

An Act

ENROLLED HOUSE
BILL NO. 3348

By: Armes, McPeak, Sherrer and
Hoskin of the House

and

Wyrick of the Senate

An Act relating to wind energy; defining terms; requiring the Aeronautics Commission to promulgate rules regulating the appearance of anemometer towers in certain locations; requiring the Commission to establish and maintain a database; requiring the Commission to promulgate rules to gather information on anemometer towers; authorizing the Commission to promulgate rules; prohibiting violations of the act; providing for codification; and providing an effective date.

SUBJECT: Anemometer towers

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 121 of Title 3, unless there is created a duplication in numbering, reads as follows:

A. For purposes of this section:

1. "Anemometer" means an instrument for measuring and recording wind speed;

2. "Anemometer tower" means a structure, including all guy wires and accessory facilities, on which an anemometer is mounted, that is fifty (50) feet in height above the ground or higher, is not

located within the boundaries of a municipality, and whose appearance is not otherwise regulated by state or federal law; and

3. "Commission" means the Oklahoma Aeronautics Commission.

B. In addition to any zoning requirements of the Airport Zoning Act or the Aircraft Pilot and Passenger Protection Act, the Commission shall promulgate rules regulating the appearance of anemometer towers to ensure that anemometer towers are clearly recognizable in clear air during daylight hours according to the following guidelines:

1. The Commission shall consider the best method for making anemometer towers visible, including but not limited to painting, flagging, or marking the towers and guy wires; and

2. Any rule promulgated pursuant to this section may apply immediately, upon adoption, to anemometer towers constructed after the date of adoption; however, anemometer towers constructed prior to the date of adoption of the rule shall be exempt from the rule for one (1) year from the date of adoption.

C. The Commission shall establish and maintain a database containing the location of all anemometer towers by November 1, 2015. The Commission may contract with a governmental entity or private entity to create and maintain the database.

D. The Commission shall promulgate rules requiring an owner of an anemometer tower to provide the Commission with information specifying the location and height of the tower, and any other information the Commission may require to ensure aviation safety.

E. The Commission shall promulgate rules requiring any person proposing to construct an anemometer tower to notify the Commission of such proposal. The Commission shall require the owner of the proposed tower to provide the Commission with information specifying the location and height of the tower, and any other information the Commission may require to ensure aviation safety.

F. The Commission shall promulgate rules by requiring the owner of an anemometer tower to notify the Commission upon removal or destruction of an anemometer tower.

G. The Commission shall have the authority to promulgate rules and implement administrative penalties to enforce the provisions of this act.

H. Violations of this act are prohibited.

SECTION 2. This act shall become effective November 1, 2014.

Passed the House of Representatives the 20th day of May, 2014.

Presiding Officer of the House
of Representatives

Passed the Senate the 15th day of May, 2014.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____