

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1577

By: Schulz

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5
6 AS INTRODUCED

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