

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 1489

By: McBride

COMMITTEE SUBSTITUTE

An Act relating to wind energy; amending Section 2, Chapter 92, O.S.L. 2015 (17 O.S. Supp. 2016, Section 160.20), which relates to the Oklahoma Wind Energy Development Act; modifying provisions related to certain setback requirements; requiring filing of notice; prescribing time periods with respect to private-use airports; providing exception to jurisdiction of district courts with respect to certain disputes; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 2, Chapter 92, O.S.L. 2015 (17 O.S. Supp. 2016, Section 160.20), is amended to read as follows:

Section 160.20 A. After the effective date of this act, no wind energy facility may be constructed if the base of any tower is located at a distance of less than:

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

1 a. a public-use airport as defined in Section 120.2 of
2 Title 3 of the Oklahoma Statutes,

3 b. a private-use airport as defined in Section 157.2 of
4 Title 14 of the Code of Federal Regulations and for
5 which~~+~~

6 ~~(1)~~ a notice to the Federal Aviation Administration
7 (FAA) has been filed under Section 157.3 of Title
8 14 of the Code of Federal Regulations prior to
9 the notification of intent to build a facility
10 with the Corporation Commission pursuant to
11 subsection A of Section ~~3~~ 160.21 of this ~~act,~~ and

12 ~~(2)~~ ~~an airport determination has been issued by the~~
13 ~~FAA with a determination of no objection or a~~
14 ~~conditional determination or the airport~~
15 ~~determination remains pending~~ title. The notice
16 filed with the FAA must be simultaneously filed
17 with the Public Utility Division of the
18 Corporation Commission. If this notice is not
19 filed with the Corporation Commission in the
20 manner prescribed by Commission rules, the
21 setback provisions of this section shall not
22 apply to that airport. The Director of the
23 Public Utility Division of the Corporation
24

1 Commission shall make the initial determination

2 as to which of these notices was filed first, or

3 c. 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. A private-use airport owner shall have a period of twenty-
8 four (24) months from filing the notice with the FAA, or twelve (12)
9 months from the date the FAA issues an airport determination of no
10 objection, or a conditional determination, whichever is earlier, to
11 construct the airport, submit a completed 5010-5 form to the FAA and
12 receive an official airport location identifier. If the private-use
13 airport has not been activated in the official FAA database within
14 one of the time periods prescribed by this subsection, the setback
15 provisions of this section shall no longer apply to that airport.

16 C. Attestation of compliance with the setback requirements in
17 this section shall be included in any reports required by the
18 Corporation Commission. Disputes arising under this section, other
19 than the initial determination of which notice was filed first with
20 the Corporation Commission pursuant to subparagraph b of paragraph 1
21 of subsection A of this section, shall fall under the exclusive
22 jurisdiction of the district courts.

23 SECTION 2. It being immediately necessary for the preservation
24 of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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4 56-1-7209 SD 03/01/17

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