

COMMITTEE ON NATURAL RESOURCES, ENERGY AND WATER

SENATE AMENDMENTS TO H.B. 2618

(Reference to House engrossed bill)

- 1 Page 1, line 7, after the first semicolon insert "standards; conditions;"
- 2 Line 12, after "THE" insert "APPLICABLE STANDARDS, CONDITIONS,"; strike "OR"
- 3 insert "AND"
- 4 Line 20, strike "AN APPLICANT" insert "A TRANSFEROR"
- 5 Line 21, after "SALE" insert ", EXCEPT WHEN THE TRANSFEREE AND TRANSFEROR
- 6 PROVIDE FOR THE TRANSFER OF LIABILITY OR RESPONSIBILITY BY AGREEMENT"
- 7 Line 27, after the period insert "Duty to maintain;"; strike "; applicability"
- 8 Between lines 27 and 28, insert:
- 9 "A. THE OWNER OR OPERATOR OF A SOLAR ENERGY POWER PLANT SHALL
- 10 MAINTAIN THE PLANT IN GOOD CONDITION AND REPAIR AND SHALL ENSURE THAT THE
- 11 PLANT REMAINS FUNCTIONAL AND IN CONTINUOUS OPERATION UNTIL DECOMMISSIONING
- 12 OF THE PLANT IS INITIATED PURSUANT TO THIS CHAPTER."
- 13 Reletter to conform
- 14 Line 28, after "A." insert "EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,";
- 15 strike "PART" insert "COMPONENT THAT IS ESSENTIAL TO THE FUNCTION"
- 16 Line 32, after the period insert "C."
- 17 Reletter to conform
- 18 Line 34, after the comma insert "IN LIEU OF CURING THE DAMAGE OR DEFICIENCY"
- 19 Line 37, after "B." insert "EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,"
- 20 Line 38, strike "ONE YEAR" insert "EIGHTEEN MONTHS"; strike "APPLICANT OR"
- 21 Line 39, strike "ITS SUCCESSORS OR ASSIGNS" insert "SOLAR ENERGY POWER PLANT
- 22 OWNER OR OPERATOR"
- 23 Line 41, after the period insert "E."
- 24 Reletter to conform

- 1 Page 1, line 43, strike "ONE YEAR" insert "EIGHTEEN MONTHS"; after the comma
2 insert "IN LIEU OF RESTORING THE SOLAR ENERGY POWER PLANT TO FUNCTION OR
3 OPERATION"
- 4 Page 2, strike lines 3 through 5
- 5 Line 6, strike "; applicability"
- 6 Line 9, strike "AS PRESCRIBED IN THIS SECTION" insert "THAT IS APPROVED BY THE
7 CITY, TOWN OR COUNTY"
- 8 Line 10, after "PLAN" insert "PRESCRIBED IN THIS SECTION"
- 9 Line 13, after "AND" insert "SITE"
- 10 Line 17, after "2." insert "A DESCRIPTION OF"
- 11 Line 19, strike "ASSURANCES" insert "ASSURANCE"; strike "COMPLY" insert
12 "COMPLIES"
- 13 Line 23, after "TO" insert "DECOMMISSIONING OR SITE"; after the period insert
14 "THE DECOMMISSIONING AND SITE RESTORATION REQUIREMENTS PRESCRIBED IN THIS
15 SECTION SUPERSEDE ANY CITY, TOWN OR COUNTY STANDARD, RULE, REQUIREMENT OR
16 ORDINANCE THAT IS RELATED TO THE DECOMMISSIONING OF A SOLAR ENERGY POWER
17 PLANT OR RESTORATION OF A SOLAR ENERGY POWER PLANT SITE UNLESS OTHERWISE
18 SPECIFIED IN THIS SECTION."
- 19 Line 27, strike "AND FENCING"
- 20 Line 31, after the first "OR" insert "A LESSER DEPTH"
- 21 Line 33, after the period strike remainder of line
- 22 Strike line 34
- 23 Line 40, strike "IF POSSIBLE" insert "EXCEPT WHEN RESTORING THE SITE TO ITS
24 ORIGINAL GROUND CONTOURS WOULD BE UNDULY BURDENSOME OR IMPOSSIBLE"
- 25 Line 41, after "SITE" insert "TO AN ALTERNATE CONTOUR"
- 26 Line 43, after "VEGETATION" strike remainder of line
- 27 Strike lines 44 and 45
- 28 Page 3, strike lines 1 and 2, insert "TO ONE OF THE FOLLOWING:
29 (a) A CONDITION THAT IS CONSISTENT WITH THE NATURAL CONDITION OF THE
30 SITE.

1 (b) A CONDITION THAT REASONABLY APPROXIMATES THE CONDITION OF THE
2 SITE BEFORE CONSTRUCTION OF THE SOLAR ENERGY POWER PLANT.

3 (c) AN ALTERNATE CONDITION ON AGREEMENT WITH THE LANDOWNER."

4 Page 3, line 3, after "ROADS" insert "ON THE SITE"

5 Strike line 4

6 Line 5, strike "THE LANDOWNER'S CONSENT" insert "OR ON AGREEMENT WITH THE
7 LANDOWNER, RETAINING ROADS INSTALLED BY THE SOLAR ENERGY POWER PLANT OWNER
8 OR OPERATOR"

9 Line 6, strike "ALLOWING" insert "ON AGREEMENT WITH THE LANDOWNER, RETAINING"

10 Line 7, after "IMPROVEMENTS" insert a period strike remainder of line

11 Strike line 8

12 Between lines 9 and 10, insert:

13 "6. COMPLETING SITE RESTORATION ACTIVITIES WITHIN EIGHTEEN MONTHS
14 AFTER DECOMMISSIONING COMPLETION UNLESS OTHERWISE APPROVED BY THE CITY,
15 TOWN OR COUNTY."

16 Line 10, after "F." insert "IF A SOLAR ENERGY POWER PLANT OWNER OR OPERATOR
17 FAILS TO COMPLETE DECOMMISSIONING AND SITE RESTORATION WITHIN THE TIME
18 PRESCRIBED IN SUBSECTIONS D AND E OF THIS SECTION, THE CITY, TOWN OR
19 COUNTY,"; strike "PROPERTY OWNER THE"

20 Line 11, strike "CITY, TOWN OR COUNTY" insert "LANDOWNER"; strike "EFFECT"
21 insert "INITIATE"

22 Line 12, after the first "DECOMMISSIONING" insert "OR SITE RESTORATION"; after
23 the second "DECOMMISSIONING" insert "AND SITE RESTORATION"

24 Strike lines 29 through 31

25 Line 32, strike "": applicability"

26 Line 36, after "AMOUNT" insert "THAT IS"

27 Line 38, after "NET" insert "OF"

28 Line 40, after "LOCATED" insert "AND THAT IS REASONABLY BASED ON THE ESTIMATE
29 DESCRIBED IN SECTION 30-904, SUBSECTION B"

30 Line 41, strike "TEN" insert "EIGHT"

31 Line 44, strike "FOR THE"

1 Page 3, strike line 45, insert "TO COVER THE COST OF EITHER:

2 1. INITIATING OR COMPLETING DECOMMISSIONING OR SITE RESTORATION AS
3 DESCRIBED IN THE DECOMMISSIONING AND SITE RESTORATION PLAN IF REQUIRED
4 UNDER SECTION 30-904, SUBSECTION F.

5 2. RESTORING A SOLAR ENERGY POWER PLANT TO FUNCTION OR OPERATION, IF
6 THE SOLAR ENERGY POWER PLANT OWNER OR OPERATOR VIOLATES SECTION 30-903."

7 Page 4, strike lines 8 through 10

8 Line 11, strike ";applicability"

9 Line 13, after "POLICY" insert "OR OTHER INDEMNIFICATION AGREEMENT"; strike
10 "INCLUDES" insert "RESULTS IN"

11 Line 14, after "LOCATED" insert "ARISING FROM THE SOLAR ENERGY POWER PLANT
12 OWNER'S OR OPERATOR'S ACTIONS OR NEGLIGENCE"

13 Line 15, strike "AND" insert a comma; after "OPERATION" insert "OR
14 DECOMMISSIONING"; after "PLANT" insert "OR RESTORATION OF THE SOLAR ENERGY
15 POWER PLANT SITE"

16 Line 17, after "POLICY" insert "OR OTHER INDEMNIFICATION AGREEMENT"

17 Strike lines 20 through 22, insert:

18 "30-907. Applicability

19 A. THIS CHAPTER APPLIES TO A SOLAR ENERGY POWER PLANT THAT IS THE
20 SUBJECT OF A PERMIT APPLICATION THAT IS SUBMITTED TO A CITY, TOWN OR COUNTY
21 FROM AND AFTER THE EFFECTIVE DATE OF THIS SECTION.

22 B. THIS CHAPTER DOES NOT APPLY TO A SMALL-SCALE SOLAR ENERGY POWER
23 PLANT THAT IS MOUNTED ON A RESIDENTIAL, COMMERCIAL OR INDUSTRIAL ROOF OR
24 STRUCTURE, THAT IS USED PRIMARILY FOR ON-SITE POWER AND THAT RESULTS IN
25 ONLY RESIDUAL POWER RETURNING TO THE GRID."

26 Line 26, after the first semicolon insert "standards; conditions;"

27 Line 30, after "THE" insert "APPLICABLE STANDARDS, CONDITIONS,"

28 Line 31, strike "OR" insert "AND"

29 Line 39, strike "AN APPLICANT" insert "A TRANSFEROR"

1 Page 4, line 40, after "SALE" insert ", EXCEPT WHEN THE TRANSFEREE AND TRANSFEROR
2 PROVIDE FOR THE TRANSFER OF LIABILITY OR RESPONSIBILITY BY AGREEMENT"

3 Page 5, line 1, after the period insert "Duty to maintain"; strike
4 "; applicability"

5 Between lines 1 and 2, insert:

6 "A. THE OWNER OR OPERATOR OF A WIND ENERGY POWER PLANT SHALL
7 MAINTAIN THE PLANT IN GOOD CONDITION AND REPAIR AND SHALL ENSURE THAT THE
8 PLANT REMAINS FUNCTIONAL AND IN CONTINUOUS OPERATION UNTIL DECOMMISSIONING
9 OF THE PLANT IS INITIATED PURSUANT TO THIS CHAPTER."

10 Reletter to conform

11 Line 2, after "A." insert "EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,";
12 strike "PART" insert "COMPONENT THAT IS ESSENTIAL TO THE FUNCTION"

13 Line 6, after the period insert "C."

14 Reletter to conform

15 Line 8, after the comma insert "IN LIEU OF CURING THE DAMAGE OR DEFICIENCY"

16 Line 11, after "B." insert "EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION,"

17 Line 12, strike "ONE YEAR" insert "EIGHTEEN MONTHS"; strike "APPLICANT OR"

18 Line 13, strike "ITS SUCCESSORS OR ASSIGNS" insert "WIND ENERGY POWER PLANT
19 OWNER OR OPERATOR"

20 Line 15, after the period insert "E."

21 Reletter to conform

22 Line 17, strike "ONE YEAR" insert "EIGHTEEN MONTHS"; after the comma insert
23 "IN LIEU OF RESTORING THE WIND ENERGY POWER PLANT TO FUNCTION OR OPERATION"

24 Strike lines 21 through 23

25 Line 24, strike "; applicability"

26 Line 27, strike "AS PRESCRIBED IN THIS SECTION" insert "THAT IS APPROVED BY
27 THE CITY, TOWN OR COUNTY"

28 Line 28, after "PLAN" insert "PRESCRIBED IN THIS SECTION"

29 Line 35, after "2." insert "A DESCRIPTION OF"

1 Page 5, line 37, strike "ASSURANCES" insert "ASSURANCE"; strike "COMPLY" insert
2 "COMPLIES"

3 Line 41, after "TO" insert "DECOMMISSIONING OR SITE"; after the period insert
4 "THE DECOMMISSIONING AND SITE RESTORATION REQUIREMENTS PRESCRIBED IN THIS
5 SECTION SUPERSEDE ANY CITY, TOWN OR COUNTY STANDARD, RULE, REQUIREMENT OR
6 ORDINANCE THAT IS RELATED TO THE DECOMMISSIONING OF A WIND ENERGY POWER
7 PLANT OR RESTORATION OF A WIND ENERGY POWER PLANT SITE UNLESS OTHERWISE
8 SPECIFIED IN THIS SECTION."

9 Line 45, strike "AND FENCING"

10 Page 6, line 4, after the first "OR" insert "A LESSER DEPTH"

11 Line 6, after the period strike remainder of line

12 Strike line 7

13 Line 13, strike "IF POSSIBLE" insert "EXCEPT WHEN RESTORING THE SITE TO ITS
14 ORIGINAL GROUND CONTOURS WOULD BE UNDULY BURDENSOME OR IMPOSSIBLE"

15 Line 14, after "SITE" insert "TO AN ALTERNATE CONTOUR"

16 Line 16, after "VEGETATION" strike remainder of line

17 Strike lines 17 through 20, insert "TO ONE OF THE FOLLOWING:

18 (a) A CONDITION THAT IS CONSISTENT WITH THE NATURAL CONDITION OF THE
19 SITE.

20 (b) A CONDITION THAT REASONABLY APPROXIMATES THE CONDITION OF THE
21 SITE BEFORE CONSTRUCTION OF THE WIND ENERGY POWER PLANT.

22 (c) AN ALTERNATE CONDITION ON AGREEMENT WITH THE LANDOWNER."

23 Line 21, after "ROADS" insert "ON THE SITE"

24 Strike line 22

25 Line 23, strike "THE LANDOWNER'S CONSENT" insert "OR ON AGREEMENT WITH THE
26 LANDOWNER, RETAINING THE ROADS INSTALLED BY THE WIND ENERGY POWER PLANT
27 OWNER OR OPERATOR"

28 Line 24, strike "ALLOWING" insert "ON AGREEMENT WITH THE LANDOWNER, RETAINING"

29 Line 25, after "IMPROVEMENTS" insert a period strike remainder of line

30 Strike line 26

1 Page 6, between lines 27 and 28, insert:

2 "6. COMPLETING SITE RESTORATION ACTIVITIES WITHIN EIGHTEEN MONTHS
3 AFTER DECOMMISSIONING COMPLETION UNLESS OTHERWISE APPROVED BY THE CITY,
4 TOWN OR COUNTY."

5 Line 28, after "F." insert "IF A WIND ENERGY POWER PLANT OWNER OR OPERATOR
6 FAILS TO COMPLETE DECOMMISSIONING AND SITE RESTORATION WITHIN THE TIME
7 PRESCRIBED IN SUBSECTIONS D AND E OF THIS SECTION, THE CITY, TOWN OR
8 COUNTY,"; strike "PROPERTY OWNER THE"

9 Line 29, strike "CITY, TOWN OR COUNTY" insert "LANDOWNER"; strike "EFFECT"
10 insert "INITIATE"

11 Line 30, after the first "DECOMMISSIONING" insert "OR SITE RESTORATION"; after
12 the second "DECOMMISSIONING" insert "AND SITE RESTORATION"

13 Page 7, strike lines 3 through 5

14 Line 6, strike ";applicability"

15 Line 10, after "AMOUNT" insert "THAT IS"

16 Line 12, after "NET" insert "OF"

17 Line 14, after "LOCATED" insert "AND THAT IS REASONABLY BASED ON THE ESTIMATE
18 DESCRIBED IN SECTION 30-1004, SUBSECTION B"

19 Line 15, strike "FIVE" insert "EIGHT"

20 Line 18, strike "FOR THE"

21 Strike line 19, insert "TO COVER THE COST OF EITHER:

22 1. INITIATING OR COMPLETING DECOMMISSIONING OR SITE RESTORATION AS
23 DESCRIBED IN THE DECOMMISSIONING AND SITE RESTORATION PLAN IF REQUIRED
24 UNDER SECTION 30-1004, SUBSECTION F.

25 2. RESTORING A WIND ENERGY POWER PLANT TO FUNCTION OR OPERATION, IF
26 THE WIND ENERGY POWER PLANT OWNER OR OPERATOR VIOLATES SECTION 30-1003."

27 Strike lines 27 through 29

28 Line 30, strike ";applicability"

29 Line 32, after "POLICY" insert "OR OTHER INDEMNIFICATION AGREEMENT"; strike
30 "INCLUDES" insert "RESULTS IN"; strike "WIND ENERGY POWER PLANT"

Senate Amendments to H.B. 2618

- 1 Page 7, line 33, strike "RELATED" insert "REASONABLE"
- 2 Line 34, after "LOCATED" insert "ARISING FROM THE WIND ENERGY POWER PLANT
- 3 OWNER'S OR OPERATOR'S ACTIONS OR NEGLIGENCE"
- 4 Line 36, after "POLICY" insert "OR OTHER INDEMNIFICATION AGREEMENT"
- 5 Strike lines 39 through 41
- 6 Amend title to conform

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