



# State of Tennessee

## PUBLIC CHAPTER NO. 368

HOUSE BILL NO. 1021

By Representatives Cameron Sexton, Mark White

Substituted for: Senate Bill No. 1336

By Senators Bailey, Mr. Speaker McNally, Bowling

AN ACT to amend Tennessee Code Annotated, Title 5; Title 6; Title 7; Title 65 and Title 68, relative to wind energy facility siting.

WHEREAS, badly placed and poorly designed wind energy facilities can pose a significant threat to our citizens and people who visit this state to experience the scenic beauty of Tennessee's state and national parks; natural heritage and conservation areas; and mountains, valleys, and hills; and

WHEREAS, wind energy facilities located near state and national parks and on mountains, valleys, and hills of this state also pose serious risks to Tennessee's natural resources, including threatened and endangered species and their habitats, and detract from the natural scenic views and beauty of the mountains, valleys, and hills, and our state and national parks, which are appreciated by citizens and tourists alike; and

WHEREAS, wind energy facilities located on mountains also detrimentally interfere with medical flights, military navigation routes, and flight paths of helicopters and other aircraft; and

WHEREAS, it is imperative that the General Assembly provide for the protection of our citizens, the recovery and conservation of this state's natural resources, wildlife, and scenic beauty for all to enjoy, and for a continued military presence in this state; now, therefore,

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 65, is amended by adding Sections 2 through 5 as a new chapter.

SECTION 2. As used in this chapter:

(1) "Construct" or "construction":

(A) Means the process of bringing a wind energy facility to completion;  
and

(B) Includes the following:

(i) Planning;

(ii) Research, but does not include wind and environmental analysis;

(iii) Feasibility analysis, but does not include wind and environmental analysis;

(iv) Environmental evaluation, but does not include wind and environmental analysis;

(v) Preliminary engineering;

(vi) Designing;

(vii) Relocation of utilities;

- (viii) Permitting;
- (ix) Environmental mitigation;
- (x) Contracting; and
- (xi) Financing;

(2) "Local government" means any county, municipality, city, or other political subdivision of this state;

(3) "Operate" or "operation":

(A) Means any activity associated with the management, operation, and maintenance of a completed wind energy facility; and

(B) Includes the installation or improvement of the wind energy facility;

(4) "Person" means any natural person, corporation, limited liability company, partnership, joint venture, or other private business entity except for corporations transacting business in this state pursuant to chapter 25 of this title;

(5) "Redevelop" or "redevelopment" means the process of replanning, reconstructing, or redesigning a wind energy facility, including the acquisition, clearance, development, or disposal, or any combination of these activities, of a wind energy facility;

(6) "Transmission facility" means a power cable, distribution line, or other equipment that delivers electricity from a wind turbine located in this state to the point of interconnection with a power distribution grid, long-distance power transmission grid, or other facility by and through which the electricity is distributed or transmitted to one or more customers; provided, that nothing in this chapter shall apply to any distribution, transmission, or other facilities that are located beyond the point of interconnection with the power distribution grid or transmission grid;

(7) "Wind energy facility":

(A) Means the equipment necessary for the operation of a facility that uses wind to generate electricity or that uses wind energy to heat or cool, or provide hot water for use in, a building or structure, including parts solely related to the functioning of that equipment, that cumulatively, with any other wind energy facility, has a rated capacity of one megawatt (1 MW) or more of energy;

(B) Includes turbines, towers, buildings, transmission facilities, and other associated facilities; and

(C) Does not include equipment that, when installed in connection with a dwelling, transmits or uses wind energy to produce energy in a useful form for residential purposes; and

(8) "Wind energy facility expansion" means any activity that:

(A) Adds or substantially modifies a wind energy facility, including increasing the height or the number of the turbines, transmission facilities, or other equipment; or

(B) Increases the footprint of the wind energy facility.

SECTION 3. This chapter shall not apply in any local government that has adopted regulations related to the siting of wind energy facilities in its jurisdiction on or before July 1, 2017.

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SECTION 4. From the effective date of this act until July 1, 2018, no person shall construct, operate, or redevelop a wind energy facility, or initiate a wind energy facility expansion in this state.

SECTION 5.

(a) There is created a special joint legislative study committee to evaluate and make recommendations relative to the siting of wind energy facilities.

(b) The committee shall be composed of three (3) members of the senate, to be appointed by the speaker of the senate, and three (3) members of the house of representatives, to be appointed by the speaker of the house of representatives. In making such appointments, the speakers may consult with the commissioner of environment and conservation and the executive director of the wildlife resources agency.

(c) The committee shall be convened by the member with the most years of continuous service in the general assembly and, at its organizational meeting, shall elect a chair, vice chair, and other officers the committee may deem necessary.

(d) The committee shall only meet on days the members of the committee are at the capitol for other business. Members shall not receive any additional compensation for service on the committee, but shall be eligible for reimbursement for travel expenses.

(e) All appropriate state agencies shall provide assistance to the committee upon the request of the chair.

(f) The committee shall timely report its findings and recommendations, including any potential legislation, to the energy, agriculture and natural resources committee of the senate and the agriculture and natural resources committee of the house of representatives by January 1, 2018, at which time the committee shall cease to exist.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

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PASSED: May 4, 2017

  
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BETH HARWELL, SPEAKER  
HOUSE OF REPRESENTATIVES

  
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RANDY MCNALLY  
SPEAKER OF THE SENATE

APPROVED this 11<sup>th</sup> day of May 2017

  
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BILL HASLAM, GOVERNOR