

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 54th Legislature (2014)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 1195

By: Wyrick, Justice and Marlatt
of the Senate

and

Cox and Armes of the House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to anemometer towers; defining terms;
12 requiring certain markings for anemometer towers in
13 certain locations; stating effective dates for
14 markings; specifying certain markings for anemometer
15 towers, guy wires and facilities; directing the
16 Oklahoma Aeronautics Commission to establish a
17 database of anemometer towers; requiring owners of
18 anemometer towers to provide certain information to
19 the Commission; authorizing the Commission to enforce
20 law and promulgate rules; stating penalties for
21 violations; providing for codification; and providing
22 an effective date.

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

24 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 1. "Anemometer" means an instrument for measuring and recording
2 the speed of wind;

3 2. "Anemometer tower" means a structure, including all guy
4 wires and accessory facilities, on which an anemometer is mounted;
5 and

6 3. "Commission" means the Oklahoma Aeronautics Commission as
7 created in Section 84 of Title 3 of the Oklahoma Statutes.

8 B. In addition to any zoning requirements of the Airport Zoning
9 Act or the Aircraft Pilot and Passenger Protection Act, any
10 anemometer tower that is fifty (50) feet in height above the ground
11 or higher, that is located outside the exterior boundaries of any
12 municipality, and whose appearance is not otherwise mandated by
13 state or federal law shall be marked, painted, flagged, or otherwise
14 constructed to be recognizable in clear air during daylight hours.

15 C. Any anemometer tower erected before the effective date of
16 this act shall be marked as required in this section within one (1)
17 year following the effective date of this act. Any anemometer tower
18 erected on or after the effective date of this act shall be marked
19 as required in this section at the time it is erected.

20 D. Marking as required by this section shall include marking
21 the anemometer tower, guy wires, and accessory facilities as
22 follows:

23 1. The entire anemometer tower shall be painted in seven equal,
24 alternating bands of aviation orange and white, beginning with

1 orange at the top of the tower and with orange at the bottom of the
2 tower;

3 2. Two marker balls shall be attached to and evenly spaced on
4 each of the outside guy wires; and

5 3. One seven-foot safety sleeve shall be placed at each anchor
6 point and shall extend from the anchor point along each guy wire
7 attached to the anchor point with a second sleeve attached to the
8 outer guy wire.

9 E. 1. By November 1, 2015, the Oklahoma Aeronautics Commission
10 shall establish and maintain a database that contains the locations
11 of all existing anemometer towers in the state. The Commission may
12 contract with a governmental or private entity to create and
13 maintain the database.

14 2. Within sixty (60) days after the effective date of this act,
15 an owner of any existing anemometer tower erected in the state shall
16 provide the Commission with information that specifies the owner,
17 location and height of the tower and any other information that the
18 Commission finds necessary for aviation safety.

19 3. At least ten (10) days before the erection of an anemometer
20 tower, an owner of the tower shall provide the Commission with
21 information that specifies the owner, location and height of the
22 tower and any other information that the Commission finds necessary
23 for aviation safety.

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1 4. An owner of an anemometer tower shall notify the Commission
2 within ten (10) days after the removal of the tower.

3 F. The Commission shall have the authority to enforce the
4 provisions of this section and to promulgate any rules necessary to
5 implement the provisions of this section.

6 G. Violations of this section shall constitute a misdemeanor
7 punishable by a fine of One Hundred Dollars (\$100.00) per day, per
8 separate offense. Subsequent violations of this act shall be
9 punishable by a minimum fine of One Thousand Dollars (\$1,000.00) not
10 to exceed Five Thousand Dollars (\$5,000.00) per day, per separate
11 offense.

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

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14 COMMITTEE REPORT BY: COMMITTEE ON ENERGY AND AEROSPACE, dated
15 03/27/2014 - DO PASS, As Amended and Coauthored.

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