Senate Engrossed House Bill

FILED
JANICE K. BREWER
SECRETARY OF STATE

State of Arizona
House of Representatives
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 137

HOUSE BILL 2134

AN ACT

AMENDING TITLE 49, ARIZONA REVISED STATUTES, BY ADDING CHAPTER 9; RELATING TO NATURAL GAS STORAGE FACILITIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

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

Section 1. Title 49, Arizona Revised Statutes, is amended by adding chapter 9, to read:

CHAPTER 9

NATURAL GAS STORAGE FACILITIES

ARTICLE 1. GENERAL PROVISIONS

49-1301. Definition

IN THIS CHAPTER, UNLESS THE CONTEXT OTHERWISE REQUIRES, "NATURAL GAS STORAGE FACILITY" MEANS A FACILITY THAT IS EITHER UNDERGROUND OR ABOVE GROUND WITH A CAPACITY OF AT LEAST FIVE HUNDRED THOUSAND CUBIC FEET AND THAT IS USED PRIMARILY FOR THE STORAGE OF NATURAL GAS, EXCLUDING LIQUEFIED NATURAL GAS.

49-1302. Natural gas storage facilities; limitation

A NATURAL GAS STORAGE FACILITY SHALL NOT BE LOCATED WITHIN A COUNTY WITH A POPULATION OF MORE THAN ONE MILLION FIVE HUNDRED THOUSAND PERSONS, IF THE FACILITY IS LOCATED WITHIN NINE MILES OF AN ACTIVE DUTY MILITARY AIR FORCE BASE THAT HAS PILOT TRAINING AS ITS PRIMARY MISSION.

49-1303. Exemption of political subdivisions

THE PROVISIONS OF THIS CHAPTER ARE CUMULATIVE AND SUPPLEMENTAL AND DO NOT APPLY TO A POLITICAL SUBDIVISION THAT BY ORDINANCE OR RESOLUTION HAS ADOPTED PROVISIONS RESTRICTING NATURAL GAS STORAGE FACILITIES THAT ARE AT LEAST AS STRINGENT AS THE RESTRICTIONS IN THIS CHAPTER.

Sec. 2. Findings

The legislature finds that a natural gas storage facility shall not be located within a county with a population of more than one million five hundred thousand persons if the facility is located within nine miles of an active duty military air force base that has pilot training as its primary mission. The legislature also finds that these facilities are presumptively primarily used for activities that are subject to state regulation as provided by 49 United States Code 60104c given the dramatic increase in the number of electrical generating facilities, alternative fuel uses and the population of Arizona.

The legislature further finds that the operation of Luke Air Force Base is essential to the preparation of pilots for the national defense of our country. It is one of the few, if only, sites in the United States where geography, weather, training mission and accessible bombing ranges provide the best possible training for advanced tactical fighter training. The legislature also finds that a great deal of the economy in central Arizona is built upon, and dependent upon, Luke Air Force Base. The legislature finds that the economy would suffer a significant loss if the missions at Luke Air Force Base were terminated.

The legislature additionally finds that the continental base evaluation process under the federal government will look to the protective provisions made to protect military bases. Finally, the legislature finds that in the view of security concerns and safety concerns, a buffer must be established

around the perimeter of Luke Air Force Base from certain activities in order to preserve the integrity of the base.

Therefore, the legislature declares that it is essential that certain industrial activities including the storage of high volumes of natural gas be separated from the boundary of Luke Air Force Base in order to remove the terrorist threat and to remove any threat relating to safety. The proposed buffer zone was established through discussions with Luke Air Force Base.

The legislature further declares that the restrictions contained in this legislation are meant to apply only to Luke Air Force Base because of the unique circumstances that exist at Luke Air Force Base and are not intended to apply to other locations in Arizona.

Sec. 3. Emergency

This act is an emergency measure that is necessary to preserve the public peace, health or safety and is operative immediately as provided by law.

APPROVED BY THE GOVERNOR APRIL 23, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 23, 2004.