

FILED

**Jane Dee Hull
Secretary of State**

State of Arizona
Senate
Forty-second Legislature
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1996

CHAPTER 168

SENATE BILL 1261

AN ACT

AMENDING SECTIONS 40-360.01 AND 40-360.07, ARIZONA REVISED STATUTES; RELATING TO THE CORPORATION COMMISSION.

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

Section 1. Section 40-360.01, Arizona Revised Statutes, is amended to read:

40-360.01. Organization and membership of the committee

A. The commission shall establish a power plant and transmission line siting committee of Arizona.

B. The committee shall consist of the following members:

1. State attorney general OR THE ATTORNEY GENERAL'S DESIGNEE.

~~2. State land commissioner.~~

~~3. Chairman of the state water quality control council.~~

~~4. Director of the department of health services.~~

~~5. Director of the game and fish department.~~

2. DIRECTOR OF ENVIRONMENTAL QUALITY OR THE DIRECTOR'S DESIGNEE.

~~6.~~ 3. Director of water resources OR THE DIRECTOR'S DESIGNEE.

~~7.~~ 4. Director of the ENERGY OFFICE OF THE department of commerce OR THE DIRECTOR'S DESIGNEE.

~~8.~~ 5. Chairman of the Arizona corporation commission OR THE CHAIRMAN'S DESIGNEE.

~~9. Chairman of the department of anthropology of the university of Arizona.~~

~~10. Director of the state parks board.~~

~~11. Executive director of the radiation regulatory agency.~~

1 ~~12.~~ 6. ~~Nine~~ SIX members appointed by the commission to serve for a
2 term of two years of which ~~two~~ THREE members shall represent the public, ~~two~~
3 ~~members~~ ONE MEMBER shall represent incorporated cities and towns, ~~two members~~
4 ONE MEMBER shall represent counties, ~~two members~~ AND ONE MEMBER shall be
5 actively engaged in agriculture and ~~one member shall be a registered~~
6 ~~landscape architect.~~

7 C. The attorney general or his designee shall be chairman of the
8 committee.

9 D. The commission shall establish such procedures as provide for
10 expeditious review of the proposed siting plans and necessary consultation
11 with the person proposing the facilities, for noticing and conducting the
12 hearing provided by section 40-360.04, and for a timely decision regarding
13 the issuance of a certificate of environmental compatibility of the proposed
14 site.

15 E. Committee members are not eligible to receive compensation for
16 their services, but shall be reimbursed from the filing fee required by
17 section 40-360.09 for their actual and necessary expenses incurred in
18 connection with their participation in committee meetings.

19 F. The committee may utilize the staff resources of its constituent
20 agencies as well as necessary consultants. All studies required by the
21 committee shall be conducted as specified by the committee and under its
22 general direction.

23 Sec. 2. Section 40-360.07, Arizona Revised Statutes, is amended to
24 read:

25 40-360.07. Compliance by utility; commission order

26 A. No utility may construct a plant or transmission line within this
27 state until it has received a certificate of environmental compatibility from
28 the committee with respect to the proposed site, affirmed and approved by an
29 order of the commission which shall be issued not less than thirty days nor
30 more than sixty days after the certificate is issued by the committee, except
31 that within fifteen days after the committee has rendered its written
32 decision any party to a certification proceeding may request a review of the
33 committee's decision by the commission.

34 B. The grounds for review shall be stated in a written notice filed
35 with the commission with a copy thereof served on the chairman of the
36 committee. The committee shall transmit to the commission the complete
37 record, including a certified transcript, and the review shall be conducted
38 on the basis of the record. The commission may, at the request of any party,
39 require written briefs or oral argument and shall within sixty days from the
40 date the notice is filed either confirm, DENY or modify any certificate
41 granted by the committee, or in the event the committee refused to grant a
42 certificate, the commission may issue a certificate to the applicant. In
43 arriving at its decision, the commission shall comply with the provisions of
44 section 40-360.06 and shall balance, in the broad public interest, the need

1 for an adequate, economical and reliable supply of electric power with the
2 desire to minimize the effect thereof on the environment and ecology of this
3 state.

4 C. THE COMMITTEE OR ANY PARTY TO A DECISION BY THE COMMISSION PURSUANT
5 TO SUBSECTION B OF THIS SECTION MAY REQUEST THE COMMISSION TO RECONSIDER ITS
6 DECISION WITHIN THIRTY DAYS AFTER THE DECISION IS ISSUED. A REQUEST FOR
7 RECONSIDERATION MADE PURSUANT TO THIS SUBSECTION SHALL SET FORTH THE GROUNDS
8 UPON WHICH IT IS BASED AND STATE THE MANNER IN WHICH THE PARTY BELIEVES THE
9 COMMISSION UNREASONABLY OR UNLAWFULLY APPLIED OR FAILED TO APPLY THE CRITERIA
10 SET FORTH IN SECTION 40-360.06. The decision of the commission is final with
11 respect to all issues, subject only to judicial review as provided by law in
12 the event of an appeal by a person having a legal right or interest that will
13 be injuriously affected by the decision.

14 Sec. 3. Terms of committee members

15 A. Notwithstanding section 40-360.01, subsection B, paragraph 6,
16 Arizona Revised Statutes, as amended by this act, a person who is serving as
17 a member of the power plant and transmission line siting committee of Arizona
18 pursuant to that paragraph on the effective date of this act is eligible to
19 continue to serve until the expiration of the person's current term on the
20 committee.

21 B. On the expiration of the term of the member who is a registered
22 landscape architect, the Arizona corporation commission shall appoint a
23 member who represents the public. All subsequent members shall be appointed
24 as provided by law except no appointment shall be made on the first
25 expiration of the term of a member representing incorporated cities and
26 towns, a member representing counties and a member representing agriculture.

APPROVED BY THE GOVERNOR APRIL 11, 1996

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 11, 1996