

1 SENATE BILL 413

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Harold Pope

5
6
7
8
9
10 AN ACT

11 RELATING TO CONSTRUCTION; REQUIRING PROJECT OWNERS OF PROJECTS
12 CONSTRUCTING OR EXPANDING A WIND ENERGY CONVERSION DEVICE OR
13 SOLAR COLLECTOR TO NOTIFY THE CHAIR OF THE MILITARY BASE
14 PLANNING COMMISSION OF AN APPLICATION TO THE FEDERAL MILITARY
15 AVIATION AND INSTALLATION ASSURANCE SITING CLEARINGHOUSE AND TO
16 PROVIDE A COPY OF THE CLEARINGHOUSE'S APPROVAL OR FINDING OF
17 ADVERSE IMPACT; REQUIRING A PROJECT OWNER WHO DOES NOT OBTAIN
18 APPROVAL FROM THE MILITARY AVIATION AND INSTALLATION ASSURANCE
19 SITING CLEARINGHOUSE TO CEASE CONSTRUCTION OR EXPANSION AND
20 REMOVE ALL PROJECT COMPONENTS AND EQUIPMENT AND ALLOWING THE
21 STATE TO REMOVE PROJECT COMPONENTS AND EQUIPMENT IF NOT REMOVED
22 WITHIN THIRTY DAYS.

23
24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

25 SECTION 1. [NEW MATERIAL] NOTIFICATION TO MILITARY BASE

.223988.2

underscoring material = new
[bracketed material] = delete

underscoring material = new
~~[bracketed material] = delete~~

1 PLANNING COMMISSION--FAILURE AND REMOVAL.--

2 A. As used in this section:

3 (1) "planning commission" means the military
4 base planning commission; and

5 (2) "renewable project" means construction or
6 expansion of a wind energy conversion device or solar
7 collector.

8 B. A project owner of a renewable project that
9 requires the submission of federal aviation administration form
10 7460-1 to the federal military aviation and installation
11 assurance siting clearinghouse shall:

12 (1) within ten days of submission, notify the
13 chair of the planning commission in writing of the submission
14 and the basic project details, including its location; and

15 (2) within ten days of obtaining approval or a
16 finding of adverse impact by the military aviation and
17 installation assurance siting clearinghouse, provide a copy of
18 the approval or finding to the chair of the planning
19 commission.

20 C. A project owner who begins a project without
21 first obtaining approval by the military aviation and
22 installation assurance siting clearinghouse shall immediately
23 cease construction and, within thirty days, either obtain
24 approval or remove all project components and equipment at the
25 owner's expense. If after thirty days the owner fails to

.223988.2

underscoring material = new
~~[bracketed material] = delete~~

1 remove the project components and equipment, the state is
2 entitled to remove the property and to recover all costs
3 incurred, including legal fees by judgment against the owner,
4 and the state shall not be liable for damage to the project
5 components or equipment.

6 SECTION 2. APPLICABILITY.--The provisions of this act
7 apply to construction or expansion of a wind energy conversion
8 device or solar collector that commences on or after January 1,
9 2024.