

HB 1046 -- WIND FARMS

SPONSOR: Eggleston

Currently, tangible personal property owned by an electric company directly used for generation and distribution of power is considered distributable property. This bill specifies that property used directly in the production of wind-generated electric power is considered "local property."

The bill also prohibits any source of renewable energy to be operated in a manner that causes the loss of functionality of electronic communications signals. The Attorney General can initiate proceedings related to any knowing or threatened knowing violation. The proceedings may include an injunction, civil penalty up to \$5,000 for each violation per household per day, and additional relief.

Any person who has more than one instance of interrupted signals by the same entity within 12 months may bring an action to enjoin the violation, bring an action to recover actual monetary loss or receive up to \$10,000 in damages, whichever is greater, or both.

No action may be brought for a violation more than three years after the effective date or three years after the wind turbine becomes operational, whichever is later.

For any wind turbines constructed and operational after the effective date of the bill, all entities operating wind turbines are subject to a buffer distance of at least five feet for every one foot in elevation the turbine, at its highest point, has above ground level of the nearest occupied residential dwelling, unless any local ordinances are more restrictive.

Anyone constructing a wind turbine must reimburse the Department of Transportation or the appropriate political subdivision of any actual damages to roads and bridges that arise in relation to the construction.

A section of this bill has a delayed effective date of January 1, 2020.