

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 SENATE BILL 1576

By: Schulz

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5  
6 AS INTRODUCED

7 An Act relating to the Corporation Commission;  
8 Section 2, Chapter 92, O.S.L. 2015, as amended by  
9 Section 2, Chapter 45, O.S.L. 2017 (17 O.S. Supp.  
10 2017, Section 160.20), which relates to setback  
11 requirements; prohibiting the construction of certain  
12 facilities after certain date; providing exception to  
13 prohibition; establishing procedures for certain  
14 documentation; requiring certain documentation be  
15 sent to the Corporation Commission; and declaring an  
16 emergency.

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

18 SECTION 1. AMENDATORY Section 2, Chapter 92, O.S.L.  
19 2015, as amended by Section 2, Chapter 45, O.S.L. 2017 (17 O.S.  
20 Supp. 2017, Section 160.20), is amended to read as follows:

21 Section 160.20. A. After ~~the effective date of this act~~ August  
22 21, 2015, no wind energy facility may be constructed if the base of  
23 any tower is located at a distance of less than:

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

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

1           b.     an airport owned by a municipality;

2           2.     One and one-half (1 1/2) nautical miles from any public  
3 school which is a part of a public school district; or

4           3.     One and one-half (1 1/2) nautical miles from a hospital.

5           B.     After the effective date of this act, construction or  
6 operation of a proposed wind energy facility or proposed wind energy  
7 facility expansion shall not encroach upon or otherwise have a  
8 significant adverse impact on the mission, training or operations of  
9 any military installation or branch of military. No wind energy  
10 facility may be constructed or expanded unless a letter of  
11 noninterference is obtained. The Military Strategic Planning  
12 Commission shall facilitate the procurement of this letter by  
13 coordinating the applicant, the U.S. Department of Defense siting  
14 clearinghouse and the local base commanders. The evaluation shall  
15 consider whether the proposed wind energy facility or proposed wind  
16 energy facility expansion would cause interference with air  
17 navigation routes, air traffic control areas, military training  
18 routes, radar, drop zones or bombing ranges based on information  
19 submitted by the applicant, the U.S. Department of Defense's siting  
20 clearinghouse, and the local base commanders. The letter of  
21 noninterference shall be filed with the Corporation Commission.

22           C.     Attestation of compliance with the setback requirements in  
23 this section shall be included in any reports required by the  
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1 Corporation Commission. Disputes arising under this section shall  
2 fall under the exclusive jurisdiction of the district courts.

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

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