

House Engrossed

line siting; factors; total environment

State of Arizona
House of Representatives
Fifty-seventh Legislature
Second Regular Session
2026

HOUSE BILL 2330

AN ACT

AMENDING SECTION 40-360.06, ARIZONA REVISED STATUTES; RELATING TO THE
POWER PLANT AND TRANSMISSION LINE SITING COMMITTEE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

2 Section 1. Section 40-360.06, Arizona Revised Statutes, is amended
3 to read:

4 40-360.06. Factors to be considered in issuing a certificate
5 of environmental compatibility

6 A. The committee may approve or deny an application and may impose
7 reasonable conditions on the issuance of a certificate of environmental
8 compatibility and in so doing shall consider the following factors as a
9 basis for its action with respect to the suitability of either plant or
10 transmission line siting plans:

11 1. Existing plans of this state, A local government and private
12 entities for other developments at or in the vicinity of the proposed
13 site.

14 2. Fish, wildlife and plant life and associated forms of life on
15 which they are dependent.

16 3. Noise emission levels and interference with communication
17 signals.

18 4. The proposed availability of the site to the public for
19 recreational purposes, consistent with safety considerations and
20 regulations.

21 5. Existing scenic areas, historic sites and structures or
22 archaeological sites at or in the vicinity of the proposed site.

23 6. The total environment AND CHARACTER of the area.

24 7. The technical practicability of achieving a proposed objective
25 and the previous experience with equipment and methods available for
26 achieving a proposed objective.

27 8. The estimated cost of the facilities and site as proposed by the
28 applicant and the estimated cost of the facilities and site as recommended
29 by the committee, recognizing that any significant increase in costs
30 represents a potential increase in the cost of electric energy to the
31 customers or the applicant.

32 9. Any additional factors that require consideration under
33 applicable federal and state laws pertaining to any such site.

34 B. The committee shall give special consideration to the protection
35 of areas THAT ARE unique because of biological wealth or because they are
36 habitats for rare and endangered species.

37 C. Notwithstanding any other provision of this article, the
38 committee shall require in all certificates for facilities that the
39 applicant comply with all applicable nuclear radiation standards and air
40 and water pollution control standards and regulations, but shall not
41 require either of the following:

42 1. Compliance with performance standards other than those
43 established by the agency having primary jurisdiction over a particular
44 pollution source.

1 2. That a contractor, subcontractor, material supplier or other
2 person **THAT IS** engaged in the construction, maintenance, repair or
3 improvement of any project subject to approval of the commission
4 negotiate, execute or otherwise become a party to any project labor
5 agreement, neutrality agreement as defined in section 34-321,
6 apprenticeship program participation or contribution agreement or other
7 agreement with employees, employees' representatives or any labor
8 organization as a condition of or a factor in the commission's approval of
9 the project. This paragraph does not:

10 (a) Prohibit private parties from entering into individual
11 collective bargaining relationships.

12 (b) Regulate or interfere with activity **THAT IS** protected by law,
13 including the national labor relations act.

14 D. Any certificate **THAT IS** granted by the committee shall be
15 conditioned on compliance by the applicant with all applicable ordinances,
16 master plans and regulations of ~~the~~ **THIS** state, a county or an
17 incorporated city or town, except that the committee may grant a
18 certificate notwithstanding any such ordinance, master plan or regulation,
19 exclusive of franchises, if the committee finds as a fact that compliance
20 with such **AN** ordinance, master plan or regulation is unreasonably
21 restrictive and compliance therewith is not feasible in view of technology
22 available. ~~When~~ **IF** it becomes apparent to the chairman of the committee
23 or to the hearing officer that an issue exists with respect to whether
24 such an ordinance, master plan or regulation is unreasonably restrictive
25 and compliance therewith is not feasible in view of technology available,
26 the chairman or hearing officer shall promptly serve notice of such fact
27 by certified mail on the chief executive officer of the area of
28 jurisdiction affected and, notwithstanding any provision of this article
29 to the contrary, shall make such area of jurisdiction a party to the
30 proceedings on its request and shall give it an opportunity to respond on
31 such issue.