

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

HOUSE BILL 1198

5 By: Representative J. Moore
6 By: Senator J. Dismang
7

For An Act To Be Entitled

9 AN ACT TO PROHIBIT CERTAIN HEIGHTS OF WIND POWER
10 DEVICES FOR WATERFOWL CONSERVATION IN THIS STATE; TO
11 DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES.
12
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Subtitle

14 TO PROHIBIT CERTAIN HEIGHTS OF WIND
15 POWER DEVICES FOR WATERFOWL CONSERVATION
16 IN THIS STATE; AND TO DECLARE AN
17 EMERGENCY.
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20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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22 SECTION 1. Arkansas Code Title 15, Chapter 45, Subchapter 1, is
23 amended to add an additional section to read as follows:

24 15-45-102. Wind power device height prohibition for waterfowl
25 conservation – Legislative findings – Definitions.

26 (a) The General Assembly finds that:

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

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

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

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



1 the state; and

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

5 (b) As used in this section:

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

8 (A) Placed on a bird's leg;

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

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

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

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

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

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

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

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

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

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