

**SUBSTITUTE FOR
HOUSE BILL NO. 5120**

A bill to amend 2008 PA 295, entitled
"Clean and renewable energy and energy waste reduction act,"
(MCL 460.1001 to 460.1211) by amending the title and by adding part
8.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

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TITLE

An act to require certain providers of electric service to
establish and recover costs for renewable energy programs; to
require certain providers of electric or natural gas service to
establish energy waste reduction programs; to authorize the use of
certain energy systems to meet the requirements of those programs;
to provide for the approval of energy waste reduction service
companies; to reduce energy waste by state agencies and the public;

1 to create a wind energy resource zone board and provide for its
2 power and duties; to authorize the creation and implementation of
3 wind energy resource zones; to provide for expedited transmission
4 line siting certificates; to provide for customer generation and
5 net metering programs and the responsibilities of certain providers
6 of electric service and customers with respect to customer
7 generation and net metering; to provide for fees; to prescribe the
8 powers and duties of certain state agencies and officials; to
9 require the promulgation of rules and the issuance of orders; to
10 authorize the establishment of residential energy improvement
11 programs by providers of electric or natural gas service; **to**
12 **authorize certification by this state before the construction of**
13 **certain wind and solar energy facilities and energy storage**
14 **facilities; to regulate certain local ordinances;** and to provide
15 for civil sanctions, remedies, and penalties.

16 **PART 8.**

17 **WIND, SOLAR, AND STORAGE CERTIFICATION**

18 **Sec. 221. As used in this part:**

19 (a) "Affected local unit" means a unit of local government in
20 which all or part of a proposed energy facility will be located.

21 (b) "Applicant" means an applicant for a certificate.

22 (c) "Certificate" means a certificate issued for an energy
23 facility under section 226(5).

24 (d) "Community-based organization" means a workforce
25 development and training organization, labor union, local
26 governmental entity, Michigan federally recognized tribe,
27 environmental advocacy organization, or an organization that
28 represents the interests of underserved communities.

29 (e) "Construction" means any substantial action taken

1 constituting the placement, erection, expansion, or repowering of
2 an energy facility.

3 (f) "Energy facility" means an energy storage facility, solar
4 energy facility, or wind energy facility. An energy facility may be
5 located on more than 1 parcel of property, including noncontiguous
6 parcels.

7 (g) "Energy storage facility" means a system that absorbs,
8 stores, and discharges electricity.

9 (h) "Independent power producer", or IPP, means a person that
10 is not an electric utility but owns or operates facilities to
11 generate electric power for sale to electric providers, this state,
12 or local units of government.

13 (i) "Local unit of government" means a county, township, city,
14 or village.

15 (j) "Maximum blade tip height" means the nominal hub height
16 plus the nominal blade length of a wind turbine, as listed in the
17 wind turbine specifications provided by the wind turbine
18 manufacturer. If not listed in the wind turbine specifications,
19 maximum blade tip height means the actual hub height plus the
20 actual blade length.

21 (k) "Nameplate capacity" means the designed full-load
22 sustained generating output of an energy facility. Nameplate
23 capacity shall be determined by reference to the sustained output
24 of an energy facility even if components of the energy facility are
25 located on different parcels, whether contiguous or noncontiguous.

26 (l) "Nonparticipating property" means a property that is
27 adjacent to a solar energy facility or wind energy facility and
28 that is not a participating property.

29 (m) "Occupied community building" means a school, place of

1 worship, day-care facility, public library, community center, or
2 other similar building that the applicant knows or reasonably
3 should know is used on a regular basis as a gathering place for
4 community members.

5 (n) "Participating property" means real property that either
6 is owned by an applicant or that is the subject of an agreement
7 that provides for the payment by an applicant to a landowner of
8 monetary compensation related to an energy facility regardless of
9 whether any part of that energy facility is constructed on the
10 property.

11 (o) "Person" means an individual, governmental entity
12 authorized by this state, political subdivision of this state,
13 business, proprietorship, firm, partnership, limited partnership,
14 limited liability partnership, co-partnership, joint venture,
15 syndicate, business trust, labor organization, company,
16 corporation, association, subchapter S corporation, limited
17 liability company, committee, receiver, estate, trust, or any other
18 legal entity or combination or group of persons acting jointly as a
19 unit.

20 (p) "Repowering", with respect to an energy facility, means
21 replacement of all or substantially all of the energy facility for
22 the purpose of extending its life. Repowering does not include
23 repairs related to the ongoing operations that do not increase the
24 capacity or energy output of the energy facility.

25 (q) "Solar energy facility" means a system that captures and
26 converts solar energy into electricity, for the purpose of sale or
27 for use in locations other than solely the solar energy facility
28 property. Solar energy facility includes, but is not limited to,
29 the following equipment and facilities to be constructed by an

1 electric provider or independent power producer: photovoltaic solar
2 panels; solar inverters; access roads; distribution, collection,
3 and feeder lines; wires and cables; conduit; footings; foundations;
4 towers; poles; crossarms; guy lines and anchors; substations;
5 interconnection or switching facilities; circuit breakers and
6 transformers; energy storage facilities; overhead and underground
7 control; communications and radio relay systems and
8 telecommunications equipment; utility lines and installations;
9 generation tie lines; substations; solar monitoring stations; and
10 accessory equipment and structures.

11 (r) "Wind energy facility" means a system that captures and
12 converts wind into electricity, for the purpose of sale or for use
13 in locations other than solely the wind energy facility property.
14 Wind energy facility includes, but is not limited to, the following
15 equipment and facilities to be constructed by an electric provider
16 or independent power producer: wind towers; wind turbines; access
17 roads; distribution, collection, and feeder lines; wires and
18 cables; conduit; footings; foundations; towers; poles; crossarms;
19 guy lines and anchors; substations; interconnection or switching
20 facilities; circuit breakers and transformers; energy storage
21 facilities; overhead and underground control; communications and
22 radio relay systems and telecommunications equipment; monitoring
23 and recording equipment and facilities; erosion control facilities;
24 utility lines and installations; generation tie lines; substations;
25 ancillary buildings; wind monitoring stations; and accessory
26 equipment and structures.

27 Sec. 222. (1) This part applies to all of the following:

28 (a) Any wind energy or solar energy facility with a nameplate
29 capacity of 100 megawatts or more.

1 (b) Any energy storage facility with a nameplate capacity of
2 100 megawatts or more and an energy discharge capability of 200
3 megawatt hours or more.

4 (2) Before beginning construction of an energy facility, an
5 electric provider or independent power producer may, pursuant to
6 this part, obtain a certificate for that energy facility from the
7 commission. To obtain a certificate for an energy facility, an
8 electric provider or IPP must comply with the requirements of
9 sections 223 and 224, and then submit to the commission an
10 application as described in section 225.

11 (3) If the commission has issued a certificate for an energy
12 facility, the electric provider or IPP may make minor changes, as
13 defined by the commission, to the site plan if the changes are
14 within the footprint of the previously approved site plan.

15 Sec. 223. (1) An electric provider or independent power
16 producer that proposes to obtain a certificate for and construct an
17 energy facility shall hold a public meeting in each affected local
18 unit. At least 30 days before a meeting, the electric provider or
19 IPP shall notify the clerk of the affected local unit in which a
20 public meeting will be held of the time, date, location, and
21 purpose of the meeting and provide a copy of the site plan as
22 described in section 224 or the address of an internet site where a
23 site plan for the energy facility is available for review. At least
24 14 days before the meeting, the electric provider or IPP shall
25 publish notice of the meeting in a newspaper of general circulation
26 in the affected local unit or in a comparable digital alternative.
27 The notice shall include a copy of the site plan or the address of
28 an internet site where the site plan is available for review. The
29 commission shall further prescribe the format and content of the

1 notice. For the purposes of this subsection, a public meeting held
2 in a township is considered to be held in each village located
3 within the township.

4 (2) At least 60 days before a public meeting held under
5 subsection (1), the electric provider or IPP planning to construct
6 an energy facility shall offer in writing to meet with the chief
7 elected official of each affected local unit, or the chief elected
8 official's designee, to discuss the site plan.

9 Sec. 224. (1) A site plan required under section 223 or 225
10 shall meet application filing requirements established by
11 commission rule or order to maintain consistency between
12 applications. The site plan shall include the following:

13 (a) The location and a description of the energy facility.

14 (b) A description of the anticipated effects of the energy
15 facility on the environment, natural resources, and solid waste
16 disposal capacity, which may include records of consultation with
17 relevant state, tribal, and federal agencies.

18 (c) Additional information required by commission rule or
19 order that directly relates to the site plan.

20 (2) When it submits a site plan required under section 223 or
21 225 to the commission, an electric provider or independent power
22 producer shall, for informational purposes, submit a copy to the
23 clerk of each affected local unit.

24 Sec. 225. (1) An application for a certificate submitted to
25 the commission under section 222(2) shall contain all of the
26 following:

27 (a) The complete name, address, and telephone number of the
28 applicant.

29 (b) The planned date for the start of construction and the

1 expected duration of construction.

2 (c) A description of the energy facility, including a site
3 plan as described in section 224.

4 (d) A description of the expected use of the energy facility.

5 (e) Expected public benefits of the proposed energy facility.

6 (f) The expected direct impacts of the proposed energy
7 facility on the environment and natural resources and how the
8 applicant intends to address and mitigate these impacts.

9 (g) Information on the effects of the proposed energy facility
10 on public health and safety.

11 (h) A description of the portion of the community where the
12 energy facility will be located.

13 (i) A statement and reasonable evidence that the proposed
14 energy facility will not commence commercial operation until it is
15 in compliance with applicable state and federal environmental laws.

16 (j) A summary of the community outreach and education efforts
17 undertaken by the electric provider or independent power producer,
18 including a description of the public meetings and meetings with
19 elected officials under section 223.

20 (k) Evidence of consultation, before submission of the
21 application, with the department of environment, Great Lakes, and
22 energy and other relevant state and federal agencies before
23 submitting the application, including, but not limited to, the
24 department of natural resources and the department of agriculture
25 and rural development.

26 (l) Interconnection queue information for the applicable
27 regional transmission organization.

28 (m) If the proposed site of the energy facility is undeveloped
29 land, a description of feasible alternative developed locations,

1 including, but not limited to, vacant industrial property and
2 brownfields, and an explanation of why they were not chosen.

3 (n) If the energy facility is reasonably expected to have an
4 impact on television signals, microwave signals, agricultural
5 global position systems, military defense radar, radio reception,
6 or weather and doppler radio, a plan to minimize and mitigate that
7 impact. Information in the plan concerning military defense radar
8 is exempt from disclosure under the freedom of information act,
9 1976 PA 442, MCL 15.231 to 15.246, and shall not be disclosed by
10 the commission or the electric provider or independent power
11 producer except pursuant to court order.

12 (o) If the energy facility is reasonably expected to have an
13 impact on drainage systems within or surrounding the energy
14 facility, a plan to minimize, mitigate, and repair that impact at
15 the expense of the electric provider or IPP.

16 (p) If the energy facility is or includes an energy storage
17 facility, an emergency response plan.

18 (q) A decommissioning plan that includes, but is not limited
19 to, financial assurance in the form of a bond, a parent company
20 guarantee, or an irrevocable letter of credit, but excluding cash.
21 The amount of the financial assurance shall not be less than the
22 estimated cost of decommissioning the energy facility, after
23 deducting salvage value, as calculated by a third party with
24 expertise in decommissioning, hired by the applicant. However, the
25 financial assurance may be posted in increments as follows:

26 (i) At least 25% by the start of full commercial operation.

27 (ii) At least 50% by the start of the fifth year of commercial
28 operation.

29 (iii) 100% by the start of the tenth year of commercial

1 operation.

2 (r) Other information reasonably required by the commission.

3 (2) Within 60 days after receipt of an application, the
4 commission shall determine whether the application is complete. If
5 the commission determines that the application is incomplete, the
6 commission shall advise the applicant in writing of the information
7 necessary to make the application complete. If the commission fails
8 to timely notify the applicant that an application is incomplete,
9 the application is considered to be complete.

10 Sec. 226. (1) When the commission determines under section 225
11 that an application is complete, the applicant shall make a 1-time
12 grant to each affected local unit for an amount determined by the
13 commission but not more than \$75,000.00 per affected local unit and
14 not more than \$150,000.00 in total. Each affected local unit shall
15 deposit the grant in a local intervenor compensation fund to be
16 used to cover costs associated with participation in the contested
17 case proceeding on the application for a certificate.

18 (2) Not more than 30 days after the commission determines
19 under section 225 that an application is complete, the applicant
20 shall send to the clerk of each affected local unit and publish
21 notice of an opportunity to comment on the application. The notice
22 shall be published in a newspaper of general circulation in each
23 affected local unit or a comparable digital alternative. The notice
24 shall be written in plain, nontechnical, and easily understood
25 terms and shall contain a title that includes the name of the
26 applicant and the words "NOTICE OF INTENT TO CONSTRUCT
27 _____ FACILITY", with the words "WIND ENERGY", "SOLAR
28 ENERGY", or "ENERGY STORAGE", as applicable, entered in the blank
29 space. The commission shall further prescribe the format and

1 contents of the notice.

2 (3) The commission shall conduct a proceeding on the
3 application for a certificate as a contested case under the
4 administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to
5 24.328. An affected local unit, participating property owner, or
6 nonparticipating property owner may intervene by right.

7 (4) The commission may assess reasonable application fees to
8 the applicant to cover the commission's administrative costs in
9 processing the application, including costs to consultants to
10 assist the commission in evaluating issues raised by the
11 application. The commission may retain consultants to assist the
12 commission in evaluating issues raised by the application and may
13 require the applicant to pay the cost of the services.

14 (5) The commission shall grant the application and issue a
15 certificate or deny the application not later than 1 year after a
16 complete application is filed.

17 (6) In evaluating the application, the commission shall
18 consider the impact of the proposed facility on local land use,
19 including the percentage of land within the local unit of
20 government dedicated to energy generation. The commission may
21 condition its grant of the application on the applicant taking
22 additional reasonable action related to the impacts of the proposed
23 energy facility, including, but not limited to, the following:

24 (a) Establishing and maintaining for the life of the facility
25 vegetative ground cover.

26 (b) Meeting or exceeding pollinator standards throughout the
27 lifetime of the facility, as established by the "Michigan
28 Pollinator Habitat Planning Scorecard for Solar Sites" developed by
29 the Michigan State University Department of Entomology in effect on

1 the enactment date of the amendatory act that added this section or
2 any applicable successor standards approved by the commission as
3 reasonable and consistent with the purposes of this subdivision.
4 Seed mix used to establish pollinator plantings shall not include
5 invasive species as identified by the Midwest Invasive Species
6 Information Network, led by researchers at the Michigan State
7 University Department of Entomology and supporting regional
8 partners.

9 (c) Providing for community improvements in the affected local
10 unit.

11 (7) The commission shall grant the application and issue a
12 certificate if it determines all of the following:

13 (a) The public benefits of the proposed energy facility
14 justify its construction. For the purposes of this subdivision,
15 public benefits include, but are not limited to, expected tax
16 revenue paid by the energy facility to local taxing districts,
17 payments to owners of participating property, community benefits
18 agreements, local job creation, and any contributions to meeting
19 identified energy, capacity, reliability, or resource adequacy
20 needs of this state. In determining any contributions to meeting
21 identified energy, capacity, reliability, or resource adequacy
22 needs of this state, the commission may consider approved
23 integrated resource plans under section 6t of 1939 PA 3, MCL
24 460.6t, renewable energy plans, annual electric provider capacity
25 demonstrations under section 6w of 1939 PA 3, MCL 460.6w, or other
26 proceedings before the commission, at the applicable regional
27 transmission organization, or before the Federal Energy Regulatory
28 Commission, as determined relevant by the commission.

29 (b) The applicant has considered and addressed impacts to the

1 environment and natural resources, including, but not limited to,
2 sensitive habitats and waterways, wetlands and floodplains,
3 wildlife corridors, parks, historic and cultural sites, and
4 threatened or endangered species.

5 (c) The applicant has met the conditions established in
6 section 227.

7 (d) The applicant has certified that the workers employed for
8 the construction of the energy facility will be paid at least the
9 prevailing wage in the local unit of government in which the
10 proposed energy facility is located.

11 (e) The applicant has certified that the applicant will enter
12 into and adhere to an agreement with 1 or more labor organizations
13 in regard to the construction of the energy facility.

14 (f) The proposed energy facility does not present an
15 unreasonable threat to public health or safety.

16 (8) An energy facility meets the requirements of subsection
17 (7)(f) if it will comply with the following standards, as
18 applicable:

19 (a) For a solar energy facility, all of the following:

20 (i) The following setback requirements:

<u>Setback Description</u>	<u>Setback Distance</u>
Occupied community buildings and dwellings on nonparticipating properties	150 feet from the nearest point on the outer wall
Public road right-of-way	50 feet measured from the nearest edge of a public road right-of-way
Nonparticipating parties	50 feet measured from the nearest shared property line

1 (ii) The solar energy facility is completely enclosed with
2 fencing in compliance with the latest version of the National
3 Electric Code as of the enactment date of the amendatory act that
4 added this section or any applicable successor standard approved by
5 the commission as reasonable and consistent with the purposes of
6 this subdivision.

7 (iii) Solar panel components do not exceed a maximum height of
8 25 feet above ground when the arrays are at full tilt.

9 (iv) The solar energy facility does not generate a maximum
10 sound in excess of 55 average hourly decibels as modeled at the
11 nearest outer wall of the nearest dwelling located on an adjacent
12 nonparticipating property. Decibel modeling shall use the A-
13 weighted scale as designed by the American National Standards
14 Institute.

15 (b) For a wind energy facility, all of the following:

16 (i) The following setback distances, measured from the center
17 of the base of the wind tower:

<u>Setback Description</u>	<u>Setback Distance</u>
Occupied community buildings and residences on nonparticipating properties	2.1 times the maximum blade tip height to the nearest point on the outside wall of the structure
Residences and other structures on participating properties	1.1 times the maximum blade tip height to the nearest point on the outside wall of the structure
Nonparticipating property lines	1.1 times the maximum blade tip height

1	Public road right-of-way	1.1 times the maximum blade tip
2		height to the center line of
3		the public road right-of-way
4	Overhead communication and	1.1 times the maximum blade tip
5	electric transmission, not	height to the center line of
6	including utility service lines	the easement containing the
7	to individual houses or	overhead line
8	outbuildings	

9 (ii) Each wind tower is sited such that any occupied community
10 building or nonparticipating residence will not experience more
11 than 30 hours per year of shadow flicker under planned operating
12 conditions as indicated by industry standard computer modeling.

13 (iii) Each wind tower blade tip does not exceed the height
14 allowed under a Determination of No Hazard to Air Navigation by the
15 Federal Aviation Administration under 14 CFR part 77.

16 (iv) The wind energy facility does not generate a maximum sound
17 in excess of 55 average hourly decibels as modeled at the nearest
18 outer wall of the nearest dwelling located on an adjacent
19 nonparticipating property. Decibel modeling shall use the A-
20 weighted scale as designed by the American National Standards
21 Institute.

22 (v) The wind energy facility meets any standards concerning
23 radar interference, lighting, or other relevant issues as
24 determined by the commission.

25 (c) For an energy storage facility, both of the following:

26 (i) The energy storage facility complies with the version of
27 NFPA 855 "Standard for the Installation of Stationary Energy
28 Storage Systems" in effect on the enactment date of the amendatory
29 act that added this section or any applicable successor standard

1 adopted by the commission as reasonable and consistent with the
2 purposes of this subdivision.

3 (ii) The energy storage facility does not generate a maximum
4 sound in excess of 55 average hourly decibels as modeled at the
5 nearest outer wall of the nearest dwelling located on an adjacent
6 nonparticipating property. Decibel modeling shall use the A-
7 weighted scale as designed by the American National Standards
8 Institute.

9 (9) The certificate shall identify the location of the energy
10 facility and its nameplate capacity.

11 (10) If construction of an energy facility is not commenced
12 within 5 years of the date that a certificate is issued, the
13 certificate is invalid, but the electric provider or IPP may seek a
14 new certificate for the proposed energy facility. The commission
15 may extend this timeline at the request of the applicant without
16 requiring a new contested case proceeding.

17 Sec. 227. The applicant for a certificate must enter into 1 or
18 more agreements with, or that benefit, 1 or more community-based
19 organizations. The agreements are legally binding and enforceable
20 if construction of the energy facility commences. The commission
21 shall enforce this requirement but not the actual agreements, which
22 are enforceable in a court of competent jurisdiction. The
23 agreements shall prioritize benefits to the community in which the
24 energy facility is to be located. The topics and specific terms of
25 the agreements may vary and may include, but are not limited to,
26 any of the following:

27 (a) Workforce development, job quality, and job access
28 provisions that include, but are not limited to, any of the
29 following:

1 (i) Terms of employment, such as wages and benefits, employment
2 status, workplace health and safety, scheduling, and career
3 advancement opportunities.

4 (ii) Worker recruitment, screening, and hiring strategies and
5 practices, targeted hiring planning and execution, investment in
6 workforce training and education, and worker input and
7 representation in decision making affecting employment and
8 training.

9 (b) Funding for or providing specific environmental benefits.

10 (c) Funding for or providing specific community improvements
11 or amenities, such as park and playground equipment, urban
12 greening, enhanced safety crossings, paving roads, and bike paths.

13 (d) Annual contributions to a nonprofit or community-based
14 organization that awards grants.

15 Sec. 228. (1) Except as otherwise provided in this part,
16 information obtained by the commission under this part is a public
17 record under the freedom of information act, 1976 PA 442, MCL
18 15.231 to 15.246.

19 (2) An applicant may designate information received from a
20 third party that the applicant submits to the commission in an
21 application for a certificate, or in other documents required by
22 the commission for the purposes of certification, as only for the
23 confidential use of the commission. The commission shall notify the
24 electric provider or IPP of a request for public records under
25 section 5 of the freedom of information act, 1976 PA 442, MCL
26 15.235, if the scope of the request includes information designated
27 as confidential. If the electric provider or IPP, within 10 days
28 after the receipt of the notice, demonstrates to the satisfaction
29 of the commission that the information designated as confidential

1 is a trade secret or secret process or is production, commercial,
2 or financial information the disclosure of which would jeopardize
3 the competitive position of the electric provider or IPP or the
4 person from whom the information was obtained, the commission shall
5 not grant the request for the information. If the commission
6 decides to grant a request, the commission shall not release the
7 information requested until 3 days have elapsed after notice of the
8 decision is provided to the electric provider or IPP.

9 (3) If any person uses information described in subsection (1)
10 to forecast electrical demand, the person shall structure the
11 forecast so the person to whom the information pertains is not
12 identified unless that person waives confidentiality.

13 (4) The commission shall issue orders necessary to protect the
14 information in an application for a certificate, or in other
15 documents required by the commission for the purposes of
16 certification, if the commission reasonably finds the information
17 to be confidential. Information that is confidential under a
18 protective order is exempted from disclosure under the freedom of
19 information act, 1976 PA 442, MCL 15.231 to 15.246.

20 Sec. 229. A commission order relating to a certificate or
21 other matter provided for under this part is subject to review in
22 the same manner as provided in section 6 of 1909 PA 300, MCL
23 462.26.

24 Sec. 230. (1) In administering this part, the commission has
25 only those powers and duties granted to the commission under this
26 part.

27 (2) The commission may consolidate proceedings under this part
28 with contract approval or other certificate of need cases relating
29 to the same energy facility.

1 (3) This part shall control in any conflict between this part
2 and any other law of this state. However, the electric transmission
3 line certification act, 1995 PA 30, MCL 460.561 to 460.575,
4 controls in any conflict with this part.

5 (4) Commission approval of a certificate does not confer the
6 power of eminent domain and is not a determination of public
7 convenience and necessity for the purposes of the power of eminent
8 domain.

9 Sec. 231. (1) A local ordinance shall not prohibit or regulate
10 testing activities undertaken by an electric provider or
11 independent power producer for purposes of determining the
12 suitability of a site for the placement of an energy facility.

13 (2) If a certificate is issued for an energy facility under
14 this part, a zoning ordinance or limitation imposed after the
15 electric provider or IPP submitted the application for the
16 certificate to the commission shall not be construed to limit or
17 impair the construction, operation, or maintenance of the energy
18 facility.

19 (3) If a certificate is issued, the certificate and this part
20 preempt a local policy, practice, regulation, rule, or other
21 ordinance that prohibits, regulates, or imposes additional or more
22 restrictive dimensional and use limitations or requirements on the
23 construction, operation, use, dimensions, replacement, or
24 maintenance of an energy facility.

25 (4) Except as provided in this section, this part does not
26 exempt an electric provider or IPP to whom a certificate is issued
27 from obtaining any other permit, license, or permission to engage
28 in the construction or operation of an energy facility that is
29 required by any other law of this state, any rule promulgated under

1 **a law of this state, or a local ordinance.**

2 Enacting section 1. This amendatory act takes effect 1 year
3 after the date it is enacted into law.

4 Enacting section 2. This amendatory act does not take effect
5 unless Senate Bill No. _____ or House Bill No. 5121 (request no.
6 04021'23 a) of the 102nd Legislature is enacted into law.