

1 **SENATE FLOOR VERSION**

2 February 21, 2019

3 **AS AMENDED**

4 SENATE BILL NO. 355

5 By: Pederson

6  
7 **[ Corporation Commission - wind energy facilities -**  
8 **private-use airport - effective date ]**  
9

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

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

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

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

- 19 a. a public-use airport as defined in Section 120.2 of  
20 Title 3 of the Oklahoma Statutes, or a private-use  
21 airport as defined in Section 157.2 of Title 14 of the  
22 Code of Federal Regulations and which was depicted as  
23 an airfield or airport on a Federal Aviation  
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1                   Administration sectional navigation chart prior to  
2                   April 17, 2015, or

3           b.     an airport owned by a municipality;

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

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

7           B.     Attestation of compliance with the setback requirements in  
8 this section shall be included in any reports required by the  
9 Corporation Commission. Disputes arising under this section shall  
10 fall under the exclusive jurisdiction of the district courts.

11           C.     After ~~the effective date of this act~~ May 2, 2018,  
12 construction or operation of a proposed wind energy facility or  
13 proposed wind energy facility expansion shall not encroach upon or  
14 otherwise have a significant adverse impact on the mission, training  
15 or operations of any military installation or branch of military as  
16 determined by the Military Aviation and Installation Assurance  
17 Siting Clearinghouse and the Federal Aviation Administration. Areas  
18 of impact include but are not limited to military training routes,  
19 drop zones, approaches to runways and bombing ranges. No wind  
20 energy facility may be constructed or expanded unless an active  
21 Determination of No Hazard from the Federal Aviation Administration  
22 or an approved mitigation plan is obtained from the Military  
23 Aviation and Installation Assurance Siting Clearinghouse.

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

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

8           3. The Corporation Commission shall promulgate rules and  
9 regulations for the implementation of the provisions of this  
10 section.

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

12 COMMITTEE REPORT BY: COMMITTEE ON ENERGY  
13 February 21, 2019 - DO PASS AS AMENDED  
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