

PROPOSED
SENATE AMENDMENTS TO H.B. 2781
(Reference to House engrossed bill)

Amendment instruction key:

[GREEN UNDERLINING IN BRACKETS] indicates text added to statute or previously enacted session law.

[Green underlining in brackets] indicates text added to new session law or text restoring existing law.

~~[GREEN STRIKEOUT IN BRACKETS]~~ indicates new text removed from statute or previously enacted session law.

~~[Green strikeout in brackets]~~ indicates text removed from existing statute, previously enacted session law or new session law.

<<Green carets>> indicate a section added to the bill.

~~<<Green strikeout in carets>>~~ indicates a section removed from the bill.

1 The bill as proposed to be amended is reprinted as follows:

2 Section 1. Title 30, Arizona Revised Statutes, is amended by adding
3 chapter 9, to read:

4 CHAPTER 9

5 SOLAR ENERGY POWER PLANTS

6 ARTICLE 1. GENERAL PROVISIONS

7 <<30-1101. Definitions

8 [IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES:

9 1. "DISTRIBUTED ENERGY GENERATION SYSTEM":

10 (a) MEANS A DEVICE OR SYSTEM THAT IS USED TO GENERATE OR STORE
11 ELECTRICITY, THAT HAS AN ELECTRIC DELIVERY CAPACITY, SINGLY OR IN
12 CONNECTION WITH OTHER SIMILAR DEVICES OR SYSTEMS GREATER THAN ONE KILOWATT
13 OR ONE KILOWATT HOUR, AND THAT IS PRIMARILY USED FOR ON-SITE ENERGY
14 CONSUMPTION.

15 (b) DOES NOT INCLUDE AN ELECTRIC GENERATOR THAT IS INTENDED FOR
16 OCCASIONAL USE.

17 2. "SOLAR ENERGY POWER PLANT" MEANS A UTILITY-SCALE COMMERCIAL
18 ELECTRICAL GENERATION FACILITY THAT:

19 (a) HAS A NAMEPLATE GENERATING CAPACITY IN EXCESS OF ONE MEGAWATT.

20 (b) CONVERTS SUNLIGHT INTO ELECTRICITY FOR THE PRIMARY PURPOSE OF
21 WHOLESALE OR RETAIL SALES OF GENERATED ELECTRICITY.]>>

22 ~~[30-1101.]~~ [30-1102.] Local government; requirements;
23 procedures; applicability

24 A. A CITY, TOWN OR COUNTY MAY ADOPT DECOMMISSIONING STANDARDS FOR A
25 SOLAR ENERGY POWER PLANT THAT IS LOCATED IN THE CITY, TOWN OR COUNTY.

26 B. AN APPLICANT FOR A SOLAR ENERGY POWER PLANT SHALL COMPLY WITH
27 THE REQUIREMENTS OR PROCEDURES FOR A SOLAR ENERGY POWER PLANT THAT ARE
28 ADOPTED BY THE CITY, TOWN OR COUNTY IN WHICH THE SOLAR ENERGY POWER PLANT
29 IS TO BE LOCATED.

1 C. THIS CHAPTER DOES NOT APPLY TO A SOLAR ENERGY POWER PLANT IF THE
2 CITY, TOWN OR COUNTY IN WHICH THE SOLAR ENERGY POWER PLANT IS LOCATED HAS
3 ADOPTED A LOCAL DECOMMISSIONING AND SITE RESTORATION STANDARD OR HAS
4 APPROVED A DECOMMISSIONING PLAN FOR A FACILITY BEFORE THE COMMENCEMENT OF
5 THE SOLAR ENERGY POWER PLANT'S OPERATION.

6 D. THIS CHAPTER DOES NOT APPLY TO [EITHER OF THE FOLLOWING:]

7 1.] A DISTRIBUTED ENERGY GENERATION SYSTEM[.] ~~[OR]~~

8 2.] A SOLAR ENERGY POWER PLANT THAT BEFORE THE EFFECTIVE DATE OF
9 THIS SECTION:

10 1.] [(a)] WAS CONSTRUCTED OR INSTALLED OR IN OPERATION.

11 2.] [(b)] HAS SUBMITTED OR RECEIVED A PERMIT FROM A CITY, TOWN OR
12 COUNTY.

13 3.] [(c)] HAS ADVANCED TO THE FACILITIES STUDY STAGE OF AN
14 INTERCONNECTION PROCESS.

15 ~~[30-1102.]~~ [30-1103.] Transfer or sale

16 A. THE TRANSFER OF A SOLAR ENERGY POWER PLANT OR SPECIAL USE PERMIT
17 OR THE SALE OF THE ENTITY OWNING THE SOLAR ENERGY POWER PLANT MAY NOT
18 OCCUR WITHOUT WRITTEN ACCEPTANCE BY THE TRANSFEREE OF THE TRANSFEROR'S
19 OBLIGATIONS UNDER THIS CHAPTER. A TRANSFER OR SALE DOES NOT ELIMINATE THE
20 LIABILITY OR RESPONSIBILITY OF AN APPLICANT OR OF ANY OTHER PARTY UNDER
21 THIS CHAPTER FOR ACTS OR OMISSIONS OCCURRING BEFORE THE TRANSFER OR SALE.
22 [AT THE TIME OF TRANSFER, ANY FINANCIAL ASSURANCE INSTRUMENT PROVIDED BY
23 THE TRANSFEROR UNDER THIS CHAPTER IS TERMINATED, AND THE TRANSFEROR IS
24 RELEASED FROM ANY OBLIGATIONS UNDER THE FINANCIAL ASSURANCE INSTRUMENT.]

25 B. FOR A TRANSFER OF UNIT OWNERSHIP, THE CITY, TOWN OR COUNTY MAY
26 ASSESS THE AMOUNT OF ANY FINANCIAL ASSURANCE REQUIRED UNDER SECTION
27 ~~[30-1105]~~ [30-1106].

28 ~~[30-1103.]~~ [30-1104.] Curing damaged or deficient plant;
29 restoring nonfunctional or inoperative plant

30 A. IF A PART OF A SOLAR ENERGY POWER PLANT IS DAMAGED OR IF A SOLAR
31 ENERGY POWER PLANT VIOLATES A PERMIT CONDITION IMPOSED BY A CITY, TOWN OR
32 COUNTY, THE SOLAR ENERGY POWER PLANT OWNER OR OPERATOR SHALL CURE ANY
33 DAMAGE OR DEFICIENCY WITHIN NINETY DAYS AFTER WRITTEN NOTICE FROM THE
34 CITY, TOWN OR COUNTY. IF IT IS NOT REASONABLY POSSIBLE FOR THE SOLAR
35 ENERGY POWER PLANT OWNER OR OPERATOR TO CURE THE DAMAGE OR DEFICIENCY
36 WITHIN NINETY DAYS AFTER RECEIVING THE WRITTEN NOTICE, THE SOLAR ENERGY
37 POWER PLANT OWNER OR OPERATOR SHALL PROVIDE THE CITY, TOWN OR COUNTY WITH
38 A PLAN TO CURE THE DAMAGE OR DEFICIENCY AS SOON AS REASONABLY POSSIBLE.

39 B. [AT ANY TIME AFTER A SOLAR ENERGY POWER PLANT REACHES COMMERCIAL
40 OPERATION AND] IF A SOLAR ENERGY POWER PLANT REMAINS NONFUNCTIONAL OR
41 INOPERATIVE FOR A CONTINUOUS PERIOD OF AT LEAST ~~[ONE YEAR, EXCLUDING THE~~
42 ~~INITIAL CONSTRUCTION]~~ [TWO YEARS], THE APPLICANT OR ITS SUCCESSORS OR
43 ASSIGNS, WITHOUT ANY FURTHER ACTION BY THE CITY, TOWN OR COUNTY, SHALL
44 REMOVE THE SYSTEM AND RESTORE THE SITE AT ITS OWN EXPENSE AS PRESCRIBED IN
45 SECTION ~~[30-1104]~~ [30-1105]. IF IT IS NOT REASONABLY POSSIBLE FOR A SOLAR
46 ENERGY POWER PLANT OWNER OR OPERATOR TO REPOWER OR RESTORE THE SOLAR
47 ENERGY POWER PLANT TO BE FUNCTIONAL OR OPERATIONAL WITHIN ONE YEAR, THE

1 SOLAR ENERGY POWER PLANT OWNER OR OPERATOR SHALL PROVIDE THE CITY, TOWN OR
2 COUNTY WITH A PLAN TO RESTORE THE SOLAR ENERGY POWER PLANT TO BE
3 FUNCTIONAL OR OPERATIONAL AS SOON AS REASONABLY POSSIBLE.

4 ~~[30-1104.]~~ [30-1105.] Decommissioning and site restoration

5 A. A SOLAR ENERGY POWER PLANT OWNER OR OPERATOR SHALL PROVIDE A
6 CITY, TOWN OR COUNTY WHERE THE SOLAR ENERGY POWER PLANT IS LOCATED WITH A
7 DECOMMISSIONING AND SITE RESTORATION PLAN [AS A CONDITION OF PERMIT
8 APPROVAL].

9 B. THE DECOMMISSIONING AND SITE RESTORATION PLAN SHALL STATE HOW
10 THE SOLAR ENERGY POWER PLANT WILL BE DECOMMISSIONED AND THE SITE WILL BE
11 REPOWERED OR RESTORED AND SHALL INCLUDE ALL OF THE FOLLOWING:

12 1. AN ESTIMATE OF THE COST OF DECOMMISSIONING THE SOLAR ENERGY
13 POWER PLANT AND REPOWERING OR RESTORING THE SITE, NET OF SALVAGE VALUE.
14 AN INDIVIDUAL WHO IS QUALIFIED TO ESTIMATE DECOMMISSIONING AND SITE
15 RESTORATION OR REPOWERING COSTS AND SALVAGE VALUE FOR THE SOLAR ENERGY
16 POWER PLANT SHALL MAKE THE ESTIMATE. AN INDIVIDUAL IS QUALIFIED TO
17 CONDUCT THE ESTIMATE PURSUANT TO THIS PARAGRAPH IF THE INDIVIDUAL
18 [EITHER]:

19 (a) IS A REGISTERED PROFESSIONAL ENGINEER WHO IS INDEPENDENT FROM
20 THE SOLAR ENERGY POWER PLANT OWNER AND THE CITY, TOWN OR COUNTY.

21 (b) AS AGREED TO BY THE SOLAR ENERGY POWER PLANT OWNER AND THE
22 CITY, TOWN OR COUNTY, HAS OTHER EXPERIENCE IN DECOMMISSIONING SOLAR ENERGY
23 POWER PLANTS OF THE TYPE IN QUESTION AND THAT EXPERIENCE IS SUITABLE TO
24 THE SOLAR ENERGY POWER PLANT OWNER AND THE CITY, TOWN OR COUNTY.

25 2. THE FINANCIAL [RESOURCES] [ASSURANCE] THAT THE SOLAR ENERGY
26 POWER PLANT WILL USE TO ACCOMPLISH DECOMMISSIONING AND RESTORATION
27 [CONSISTENT WITH SECTION 30-1106].

28 3. A TIMELINE FOR THE DECOMMISSIONING AND THE SITE RESTORATION OR
29 REPOWERING.

30 C. A SOLAR ENERGY POWER PLANT OWNER OR OPERATOR SHALL REMOVE A
31 SOLAR ENERGY POWER PLANT AND RESTORE A SOLAR ENERGY POWER PLANT SITE AS
32 PRESCRIBED IN THIS SECTION ~~[UNLESS THE LANDOWNER OR A CITY, TOWN OR COUNTY~~
33 ~~DETERMINES THAT A PROVISION OF THIS SECTION RELATING TO RESTORATION IS NOT~~
34 ~~NECESSARY]~~.

35 [D. NOTWITHSTANDING SUBSECTION C OF THIS SECTION, A SOLAR ENERGY
36 POWER PLANT OWNER AND OPERATOR IS NOT REQUIRED TO RESTORE A SOLAR ENERGY
37 POWER PLANT SITE AS PRESCRIBED IN THIS SECTION IF EITHER OF THE FOLLOWING
38 APPLIES:

39 1. THE LANDOWNER WHO IS NOT THE SOLAR ENERGY POWER PLANT OWNER OR
40 OPERATOR AGREES WITH THE SOLAR ENERGY POWER PLANT OWNER OR OPERATOR IN
41 WRITING TO WAIVE ANY PROVISION OF THIS SECTION.

42 2. A CITY, TOWN OR COUNTY WHERE THE SOLAR ENERGY POWER PLANT IS
43 LOCATED WAIVES IN WRITING ANY PROVISION OF THIS SECTION.]

44 ~~[D.]~~ [E.] A SOLAR ENERGY POWER PLANT OWNER MAY PETITION A
45 PERMITTING COUNTY TO AMEND A DECOMMISSIONING PLAN. A COUNTY SHALL ALLOW A
46 SOLAR ENERGY POWER PLANT OWNER TO AMEND A DECOMMISSIONING PLAN AS
47 NECESSARY TO ACCOUNT FOR ANY OF THE FOLLOWING:

1 1. ADVANCEMENTS IN AVAILABLE TECHNOLOGY.

2 2. ADVANCEMENTS IN DECOMMISSIONING, SALVAGING OR REPOWERING
3 PROCESSES OR PROCEDURES.

4 3. ~~[THE BEST INTEREST OF THE CITY, TOWN OR COUNTY, THE LANDOWNER OR~~
5 ~~THE SOLAR ENERGY POWER PLANT OWNER.] [THE BEST INTEREST OF A LANDOWNER~~
6 ~~THAT IS NOT THE SOLAR ENERGY POWER PLANT OWNER OR OPERATOR OR THE CITY,~~
7 ~~TOWN OR COUNTY.]~~

8 ~~[F.]~~ [F.] THE REMOVAL OF A SOLAR ENERGY POWER PLANT SHALL:

9 1. INCLUDE ALL ABOVE GROUND COMPONENTS, INCLUDING SOLAR ARRAYS,
10 TRANSFORMERS, ABOVE GROUND COLLECTION CABLES AND POLES AND FENCING.

11 2. COMPLY WITH THE FOLLOWING:

12 (a) FOUNDATIONS AND BURIED PROJECT COMPONENTS~~[, OTHER THAN BURIED~~
13 ~~COLLECTION LINES,]~~ MUST BE REMOVED TO A DEPTH OF AT LEAST THIRTY-SIX
14 INCHES ~~[OR AS PRESCRIBED BY THE CITY, TOWN OR COUNTY OR AS NEGOTIATED WITH~~
15 ~~THE LANDOWNER].~~

16 (b) ~~[BURIED COLLECTION LINES MUST BE REMOVED TO A DEPTH OF~~
17 ~~THIRTY-SIX INCHES.]~~ COLLECTION LINES BELOW A DEPTH OF THIRTY-SIX INCHES
18 MAY REMAIN IN PLACE.

19 (c) REMOVAL ACTIVITIES MUST BE COMPLETED IN ACCORDANCE WITH THE
20 TIMELINE IN THE DECOMMISSIONING PLAN.

21 ~~[F.]~~ [G.] THE RESTORATION OF EACH SITE SHALL INCLUDE:

22 1. MINIMIZING GROUND DISTURBANCE AND USING COMMERCIALLY REASONABLE
23 EFFORTS TO RESTORE THE SITE TO ITS ORIGINAL GROUND CONTOURS, IF POSSIBLE,
24 OR COORDINATING WITH THE LANDOWNER TO RESTORE THE SITE.

25 2. REASONABLY RESTORING AND REESTABLISHING DISTURBED ON-SITE SOILS
26 AND VEGETATION BY USING NATIVE SEED MIX AND PROPER SOIL NUTRIENTS,
27 INCLUDING FERTILIZER AND LIME, IF NECESSARY, ~~[TO PROVIDE AND SUSTAIN~~
28 ~~GROWTH OR IN COORDINATION WITH THE LANDOWNER TO ALLOW DESIRED VEGETATION~~
29 ~~TO BE PLANTED OR RETURNING] [TO RETURN]~~ THE ON-SITE SOILS AND VEGETATION
30 TO THEIR ORIGINAL CONDITIONS.

31 3. AFTER THE DECOMMISSIONING OF THE SITE IS COMPLETE:

32 (a) RESTORING PAVED ROADS THAT EXISTED BEFORE THE PROJECT WAS
33 CONSTRUCTED ~~[TO THE ORIGINAL CONDITION OF THE PAVED ROADS].~~

34 (b) LEAVING ROADS OR OTHER IMPROVEMENTS IN PLACE WITH THE
35 LANDOWNER'S [WRITTEN] CONSENT [IF THE LANDOWNER IS NOT THE SOLAR ENERGY
36 POWER PLANT OWNER OR OPERATOR].

37 4. ALLOWING ACCESS ROADS, FENCING, ASSOCIATED DRAINAGE IMPROVEMENTS
38 AND ANY OTHER RESIDUAL MINOR IMPROVEMENTS TO REMAIN WITH THE LANDOWNER'S
39 WRITTEN CONSENT [IF THE LANDOWNER IS NOT THE SOLAR ENERGY POWER PLANT
40 OWNER OR OPERATOR].

41 5. REMOVING AND REMEDIATING ANY HAZARDOUS MATERIALS AND WASTE.

42 ~~[G.]~~ [H.] ~~[AFTER PROVIDING REASONABLE NOTICE TO THE PROPERTY OWNER~~
43 ~~AND PROJECT OWNER, THE CITY, TOWN OR COUNTY MAY ENTER THE SITE TO EFFECT~~
44 ~~OR COMPLETE DECOMMISSIONING PURSUANT TO THE DECOMMISSIONING PLAN.] [IF THE~~
45 ~~SOLAR ENERGY POWER PLANT OWNER FAILS TO COMMENCE DECOMMISSIONING AS~~
46 ~~PRESCRIBED IN THE DECOMMISSIONING PLAN, THE CITY, TOWN OR COUNTY MAY~~
47 ~~PROVIDE WRITTEN NOTICE OF THAT FAILURE. IF THE PROJECT OWNER FAILS TO~~

1 BEGIN DECOMMISSIONING WITHIN NINETY DAYS AFTER RECEIPT OF THE NOTICE, THE
2 CITY, TOWN OR COUNTY MAY ENTER THE SITE SOLELY TO COMPLETE DECOMMISSIONING
3 IN ACCORDANCE WITH THE APPROVED DECOMMISSIONING PLAN.]

4 [H.] [I.] AFTER THE SOLAR ENERGY POWER PLANT OWNER OR OPERATOR
5 COMPLETES THE DECOMMISSIONING OF A SOLAR ENERGY POWER PLANT AND
6 RESTORATION OF THE SOLAR ENERGY POWER PLANT SITE:

7 1. THE SOLAR ENERGY POWER PLANT OWNER OR OPERATOR SHALL NOTIFY THE
8 CITY, TOWN OR COUNTY WITHIN THIRTY DAYS AFTER THE DATE ON WHICH THE OWNER
9 OR OPERATOR COMPLETES DECOMMISSIONING AND RESTORATION.

10 2. THE CITY, TOWN OR COUNTY SHALL CERTIFY TO THE SOLAR ENERGY POWER
11 PLANT OWNER OR OPERATOR THAT DECOMMISSIONING AND RESTORATION IS COMPLETE
12 WITHIN THIRTY DAYS AFTER THE DATE ON WHICH THE CITY, TOWN OR COUNTY
13 RECEIVES NOTICE FROM THE SOLAR ENERGY POWER PLANT OWNER OR OPERATOR.

14 [I.] [J.] AFTER THE CITY, TOWN OR COUNTY CERTIFIES THAT
15 DECOMMISSIONING AND RESTORATION IS COMPLETE:

16 1. THE SOLAR ENERGY POWER PLANT OWNER OR OPERATOR IS RELEASED FROM
17 ANY OBLIGATION PRESCRIBED IN THIS CHAPTER.

18 2. THE CITY, TOWN OR COUNTY SHALL RETURN OR RELEASE ANY REMAINING
19 FINANCIAL ASSURANCE REQUIRED UNDER SECTION ~~[30-1105]~~ [30-1106].

20 ~~[30-1105.]~~ [30-1106.] Financial assurance

21 [A. A SOLAR ENERGY POWER PLANT OWNER OR OPERATOR SHALL PROVIDE
22 FINANCIAL ASSURANCE IN THE FORM OF A BOND, A PARENT GUARANTEE ISSUED BY A
23 PARENT OR AFFILIATED ENTITY OF THE PROJECT, THE SOLAR ENERGY POWER PLANT
24 OWNER OR OPERATOR WHO HAS A MINIMUM INVESTMENT GRADE CREDIT RATING FOR THE
25 PARENT COMPANY THAT WAS ISSUED BY A MAJOR DOMESTIC CREDIT RATING AGENCY,
26 AN IRREVOCABLE LETTER OF CREDIT OR OTHER FORMS THAT ARE ACCEPTABLE TO THE
27 CITY, TOWN OR COUNTY WHERE THE SOLAR ENERGY POWER PLANT IS LOCATED. THE
28 FINANCIAL ASSURANCE SHALL BE POSTED AT THE TIME REQUIRED BY THIS SECTION
29 IN AN AMOUNT EQUAL TO THE ESTIMATED COST TO DECOMMISSION THE SOLAR ENERGY
30 POWER PLANT SITE AS PRESCRIBED IN SECTION 30-1105, NET OF SALVAGE VALUE.

31 B. IF THE SOLAR ENERGY POWER PLANT OWNER OR OPERATOR CANNOT
32 DEMONSTRATE THROUGH A REDACTED OFFTAKE AGREEMENT OR WRITTEN ATTESTATION
33 FROM AN OFFTAKER THAT THE SOLAR ENERGY POWER PLANT IS THE SUBJECT OF A
34 COMMERCIAL OFFTAKE AGREEMENT WITH A DURATION OF AT LEAST TEN YEARS, THE
35 SOLAR ENERGY POWER PLANT OWNER OR OPERATOR SHALL PROVIDE THE CITY, TOWN OR
36 COUNTY WHERE THE SOLAR ENERGY POWER PLANT IS LOCATED FINANCIAL ASSURANCE
37 AS PRESCRIBED IN SUBSECTION A OF THIS SECTION ON OR BEFORE THE DAY THE
38 SOLAR ENERGY POWER PLANT REACHES COMMERCIAL OPERATION IN AN AMOUNT THAT IS
39 EQUAL TO THE ESTIMATED COST TO DECOMMISSION AND RESTORE THE SOLAR ENERGY
40 POWER PLANT SITE AS CALCULATED BY SECTION 30-1105, NET OF SALVAGE VALUE.

41 C. IF THE SOLAR ENERGY POWER PLANT IS THE SUBJECT OF A COMMERCIAL
42 OFFTAKE AGREEMENT DEMONSTRATED THROUGH A REDACTED OFFTAKE AGREEMENT OR
43 WRITTEN ATTESTATION FROM THE OFFTAKER WITH A DURATION OF AT LEAST TEN
44 YEARS, THE SOLAR ENERGY POWER PLANT OWNER OR OPERATOR SHALL PROVIDE THE
45 CITY, TOWN OR COUNTY WHERE THE SOLAR ENERGY POWER PLANT IS LOCATED
46 FINANCIAL ASSURANCE AS PRESCRIBED IN SUBSECTION A OF THIS SECTION

1 A.] IN ACCORDANCE WITH THE FOLLOWING SCHEDULE[, ~~A SOLAR ENERGY~~
2 ~~POWER PLANT OWNER OR OPERATOR SHALL MAINTAIN FINANCIAL ASSURANCE,~~
3 ~~INCLUDING IN THE FORM OF A BOND, PARENT GUARANTEE OR IRREVOCABLE LETTER OF~~
4 ~~CREDIT, IN AN AMOUNT EQUAL TO THE COST TO DECOMMISSION THE SOLAR ENERGY~~
5 ~~POWER PLANT AND RESTORE THE SOLAR ENERGY POWER PLANT SITE AS PRESCRIBED IN~~
6 ~~SECTION 30-1104, NET SALVAGE VALUE]:~~

7 1. AN INITIAL POSTING BY THE CURRENT OWNER OR OPERATOR ON OR BEFORE
8 TEN YEARS AFTER THE COMMERCIAL OPERATION DATE OF THE SOLAR ENERGY POWER
9 PLANT ~~[AND]~~ [OF] NOT ~~[MORE]~~ [LESS] THAN TWENTY-FIVE PERCENT OF THE ENTIRE
10 DECOMMISSIONING COST CALCULATED UNDER SECTION ~~[30-1104]~~ [30-1105, NET OF
11 SALVAGE VALUE].

12 2. INTERMEDIARY POSTINGS [OF NOT LESS THAN TWENTY-FIVE PERCENT OF
13 THE ENTIRE DECOMMISSIONING COST CALCULATED UNDER SECTION 30-1105, NET OF
14 SALVAGE VALUE.] OCCURRING NOT LESS FREQUENTLY THAN ONE POSTING EVERY FIVE
15 YEARS AFTER THE DATE OF THE INITIAL POSTING.

16 3. A FINAL POSTING ON OR BEFORE TWENTY-FIVE YEARS AFTER THE
17 COMMERCIAL OPERATION DATE OF THE SOLAR ENERGY POWER PLANT, SUCH THAT THE
18 TOTAL AMOUNT POSTED IS EQUAL TO THE ENTIRE DECOMMISSIONING COST CALCULATED
19 UNDER SECTION ~~[30-1104]~~ [30-1105, NET OF SALVAGE VALUE].

20 B. THE SOLAR ENERGY POWER PLANT OWNER OR OPERATOR SHALL UPDATE THE
21 COST ESTIMATE EVERY FIVE YEARS TO ENSURE AN ACCURATE ESTIMATION OF COSTS
22 ASSOCIATED WITH DECOMMISSIONING, EQUIPMENT VALUE AND SITE RESTORATION,
23 ADJUSTED FOR INFLATION.

24 C. A SOLAR ENERGY POWER PLANT OWNER OR OPERATOR IS NOT REQUIRED TO
25 PROVIDE DUPLICATIVE FINANCIAL ASSURANCE FOR DECOMMISSIONING AND SITE
26 RESTORATION. IF THE OWNER OR OPERATOR HAS PROVIDED FINANCIAL ASSURANCE
27 FOR DECOMMISSIONING AND SITE RESTORATION PURSUANT TO A LEASE AGREEMENT
28 WITH A LANDOWNER OR IN AGREEMENT WITH ANOTHER STATE OR FEDERAL AGENCY OR A
29 CITY, TOWN OR COUNTY, THE OWNER OR OPERATOR IS EXEMPT FROM THE FINANCIAL
30 ASSURANCE REQUIREMENTS AS PRESCRIBED IN THIS SECTION TO THE EXTENT THAT
31 THE ASSURANCE COVERS ESTIMATED COSTS THAT ARE CALCULATED UNDER SECTION
32 ~~[30-1104]~~ [30-1105].

33 D. ~~[THE CITY, TOWN OR COUNTY SHALL DEPOSIT ANY MONIES THAT ARE~~
34 ~~COLLECTED FROM A SOLAR ENERGY POWER PLANT IN THE SOLAR ENERGY POWER PLANT~~
35 ~~SITE REMEDIATION FUND ESTABLISHED BY SECTION 30-1107.]~~ A CITY, TOWN OR
36 COUNTY MAY USE [THE MONIES DEPOSITED IN THE SOLAR ENERGY POWER PLANT SITE
37 REMEDIATION FUND] [ANY MONETARY AMOUNT AVAILABLE TO THE CITY, TOWN OR
38 COUNTY UNDER THE FINANCIAL ASSURANCE REQUIRED BY THIS SECTION] FOR THE
39 COSTS ASSOCIATED WITH DECOMMISSIONING AND REMEDIATION OF A SOLAR ENERGY
40 POWER PLANT SITE.

41 E. IF A SOLAR ENERGY POWER PLANT OWNER SELLS THE SOLAR ENERGY POWER
42 PLANT TO A PUBLIC SERVICE CORPORATION, UTILITY OR ANOTHER SOLAR ENERGY
43 POWER PLANT OWNER, THE SOLAR ENERGY POWER PLANT OWNER SHALL PROVIDE A
44 NOTICE [IN WRITING] OF THE SALE TO THE CITY, TOWN OR COUNTY. WITHIN
45 FIFTEEN DAYS AFTER RECEIVING THE NOTICE, THE CITY, TOWN OR COUNTY SHALL
46 WAIVE THE REQUIREMENTS OF THIS SECTION AND RETURN OR RELEASE ANY FINANCIAL
47 ASSURANCE PROVIDED TO THE CITY, TOWN OR COUNTY TO THE SOLAR ENERGY POWER

1 PLANT OWNER. AFTER A TRANSFER OF OWNERSHIP, THE SUCCESSOR OWNER OR
2 OPERATOR, AS A CONDITION OF THE TRANSFER, SHALL POST FINANCIAL ASSURANCE
3 THAT IS IN AN AMOUNT AND FORM AT LEAST EQUAL TO THE FINANCIAL ASSURANCE
4 CURRENTLY HELD BY THE CITY, TOWN OR COUNTY FROM THE PREVIOUS OWNER. THE
5 CITY, TOWN OR COUNTY MAY NOT RELEASE OR RETURN THE PREVIOUS OWNER'S
6 FINANCIAL ASSURANCE UNTIL THE SUCCESSOR OWNER HAS FULLY REPLACED THE
7 ASSURANCE VALUE. ON COMPLETION OF THIS REPLACEMENT, THE SUCCESSOR OWNER
8 SHALL ASSUME THE DECOMMISSIONING SCHEDULE OF THE TRANSFEROR. [WITHIN
9 THIRTY DAYS AFTER A SUCCESSOR OWNER'S REPLACEMENT FINANCIAL ASSURANCE HAS
10 BEEN ACCEPTED BY THE CITY, TOWN OR COUNTY, THE SUCCESSOR OWNER SHALL
11 RETURN THE ORIGINAL FINANCIAL ASSURANCE INSTRUMENT TO THE PREDECESSOR
12 OWNER OR PROVIDE WRITTEN DOCUMENTATION THAT THE PRIOR INSTRUMENT HAS BEEN
13 FULLY RELEASED.]

14 ~~[30-1106.]~~ [30-1107.] Liability insurance required

15 A. A SOLAR ENERGY POWER PLANT OWNER OR OPERATOR SHALL MAINTAIN AN
16 INSURANCE POLICY THAT INCLUDES COVERAGE, WITH A LIMIT OF \$1,000,000 PER
17 OCCURRENCE AND \$2,000,000 IN THE AGGREGATE, OF ANY REASONABLE LIABILITY OF
18 THE CITY, TOWN OR COUNTY WHERE THE SOLAR ENERGY POWER PLANT IS LOCATED
19 RELATED TO THE CONSTRUCTION AND OPERATION OF THE SOLAR ENERGY POWER PLANT.

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

24 ~~[30-1107. Solar energy power plant site remediation fund;~~
25 ~~exemption~~

26 ~~THE SOLAR ENERGY POWER PLANT SITE REMEDIATION FUND IS ESTABLISHED~~
27 ~~CONSISTING OF MONIES COLLECTED PURSUANT TO SECTION 30-1105. THE EXECUTIVE~~
28 ~~DIRECTOR SHALL ADMINISTER THE FUND. MONIES IN THE SOLAR ENERGY POWER~~
29 ~~PLANT SITE REMEDIATION FUND ARE CONTINUOUSLY APPROPRIATED AND ARE EXEMPT~~
30 ~~FROM THE PROVISION OF SECTION 35-190 RELATING TO LAPSING OF~~
31 ~~APPROPRIATIONS.]~~

32 Enroll and engross to conform

33 Amend title to conform

PRIYA SUNDARESHAN

2781SUNDARESHAN.docx

03/23/2026

1:48 PM

C: SK

130HCYIFC