

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
95th General Assembly
Regular Session, 2025

A Bill

HOUSE BILL 1198

By: Representative J. Moore

By: Senator J. Dismang

For An Act To Be Entitled

AN ACT TO PROHIBIT CERTAIN HEIGHTS OF WIND POWER
DEVICES FOR WATERFOWL CONSERVATION IN THIS STATE; TO
DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.

Subtitle

TO PROHIBIT CERTAIN HEIGHTS OF WIND
POWER DEVICES FOR WATERFOWL CONSERVATION
IN THIS STATE; AND TO DECLARE AN
EMERGENCY.

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

SECTION 1. Arkansas Code Title 15, Chapter 45, Subchapter 1, is amended to add an additional section to read as follows:

15-45-102. Wind power device height prohibition for waterfowl conservation – Legislative findings – Definitions.

(a) The General Assembly finds that:

(1) Wind energy from wind farms and wind turbines is becoming an increasingly large source of energy production throughout the nation;

(2) However, wind energy can have effects on wildlife and the environment with birds, especially migratory birds like waterfowl, being at a high risk of being impacted by wind power devices through collisions, disorientation, and interference with seasonal migration;

(3) One way to minimize the impacts of wind energy on birds is to keep wind power devices away from large concentrations of birds;

(4) The waterfowl populations in Arkansas have been declining in recent years and may be greatly impacted by increased wind power devices in



the state; and

(5) However, waterfowl populations could recover with continued conservation efforts such as restricting wind power devices of a certain height from certain areas.

(b) As used in this section:

(1) "Bird band" means a federal bird band, auxiliary marker, or color marker that is:

(A) Placed on a bird's leg;

(B) Used to study and identify individual birds; and

(C) Reported to the United States Geological Survey if the bird is found or killed; and

(2) "Wind power device" means a device, including a windmill, wind farm, or wind turbine, that is designed to use the kinetic energy of moving air to provide mechanical energy or to produce electricity.

(c) On and after the effective date of this section, a wind power device is prohibited from exceeding one hundred fifty feet (150 ft.) in height if the wind power device is located within an area that is one hundred square miles (100 sq. mi.) in which eleven (11) or more bird bands have been collected in the previous ten (10) years.

(d) This section shall not apply to a wind farm or wind power device if the wind farm or wind power device is under construction or is in operation before January 1, 2025.

SECTION 2. EMERGENCY CLAUSE. It is found and determined by the General Assembly of the State of Arkansas that wind energy can have detrimental effects on wildlife and the environment with birds being at a greater risk of being impacted by wind power devices; that waterfowl populations in this state are declining and immediate conservation is needed to ensure that the waterfowl populations increase; and that this act is immediately necessary to ensure conservation of waterfowl populations in this state as preserving waterfowl populations contributes to the economy of this state through tourism and hunting activities which directly impacts the citizens of this state. Therefore, an emergency is declared to exist, and this act being immediately necessary for the preservation of the public peace, health, and safety shall become effective on:

(1) The date of its approval by the Governor;

(2) If the bill is neither approved nor vetoed by the Governor, the expiration of the period of time during which the Governor may veto the bill; or

(3) If the bill is vetoed by the Governor and the veto is overridden, the date the last house overrides the veto.