

**FLOOR AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB477  
Page 9-13 Section 4-5 Lines 14  
Of the printed Bill  
Of the Engrossed Bill

By deleting sections 4 and 5 in their entirety and inserting new sections 4, 5, 6 and 7 to read as follows:

[INSERT ATTACHED];

And by renumbering the subsequent section

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Charles Ortega

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 "SECTION 4. AMENDATORY 3 O.S. 2011, Section 120.5, is  
2 amended to read as follows:

3 Section 120.5 A. Any structure or alteration to a structure is  
4 presumed to be a hazard to air navigation if its total structure  
5 height is greater than the horizontal, conical or approach surfaces,  
6 as defined in Section 2 of the Aircraft Pilot and Passenger  
7 Protection Act.

8 B. Any structure or alteration to a structure is presumed to be  
9 a hazard to air navigation if its total structure height is greater  
10 than two hundred (200) feet above ground level underneath a military  
11 training route, fifty (50) feet above ground level within a military  
12 drop area or one hundred fifty (150) feet above the established  
13 airport elevation underneath a military traffic pattern.

14 SECTION 5. AMENDATORY 3 O.S. 2011, Section 120.6, is  
15 amended to read as follows:

16 Section 120.6 Applications to the Commission for a permit in  
17 accordance with the provisions of the Aircraft Pilot and Passenger  
18 Protection Act for construction near a public-use airport, or  
19 military training route, drop area or traffic pattern shall include  
20 the following:

21 1. For construction in a primary surface or runway protection  
22 zone, under paragraph 1 of subsection A of Section 3 of this act:

- 23 a. a completed application on a form prescribed by the  
24 Commission with the following statement on the

1 application, signed by a legal representative of the  
2 applicant:

3 "The applicant acknowledges for itself, its heirs, its  
4 successors, and its assigns, that the real estate  
5 described in this application is located in the  
6 primary surface or the runway protection zone of a  
7 public-use airport, and that the applicant is building  
8 a structure upon this real estate, with the full  
9 knowledge and acceptance that it may be incompatible  
10 with normal airport operations including the landing  
11 and takeoff of aircraft.", and

- 12 b. if required, a copy of the FAA Form 7460-1, "Notice of  
13 Proposed Construction or Alteration", as described in  
14 14 CFR part 77, sub-part B, Section 17, to be  
15 submitted to the FAA; ~~and~~

16 2. For construction or alteration of a structure in a  
17 horizontal, conical, or approach surface under paragraph 2 or 3 of  
18 subsection A of ~~Section 3~~ Section 120.3 of this ~~act~~ title:

- 19 a. a completed application on a form prescribed by the  
20 Commission, and  
21 b. a copy of FAA Form 7460-1, to be submitted to the FAA;  
22 and

1        3. For construction or alteration of a structure underneath a  
2 military training route, within a military drop area or underneath a  
3 military traffic pattern as defined in Section 120.3 of this title:

4            a. a completed application on a form prescribed by the  
5            Commission, and

6            b. a copy of FAA Form 7460-1, to be submitted to the FAA.

7        SECTION 6.        AMENDATORY        3 O.S. 2011, Section 120.7, is  
8 amended to read as follows:

9        Section 120.7 A. If FAA Form 7460-1 is required, then an  
10 application for a permit pursuant to Section ~~3~~ 120.3 of ~~the Aircraft~~  
11 ~~Pilot and Passenger Protection Act~~ this title shall be filed at the  
12 same time the FAA Form 7460-1 is sent to the FAA, or at any time  
13 before that. If FAA Form 7460-1 is not required, then the  
14 application shall be filed at least thirty (30) days before the  
15 earlier of the following:

16        1. The date the proposed construction or alteration is to  
17 begin; or

18        2. The date an application for a construction or building  
19 permit is to be filed with the municipality.

20 Upon receiving an application filed pursuant to paragraphs 1 and 2  
21 of Section 120.6 of this title, the Commission shall notify a legal  
22 representative of the public-use airport owner affected by the  
23 application and solicit comments from the airport owner; and upon  
24 receiving an application filed pursuant to paragraph 3 of Section

1 120.6 of this title, the Commission shall notify a legal  
2 representative of the military installation affected by the  
3 application and the chairman of the Oklahoma Strategic Military  
4 Planning Commission or successor agency and solicit their comments.

5 B. In determining whether to issue a permit for an application  
6 pursuant to paragraphs 1 and 2 of Section 120.6 of this title, the  
7 Commission shall consider:

8 1. The nature of the terrain and height of existing structures;

9 2. Public and private interests and investments of an airport;

10 3. The character of flying operations and planned developments  
11 of an airport;

12 4. Whether the construction of the proposed structure would  
13 cause an increase in the minimum descent altitude or the decision  
14 height at the affected airport;

15 5. Technological advances;

16 6. The safety of persons on the ground and in the air;

17 7. Land use density;

18 8. Comments from all interested persons; and

19 9. Findings and determinations of other government agencies.

20 C. In determining whether to issue a permit for an application  
21 pursuant to paragraph 2 of Section 120.6 of this title, the  
22 Commission shall consider:

23 1. Comments from the chairman of the Oklahoma Strategic  
24 Military Planning Commission or successor agency;

1        2. Comments from a legal representative of the military  
2 installation affected by the proposed structure;

3        3. Whether the proposed structure would encroach upon or  
4 otherwise have an adverse impact on the mission, training, or  
5 operations of any military installation; and

6        4. The safety of military aircraft, pilots and passengers.

7        D. If FAA Form 7460-1 is required, then the Commission shall  
8 notify the applicant of its determination within thirty (30) days of  
9 the FAA completing its aeronautical study. If the applicant has not  
10 been notified by the Commission of its determination within thirty  
11 (30) days of the FAA completing its aeronautical study, then the  
12 applicant shall notify the Commission that it has not received  
13 notice of the Commission's determination. The Commission shall then  
14 have seven (7) working days from the date of the applicant's notice  
15 to notify the applicant of its determination. Nothing herein  
16 precludes the Commission from making its determination before the  
17 FAA completes its aeronautical study.

18        ~~D.~~ E. If FAA Form 7460-1 is not required, then the Commission  
19 shall notify the applicant of its determination within sixty (60)  
20 days of filing the application. If the applicant has not been  
21 notified by the Commission of its determination within sixty (60)  
22 days of filing the application, then the applicant shall notify the  
23 Commission that it has not received notice of the Commission's  
24 determination. The Commission shall then have seven (7) working

1 days from the date of the applicant's notice to notify the applicant  
2 of its determination.

3 SECTION 7. AMENDATORY 3 O.S. 2011, Section 120.8, is  
4 amended to read as follows:

5 Section 120.8 A. Once a permit is issued by the Commission,  
6 the applicant shall be required to complete the following steps to  
7 complete the permit process:

8 1. The applicant for a permit under Section ~~3~~ 120.3 of ~~the~~  
9 ~~Aircraft Pilot and Passenger Protection Act~~ this title shall record  
10 each permit issued by the Commission in the office of the county  
11 clerk for the county where the structure is located not later than  
12 ~~thirty (30)~~ sixty (60) business days after the Commission issues the  
13 permit. If a structure is located in more than one county, the  
14 county that contains the majority of the structure is the county in  
15 which the permit must be filed. A permit issued under paragraph 1  
16 of subsection A of Section ~~3~~ 120.3 of this ~~act~~ title shall contain  
17 the following statement:

18 "The permittee acknowledges for itself, its heirs, its  
19 successors, and its assigns, that the real estate described in  
20 this permit is located within the primary surface or the runway  
21 protection zone of a public-use airport, and that the permittee  
22 is building a structure upon this real estate with the full  
23 knowledge and acceptance that it may be incompatible with normal  
24

1 airport operations including the landing and takeoff of  
2 aircraft.";

3 2. A permit issued in accordance with the provisions of Section  
4 ~~3~~ 120.3 of this ~~act~~ title is valid only after the Commission  
5 receives a certified copy of the recorded permit with the recording  
6 data from the county clerk of the county in which the structure is  
7 located; and

8 3. Every permit granted by the Commission shall specify that  
9 obstruction markers, markings, lighting, or other visual or aural  
10 identification required to be installed on or in the vicinity of the  
11 structure shall conform to federal laws and regulations.

12 B. Once a permit is valid the permittee may request to amend a  
13 permit under these conditions:

14 1. The amendment is to change the administrative items of the  
15 permit including the transfer of ownership rights. There shall be  
16 no limit to the number of times a permittee can request an amendment  
17 that is administrative in nature; or

18 2. The amendment is for the purpose of micrositing a structure  
19 that has been permitted, but not yet constructed. Micrositing shall  
20 allow for a structure to be moved four hundred (400) feet or less in  
21 a horizontal direction provided the new location will not impact an  
22 airport's instrument or visual approaches or a military training  
23 route, drop area or traffic pattern. A permittee can request to  
24 amend a permit for micrositing up to two times. A third micrositing



1 request on the structure will require the permittee to file a new  
2 permit application."

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