

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

FLOOR AMENDMENT

No. _____

COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 355, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Pederson

Pederson-CB-FS-Req#2017
3/13/2019 11:08 AM

(Floor Amendments Only) Date and Time Filed: _____

Untimely

Amendment Cycle Extended

Secondary Amendment

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 FLOOR SUBSTITUTE
4 FOR

5 SENATE BILL NO. 355

6 By: Pederson

7 FLOOR SUBSTITUTE

8 [Corporation Commission - wind energy facilities -
9 private - use airport - effective date]

10
11 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

12 SECTION 1. AMENDATORY Section 2, Chapter 92, O.S.L.
13 2015, as last amended by Section 1, Chapter 179, O.S.L. 2018 (17
14 O.S. Supp. 2018, Section 160.20), is amended to read as follows:

15 Section 160.20. A. After August 21, 2015, no wind energy
16 facility may be constructed if the base of any tower is located at a
17 distance of less than:

18 1. One and one-half (1 1/2) nautical miles from the center line
19 of any runway located on:

20 a. a public-use airport as defined in Section 120.2 of
21 Title 3 of the Oklahoma Statutes, ~~or~~

22 b. a private-use airport as defined in Section 157.2 of
23 Title 14 of the Code of Federal Regulations which,

1 prior to April 17, 2015, met the following four (4)
2 requirements:

3 (1) was depicted as an airfield or airport on a
4 Federal Aviation Administration sectional
5 navigation chart,

6 (2) was identified in the FAA National Aviation
7 Systems Resources dataset,

8 (3) had an aircraft registered either at the airstrip
9 location or had an aircraft registered to the
10 airport owner or manager, and

11 (4) usage criteria of at least twenty-four (24)
12 flights per calendar year, or

13 c. an airport owned by a municipality;

14 2. One and one-half (1 1/2) nautical miles from any public
15 school which is a part of a public school district; or

16 3. One and one-half (1 1/2) nautical miles from a hospital.

17 B. Attestation of compliance with the setback requirements in
18 this section shall be included in any reports required by the
19 Corporation Commission. Disputes arising under this section shall
20 fall under the exclusive jurisdiction of the district courts.

21 C. After ~~the effective date of this act~~ May 2, 2018,
22 construction or operation of a proposed wind energy facility or
23 proposed wind energy facility expansion shall not encroach upon or
24 otherwise have a significant adverse impact on the mission, training

1 or operations of any military installation or branch of military as
2 determined by the Military Aviation and Installation Assurance
3 Siting Clearinghouse and the Federal Aviation Administration. Areas
4 of impact include but are not limited to military training routes,
5 drop zones, approaches to runways and bombing ranges. No wind
6 energy facility may be constructed or expanded unless an active
7 Determination of No Hazard from the Federal Aviation Administration
8 or an approved mitigation plan is obtained from the Military
9 Aviation and Installation Assurance Siting Clearinghouse.

10 1. The Determination of No Hazard or mitigation plan shall be
11 submitted to the Corporation Commission.

12 2. The requirements established by this subsection shall not
13 prohibit a wind energy facility construction or wind energy facility
14 expansion if those facilities or facility expansions obtain a
15 written Determination of No Hazard or mitigation plan on or before
16 ~~the effective date of this act~~ May 2, 2018.

17 3. The Corporation Commission shall promulgate rules and
18 regulations for the implementation of the provisions of this
19 section.

20 SECTION 2. This act shall become effective November 1, 2019.

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22 57-1-2017 CB 3/13/2019 11:08:08 AM

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