

1 **SENATE FLOOR VERSION**

2 March 17, 2014

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 3348

By: Wyrick of the Senate

and

6 Armes, McPeak, Sherrer and
7 Hoskin of the House

8
9 An Act relating to anemometer towers; defining terms;
10 requiring certain markings for anemometer towers in
11 certain locations; stating effective dates; requiring
12 certain markings for towers, guy wires and
13 facilities; stating penalties for violations;
14 providing for codification; and providing an
15 effective date.

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

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

20 A. For purposes of this act, the term "anemometer" means an
21 instrument for measuring and recording the speed of wind. The term
22 "anemometer tower" means a structure, including all guy wires and
23 accessory facilities, on which an anemometer is mounted. The term
24 "Commission" means the Oklahoma Aeronautics Commission.

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

8 C. Any anemometer tower erected before the effective date of
9 this act shall be marked as required herein within one year
10 following the effective date of this act. Any anemometer tower
11 erected on or after the effective date of this act shall be marked
12 as required herein at the time it is erected.

13 D. Marking as required by this act shall include marking the
14 anemometer tower, guy wires, and accessory facilities as follows:

15 1. The entire anemometer tower shall be painted in seven equal,
16 alternating bands of aviation orange and white, beginning with
17 orange at the top of the tower and with orange at the bottom of the
18 tower;

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

21 3. One seven-foot safety sleeve shall be placed at each anchor
22 point and shall extend from the anchor point along each guy wire
23 attached to the anchor point, with a second sleeve attached to the
24 outer guy wire.

1 E. The Commission shall establish and maintain a database that
2 contains locations of all existing anemometer towers by November 1,
3 2015. The Commission may contract with a governmental entity or a
4 private entity to create and maintain the database.

5 1. Within sixty days after the effective date of this act, an
6 owner of any anemometer tower erected in the state shall provide the
7 Commission with information that specifies the owner and the tower's
8 location, height, and other information that the Commission finds
9 necessary for aviation safety.

10 2. At least ten days before the erection of an anemometer
11 tower, an owner of the tower shall provide the Commission with
12 information that specifies the owner and the tower's location,
13 height, and other information that the Commission finds necessary
14 for aviation safety.

15 3. Within ten days after the removal of an anemometer tower, an
16 owner of the tower shall notify the Commission.

17 F. Violations of this act shall constitute a misdemeanor
18 punishable by a fine of One Hundred Dollars (\$100.00) per day, per
19 separate offense. Subsequent violations of this act shall be
20 punishable by a minimum fine of One Thousand Dollars (\$1,000.00) not
21 to exceed Five Thousand Dollars (\$5,000.00) per day, per separate
22 offense.

23 G. The Commission may enforce this act and may promulgate any
24 rules necessary to implement the provisions of this act.

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

COMMITTEE REPORT BY: COMMITTEE ON AGRICULTURE AND RURAL DEVELOPMENT
March 17, 2014 - DO PASS AS AMENDED