

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 SENATE BILL 1415

By: Marlatt

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6 AS INTRODUCED

7 An Act relating to wind energy facilities; creating
8 the Landowner Protection Act of 2016; providing short
9 title; requiring the Corporation Commission to
10 implement on certain date a system for landowners to
11 petition to prevent construction of wind energy
12 facilities; authorizing Commission to determine
13 certain standards; prohibiting requirement for legal
14 counsel; authorizing Commission to issue order upon
15 certain determination; providing for appeal of
16 decision; providing for codification; and declaring
17 an emergency.

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

19 SECTION 1. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 160.30 of Title 17, unless there
21 is created a duplication in numbering, reads as follows:

22 A. This act shall be known and may be cited as the Landowner
23 Protection Act of 2016.

24 B. On January 1, 2017, the Corporation Commission shall
implement a system whereby landowners in this state may petition the
Commission to issue an order to prevent construction of a potential
wind energy facility if the landowner is concerned the potential

1 location of a wind energy facility will negatively affect the
2 landowner's property.

3 C. The Commission shall set reasonable standards, as they deem
4 appropriate, determining the distance surrounding potential wind
5 energy facility locations that may be negatively affected if such
6 facilities were constructed. Such standards may be more stringent
7 than the setback requirements located in subsection A of Section
8 160.20 of Title 17 of the Oklahoma Statutes depending on the
9 property type, nearby residents or any other mitigating factor. Any
10 landowner, not already covered under the provisions of Section
11 160.20 of Title 17 of the Oklahoma Statutes, may petition the
12 Commission for a hearing pursuant to the provisions of this act if
13 their property falls within the standards set by the Commission
14 pursuant to this subsection.

15 D. The Commission shall ensure landowners may petition the
16 Commission without assistance from legal counsel and endeavor to
17 make the process easily accessible to the public.

18 E. If, based on objective standards as set by the Commission
19 pursuant to subsection C of this section and the landowner has
20 petitioned the Commission for such hearing during the notification
21 period as required in Section 160.20 of Title 17 of the Oklahoma
22 Statutes prior to the commencement of construction, the Commission
23 determines in favor of a petitioning landowner, an order shall be
24 issued prohibiting the wind energy facility developer from utilizing

1 the affected site. Any party not satisfied with an order issued by
2 the Commission pursuant to this act, may appeal such order in the
3 district court in which the affected property is located or utilize
4 any other remedy allowed by law.

5 F. The landowner petition process authorized by this act shall
6 not affect any wind energy facility in operation or which has
7 commenced construction in accordance with the notification
8 requirements in Section 160.21 of Title 17 of the Oklahoma Statutes
9 prior to January 1, 2017.

10 G. The Commission is authorized to promulgate rules as
11 necessary to implement the provisions of this act.

12 SECTION 2. It being immediately necessary for the preservation
13 of the public peace, health and safety, an emergency is hereby
14 declared to exist, by reason whereof this act shall take effect and
15 be in full force from and after its passage and approval.

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