

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL 355

By: Pederson

AS INTRODUCED

An Act relating to Corporation Commission; amending Section 2, Chapter 92, O.S.L. 2015, as last amended by Section 1, Chapter 179, O.S.L. 2018 (17 O.S. Supp. 2018, Section 160.20), which relates to wind energy facilities; adding private-use airport to setback requirement; updating statutory references; and providing an effective date.

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

SECTION 1. AMENDATORY Section 2, Chapter 92, O.S.L. 2015, as last amended by Section 1, Chapter 179, O.S.L. 2018 (17 O.S. Supp. 2018, Section 160.20), is amended to read as follows:

Section 160.20. A. After August 21, 2015, 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:

a. a public-use airport as defined in Section 120.2 of Title 3 of the Oklahoma Statutes, or a private-use airport as defined in Section 157.2 of Title 14 of the

Code of Federal Regulations and which was depicted as  
an airfield or airport on a Federal Aviation  
Administration sectional navigation chart prior to  
April 17, 2015, or

b. an airport owned by a municipality;

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

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

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

C. After ~~the effective date of this act~~ May 2, 2018, construction or operation of a proposed wind energy facility or proposed wind energy facility expansion shall not encroach upon or otherwise have a significant adverse impact on the mission, training or operations of any military installation or branch of military as determined by the Military Aviation and Installation Assurance Siting Clearinghouse and the Federal Aviation Administration. Areas of impact include but are not limited to military training routes, drop zones, approaches to runways and bombing ranges. No wind energy facility may be constructed or expanded unless an active Determination of No Hazard from the Federal Aviation Administration

1 or an approved mitigation plan is obtained from the Military  
2 Aviation and Installation Assurance Siting Clearinghouse.

3 1. The Determination of No Hazard or mitigation plan shall be  
4 submitted to the Corporation Commission.

5 2. The requirements established by this subsection shall not  
6 prohibit a wind energy facility construction or wind energy facility  
7 expansion if those facilities or facility expansions obtain a  
8 written Determination of No Hazard or mitigation plan on or before  
9 ~~the effective date of this act~~ May 2, 2018.

10 3. The Corporation Commission shall promulgate rules and  
11 regulations for the implementation of the provisions of this  
12 section.

13 SECTION 2. This act shall become effective November 1, 2019.

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