIC SERVICE CORPORATION THAT IS REGULATED BY THE COMMISSION
9 OR A PUBLIC POWER ENTITY SHALL HAVE THE RIGHT OF FIRST REFUSAL TO
10 CONSTRUCT, OWN OR MAINTAIN ANY RENEWABLE ENERGY RESOURCE THAT IS PROPOSED
11 IN THIS STATE.

12 B. WITHIN NINETY DAYS AFTER A COUNTY APPROVES A ZONING OR SPECIAL
13 LAND USE PERMIT FOR A RENEWABLE ENERGY RESOURCE:

14 1. A PUBLIC SERVICE CORPORATION THAT IS OPERATING IN THIS STATE
15 BEFORE THE EFFECTIVE DATE OF THIS SECTION SHALL GIVE WRITTEN NOTICE TO THE
16 COMMISSION OF THE PUBLIC SERVICE CORPORATION'S INTENTION TO CONSTRUCT, OWN
17 OR MAINTAIN THE RENEWABLE ENERGY RESOURCE IN ORDER TO EXERCISE THE RIGHT
18 OF FIRST REFUSAL TO CONSTRUCT, OWN OR MAINTAIN THE RENEWABLE ENERGY
19 RESOURCE. IF THE PUBLIC SERVICE CORPORATION FAILS TO PROVIDE NOTICE, THE
20 PUBLIC SERVICE CORPORATION SURRENDERS THE RIGHT OF FIRST REFUSAL TO
21 CONSTRUCT, OWN OR MAINTAIN THE RENEWABLE ENERGY RESOURCE AND ANY OTHER
22 PUBLIC SERVICE CORPORATION MAY FILE AN APPLICATION WITH THE COMMISSION ON
23 A FORM PRESCRIBED BY THE COMMISSION TO CONSTRUCT, OWN OR MAINTAIN THE
24 RENEWABLE ENERGY RESOURCE.

25 2. A PUBLIC POWER ENTITY THAT IS OPERATING IN THIS STATE BEFORE THE
26 EFFECTIVE DATE OF THIS SECTION SHALL GIVE WRITTEN NOTICE TO THE COUNTY
27 WHERE THE RENEWABLE ENERGY RESOURCE IS PROPOSED TO BE LOCATED OF THE
28 PUBLIC POWER ENTITY'S INTENTION TO CONSTRUCT, OWN OR MAINTAIN THE
29 RENEWABLE ENERGY RESOURCE IN ORDER TO EXERCISE THE RIGHT OF FIRST REFUSAL
30 TO CONSTRUCT, OWN OR MAINTAIN THE RENEWABLE ENERGY RESOURCE. IF THE
31 PUBLIC POWER ENTITY FAILS TO PROVIDE NOTICE, THE PUBLIC POWER ENTITY
32 SURRENDERS THE RIGHT OF FIRST REFUSAL TO CONSTRUCT, OWN OR MAINTAIN THE
33 RENEWABLE ENERGY RESOURCE AND ANY OTHER PUBLIC POWER ENTITY MAY FILE AN
34 APPLICATION WITH THE COUNTY WHERE THE RENEWABLE ENERGY RESOURCE IS
35 PROPOSED TO BE LOCATED ON A FORM PRESCRIBED BY THE COUNTY TO CONSTRUCT,
36 OWN OR MAINTAIN THE RENEWABLE ENERGY RESOURCE.

37 C. THE COMMISSION MAY ADOPT RULES TO IMPLEMENT THIS ARTICLE.

38 D. THIS SECTION DOES NOT APPLY TO:

39 1. RESIDENTIAL ROOFTOP SOLAR SYSTEMS, WHETHER EXPORTING OR
40 NONEXPORTING.

41 2. NONEXPORTING RENEWABLE ENERGY RESOURCES THAT ARE NOT
42 INTERCONNECTED TO TRANSMISSION INFRASTRUCTURE AND THAT GENERATE POWER FOR
43 SOLELY ON-SITE USE.

- 1 E. FOR THE PURPOSES OF THIS SECTION:
- 2 1. "PUBLIC POWER ENTITY" HAS THE SAME MEANING PRESCRIBED IN SECTION
- 3 30-801.
- 4 2. "RENEWABLE ENERGY RESOURCE" HAS THE SAME MEANING PRESCRIBED IN
- 5 SECTION 41-1520.