

1 ENGROSSED SENATE AMENDMENT  
TO  
2 ENGROSSED HOUSE  
BILL NO. 2118

By: Ortega, McBride, Miller,  
Moore and Caldwell (Chad)  
of the House

and

Stanislawski of the Senate

8 An Act relating to the Corporation Commission;  
amending Section 2, Chapter 92, O.S.L. 2015, as last  
9 amended by Section 1, Chapter 179, O.S.L. 2018 (17  
O.S. Supp. 2018, Section 160.20), which relates to  
10 setback requirements for wind energy facilities \*\*\*  
Oklahoma Strategic Military Planning Commission;  
11 requiring Strategic Military Planning Commission to  
notify certain military base commanders and submit  
12 certain letter to the Aeronautics Commission;  
modifying penalty; and declaring an emergency.

15 AUTHOR: Add the following House Coauthor: Manger

16 AUTHOR: Add the following Senate Coauthor: Bergstrom

17 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and  
entire bill and insert

18  
19 "An Act relating to the Corporation Commission;  
amending Section 2, Chapter 92, O.S.L. 2015, as last  
20 amended by Section 1, Chapter 179, O.S.L. 2018 (17  
O.S. Supp. 2018, Section 160.20), which relates to  
21 setback requirements for wind energy facilities;  
modifying jurisdiction for certain disputes;  
22 including individual wind turbines and certain other  
individual structures in wind energy facility setback  
23 requirements; modifying requirements of certain  
required documentation; allowing certain letter to  
24 serve as evidence of resolution; modifying agencies  
requiring certain documentation; modifying

1 applicability of act to certain construction;  
2 authorizing Corporation Commission and the Oklahoma  
3 Aeronautics Commission to promulgate rules;  
4 authorizing penalty for violation of act; amending  
5 Section 3, Chapter 92, O.S.L. 2015, as last amended  
6 by Section 2, Chapter 179, O.S.L. 2018 (17 O.S. Supp.  
7 2018, Section 160.21), which relates to notice of  
8 intent to build a facility; modifying type of  
9 information required in certain notification;  
10 requiring certain notification to the Aeronautics  
11 Commission; requiring Aeronautics Commission to  
12 prescribe requirements for submission of certain  
13 forms; requiring submission of certain subsequent  
14 forms within certain timeframe to the Aeronautics  
15 Commission and the Corporation Commission; exempting  
16 certain filings from requirement; requiring  
17 Aeronautics Commission to provide certain  
18 notification to the Oklahoma Strategic Military  
19 Planning Commission; requiring Strategic Military  
20 Planning Commission to notify certain military base  
21 commanders and submit certain letter to the  
22 Aeronautics Commission; modifying penalty; and  
23 declaring an emergency.  
24

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:

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

3 b. 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. Attestation of compliance with the setback requirements in  
8 this section shall be included in any reports required by the  
9 Corporation Commission. ~~Disputes~~ Stakeholder and landowner disputes  
10 arising under subsection A of this section shall fall under the  
11 exclusive jurisdiction of the district courts. The Corporation  
12 Commission may seek enforcement of the submission and attestation  
13 requirements of this subsection and subsection C of this section  
14 through its administrative court system.

15 C. After the effective date of this act, construction or  
16 operation of a proposed individual wind turbine or any other  
17 individual structure requiring a Federal Aviation Administration  
18 (FAA) Form 7460-1 that is part of a wind energy facility ~~or proposed~~  
19 ~~wind energy facility expansion~~ shall not encroach upon or otherwise  
20 have a significant adverse impact on the mission, training or  
21 operations of any military installation or branch of military as  
22 determined by the Military Aviation and Installation Assurance  
23 Siting Clearinghouse (Clearinghouse) and the ~~Federal Aviation~~  
24 ~~Administration~~ FAA. Areas of impact include but are not limited to

1 military training routes, drop zones, approaches to runways and  
2 bombing ranges. No individual wind turbine or any other individual  
3 structure that requires a FAA 7460-1 form that is part of a wind  
4 energy facility may be constructed or expanded unless there is an  
5 active Determination of No Hazard from the ~~Federal Aviation~~  
6 ~~Administration or an approved mitigation plan is obtained from the~~  
7 ~~Military Aviation and Installation Assurance Siting~~ FAA and adverse  
8 impacts to the United States Department of Defense, pursuant to  
9 Title 32 of the Code of Federal Regulations, Section 211.6, have  
10 been resolved as evidenced by documentation from the Clearinghouse  
11 for the individual wind turbine or other individual structure. The  
12 Mission Compatibility Certification Letter or successor form may  
13 serve as such evidence of adverse impacts being resolved with the  
14 Department of Defense or successor agency.

15 1. The Determination of No Hazard ~~or mitigation plan~~ and  
16 documentation of the resolution of adverse impacts to the Department  
17 of Defense shall be submitted to the Corporation Commission and the  
18 Oklahoma Aeronautics Commission.

19 2. The requirements established by this subsection shall not  
20 prohibit ~~a wind energy facility~~ the construction of an individual  
21 wind turbine or any other individual structure requiring a FAA 7460-  
22 1 form that is part of a wind energy facility expansion if ~~these~~  
23 ~~facilities or facility expansions~~ obtain that individual wind  
24 turbine or other individual structure has received a written

1 Determination of No Hazard or mitigation plan on or before the  
2 effective date of this act.

3 3. The Corporation Commission ~~shall~~ is authorized to promulgate  
4 rules and regulations for the implementation of the provisions of  
5 this section and Section 160.21 of this title.

6 D. If an owner of a wind energy facility fails to submit an  
7 active Determination of No Hazard and documentation that adverse  
8 impacts to the Department of Defense have been resolved by the  
9 Clearinghouse for the individual wind turbine or other individual  
10 structure prior to the start of construction, the owner shall be  
11 subject to an administrative penalty not to exceed One Thousand Five  
12 Hundred Dollars (\$1,500.00) per day, per violation from the  
13 Corporation Commission as provided by law. In addition,  
14 stakeholders, including, but not limited to, the Corporation  
15 Commission or the Aeronautics Commission may institute an action in  
16 any court of general jurisdiction to prevent, restrain, correct or  
17 abate any violation of subsection C of this section other than  
18 Corporation Commission actions related to submissions or  
19 attestations.

20 SECTION 2. AMENDATORY Section 3, Chapter 92, O.S.L.  
21 2015, as last amended by Section 2, Chapter 179, O.S.L. 2018 (17  
22 O.S. Supp. 2018, Section 160.21), is amended to read as follows:

23 Section 160.21. A. The owner of a wind energy facility shall  
24 submit notification of intent to build a facility to the Corporation

1 Commission within six (6) months of the initial filing ~~pertaining to~~  
2 ~~commencement of construction~~ with the Federal Aviation  
3 Administration (FAA) of ~~an~~ a FAA Form 7460-1 ~~(Notice of Proposed~~  
4 ~~Construction or Alteration)~~ or any subsequent form required by the  
5 ~~FAA for evaluating the impact a proposed wind energy facility will~~  
6 ~~have on air commerce safety and the preservation of navigable~~  
7 ~~airspace~~ form. The Corporation Commission shall prescribe the form  
8 and submittal requirements of the notification; provided, the  
9 information required on the notification form shall include at least  
10 the same information required on the FAA form and a map of the  
11 project boundary. The owner of a wind energy facility shall submit  
12 to the Oklahoma Aeronautics Commission copies of all initial FAA  
13 7460-1 forms for all individual wind turbines or any other  
14 individual structure that requires a FAA Form 7460-1 that is part of  
15 a wind energy facility within thirty (30) days of the initial filing  
16 with the FAA. The Aeronautics Commission shall prescribe the  
17 submittal requirements for the 7460-1 form. The owner of the wind  
18 energy facility shall send copies of the notification ~~with~~ to the  
19 board of county commissioners of every county in which all or a  
20 portion of the wind energy facility is to be located within twenty-  
21 four (24) hours of filing with the Corporation Commission. If all  
22 or a portion of the wind energy facility is to be located within the  
23 incorporated area of a municipality, copies of the notification  
24 shall also be sent to the governing body of the municipality within

1 twenty-four (24) hours of filing with the Corporation Commission.  
2 If the owner of a wind energy facility is required to file  
3 subsequent 7460-1 forms with the FAA due to changing locations or  
4 heights of individual structures from the locations or heights  
5 originally proposed in the initial 7460-1 forms submitted to the  
6 Aeronautics Commission, the owner shall, within ten (10) days of  
7 filing with the FAA, submit such subsequent 7460-1 forms to the  
8 Corporation Commission and Aeronautics Commission. A wind energy  
9 facility owner shall not be required to start the notification  
10 processes over unless the subsequent 7460-1 forms expand the project  
11 beyond its original boundaries submitted to the Corporation  
12 Commission.

13 B. Within ~~thirty (30)~~ ten (10) days of ~~submitting the~~  
14 ~~notification to the Corporation Commission~~ receiving a FAA 7460-1  
15 form, as provided for in subsection A of this section, the ~~owner of~~  
16 ~~the wind energy facility~~ Aeronautics Commission shall ~~cause a copy~~  
17 ~~of the notification to be submitted to~~ notify the Oklahoma Strategic  
18 Military Planning Commission. The Oklahoma Strategic Military  
19 Planning Commission shall notify local base commanders upon receipt  
20 of ~~the~~ this notification. The Oklahoma Strategic Military Planning  
21 Commission shall submit a letter to the Military Aviation and  
22 Installation Assurance Siting Clearinghouse outlining potential  
23 areas of impact, as provided in Section 160.20 of this title, within  
24 thirty (30) days of receipt of the notification. The letter from

1 the Oklahoma Strategic Military Planning Commission shall be  
2 submitted to the Corporation Commission, the Aeronautics Commission  
3 and the wind energy facility owner at the same time the letter is  
4 submitted to the Clearinghouse.

5 C. Within six (6) months of submitting the notification with  
6 the Corporation Commission as provided for in subsection A of this  
7 section, the owner of the wind energy facility shall cause a copy of  
8 the notification to be published in a newspaper of general  
9 circulation in the county or counties in which all or a portion of  
10 the wind energy facility is to be located. Proof of publication  
11 shall be submitted to the Corporation Commission.

12 D. Within six (6) months of submitting the notification with  
13 the Corporation Commission as provided in subsection A of this  
14 section, the owner of the wind energy facility shall cause a copy of  
15 the notification to be sent, by certified mail, to:

16 1. Any operator, as reflected in the records of the Corporation  
17 Commission, who is conducting oil and gas operations upon all or any  
18 part of the surface estate as to which the wind energy developer  
19 intends the construction of the wind energy facility;

20 2. Any operator, as reflected in the records of the  
21 Corporation Commission, of an unspaced unit, or a unit created by  
22 order of the Corporation Commission, who is conducting oil and gas  
23 operations for the unit where all or any part of the unit area is  
24 within the geographical boundaries of the surface estate as to which



1 the wind energy developer intends the construction of the wind  
2 energy facility; and

3 3. As to tracts of land not described in paragraphs 1 and 2 of  
4 this subsection on which the wind energy developer intends to  
5 construct a wind energy facility, all lessees of oil and gas leases  
6 covering the mineral estate underlying any part of the tracts of  
7 land that are filed of record with county clerk in the county where  
8 the tracts are located and whose primary term has not expired.

9 If the wind energy developer makes a search with reasonable  
10 diligence, and the whereabouts of a party entitled to any notice  
11 described in this subsection cannot be ascertained or such notice  
12 cannot be delivered, then an affidavit attesting to such diligent  
13 search for the parties shall be placed in the records of the county  
14 clerk where the surface estate is actually located.

15 E. Within sixty (60) days of publishing the notification in a  
16 newspaper as provided for in subsection C of this section, the owner  
17 of the wind energy facility shall hold a public meeting. Notice of  
18 the public meeting shall be published in a newspaper of general  
19 circulation and submitted to the board of county commissioners in  
20 the county or counties in which all or a portion of the wind energy  
21 facility is to be located. The notice shall contain the place, date  
22 and time of the public meeting. Proof of publication of the notice  
23 shall be submitted to the Corporation Commission. The public

24

1 meeting shall be held in one of the counties in which all or a  
2 portion of the wind energy facility is to be located.

3 F. With regard to the surface estate upon which the owner of a  
4 wind energy facility intends to construct a wind energy facility, at  
5 least sixty (60) days before entering upon the surface estate for  
6 the purposes of commencement of construction of the wind energy  
7 facility, the owner shall provide written notice, by certified mail,  
8 of its intent to construct the wind energy facility to:

9 1. Any operator, as reflected in the records of the Corporation  
10 Commission, who is conducting oil and gas operations upon all or any  
11 part of the surface estate as to which the wind energy developer  
12 intends the construction of the wind energy facility;

13 2. Any operator, as reflected in the records of the Corporation  
14 Commission, of an unspaced unit, or a unit created by order of the  
15 Corporation Commission, who is conducting oil and gas operations for  
16 the unit where all or any part of the unit area is within the  
17 geographical boundaries of the surface estate as to which the wind  
18 energy developer intends the construction of the wind energy  
19 facility; and

20 3. As to tracts of land not described in paragraphs 1 and 2 of  
21 this subsection on which the wind energy developer intends to  
22 construct a wind energy facility, all lessees of oil and gas leases  
23 covering the mineral estate underlying any part of the tracts of  
24

1 land that are filed of record with county clerk in the county where  
2 the tracts are located and whose primary term has not expired.

3 The notice shall contain a map or plat of the proposed location,  
4 with sufficient specificity of all of the various elements of the  
5 wind energy facility to be located on the governmental section which  
6 includes all or any part of the tracts of land described in  
7 paragraphs 1, 2 and 3 of this subsection and the approximate date  
8 that the owner of the wind energy facility proposes to commence  
9 construction. If the wind energy developer makes a search with  
10 reasonable diligence, and the whereabouts of a party entitled to any  
11 notice described in this subsection cannot be ascertained or such  
12 notice cannot be delivered, then an affidavit attesting to such  
13 diligent search for the parties shall be placed in the records of  
14 the county clerk where the surface estate is actually located.  
15 Within thirty (30) days of receiving said notice, any operator, as  
16 described in paragraphs 1, 2 and 3 of this subsection shall  
17 reciprocate, in writing by certified mail, certain site, operational  
18 and infrastructure information, with sufficient specificity, to be  
19 shared with the owner of the wind energy facility to assist both  
20 with the safe construction and operation pertaining to the surface  
21 estate. This information should include ALTA surveys of existing  
22 subsurface and surface improvements on the property, if any, as well  
23 as other technical specifications for existing improvements such as  
24 pipe size, material, capacity and depth.

1 G. The owner of a wind energy facility shall not commence  
2 construction on the facility until the notification and public  
3 meeting requirements of this section have been met. If an owner of  
4 a wind energy facility fails to submit the information as required  
5 in this section, the owner shall be subject to an administrative  
6 penalty from the Corporation Commission not to exceed One Thousand  
7 Five Hundred Dollars (\$1,500.00) per day, per violation as provided  
8 by law.

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

13 Passed the Senate the 23rd day of April, 2019.

14  
15 \_\_\_\_\_  
16 Presiding Officer of the Senate

17 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
18 2019.

19  
20 \_\_\_\_\_  
21 Presiding Officer of the House  
22 of Representatives  
23  
24

1 ENGROSSED HOUSE  
2 BILL NO. 2118

By: Ortega, McBride, Miller,  
Moore and Caldwell (Chad)  
of the House

3  
4 and

5 Stanislawski of the Senate  
6  
7

8 An Act relating to the Corporation Commission;  
9 amending Section 2, Chapter 92, O.S.L. 2015, as last  
10 amended by Section 1, Chapter 179, O.S.L. 2018 (17  
11 O.S. Supp. 2018, Section 160.20), which relates to  
12 setback requirements for wind energy facilities;  
13 modifying jurisdiction for certain disputes;  
14 including individual wind turbines and certain other  
15 individual structures in wind energy facility setback  
16 requirements; modifying requirements of certain  
17 required documentation; allowing certain form to  
18 serve as evidence of resolution; modifying agencies  
19 requiring certain documentation; modifying  
20 applicability of act to certain construction;  
21 authorizing Corporation Commission and the Oklahoma  
22 Aeronautics Commission to promulgate rules;  
23 authorizing penalty for violation of act; amending  
24 Section 3, Chapter 92, O.S.L. 2015, as last amended  
by Section 2, Chapter 179, O.S.L. 2018 (17 O.S. Supp.  
2018, Section 160.21), which relates to notice of  
intent to build a facility; modifying type of  
information required in certain notification;  
requiring certain notification to the Aeronautics  
Commission; requiring Aeronautics Commission to  
prescribe requirements for submission of certain  
forms; requiring submission of certain subsequent  
forms within certain timeframe to the Aeronautics  
Commission and the Corporation Commission; exempting  
certain filings from requirement; requiring  
Aeronautics Commission to provide certain  
notification to the Oklahoma Strategic Military  
Planning Commission; requiring Strategic Military  
Planning Commission to notify certain military base  
commanders and submit certain letter to the

1 Aeronautics Commission; modifying penalty; and  
2 declaring an emergency.

3  
4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

5 SECTION 4. AMENDATORY Section 2, Chapter 92, O.S.L.  
6 2015, as last amended by Section 1, Chapter 179, O.S.L. 2018 (17  
7 O.S. Supp. 2018, Section 160.20), is amended to read as follows:

8 Section 160.20 A. After August 21, 2015, no wind energy  
9 facility may be constructed if the base of any tower is located at a  
10 distance of less than:

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

- 13 a. a public-use airport as defined in Section 120.2 of  
14 Title 3 of the Oklahoma Statutes, or  
15 b. an airport owned by a municipality;

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

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

19 B. Attestation of compliance with the setback requirements in  
20 this section shall be included in any reports required by the  
21 Corporation Commission. ~~Disputes~~ Stakeholder and landowner disputes  
22 arising under subsection A of this section shall fall under the  
23 exclusive jurisdiction of the district courts. The Corporation  
24 Commission may seek enforcement of the submission and attestation

1 requirements of this subsection and subsection C of this section  
2 through its administrative court system.

3 C. After the effective date of this act, construction or  
4 operation of a proposed individual wind turbine or any other  
5 individual structure requiring a Federal Aviation Administration  
6 (FAA) Form 7460-1 that is part of a wind energy facility ~~or proposed~~  
7 ~~wind energy facility expansion~~ shall not encroach upon or otherwise  
8 have a significant adverse impact on the mission, training or  
9 operations of any military installation or branch of military as  
10 determined by the Military Aviation and Installation Assurance  
11 Siting Clearinghouse (Clearinghouse) and the ~~Federal Aviation~~  
12 ~~Administration~~ FAA. Areas of impact include but are not limited to  
13 military training routes, drop zones, approaches to runways and  
14 bombing ranges. No individual wind turbine or any other individual  
15 structure that requires a FAA 7460-1 form that is part of a wind  
16 energy facility may be constructed or expanded unless there is an  
17 active Determination of No Hazard from the ~~Federal Aviation~~  
18 ~~Administration or an approved mitigation plan is obtained from the~~  
19 ~~Military Aviation and Installation Assurance Siting FAA and~~  
20 objections of the United States Department of Defense have been  
21 resolved as evidenced by documentation from the Clearinghouse for  
22 the individual wind turbine or other individual structure. The  
23 Mission Compatibility Certification Form or successor form may serve  
24

1 as such evidence of objections being resolved with the Department of  
2 Defense or successor agency.

3 1. The Determination of No Hazard ~~or mitigation plan~~ and  
4 documentation of the resolution of objections of the Department of  
5 Defense shall be submitted to the Corporation Commission and the  
6 Oklahoma Aeronautics Commission.

7 2. The requirements established by this subsection shall not  
8 prohibit ~~a wind energy facility~~ the construction ~~or~~ of an individual  
9 wind turbine or any other individual structure requiring a FAA 7460-  
10 1 form that is part of a wind energy facility expansion if ~~those~~  
11 ~~facilities or facility expansions~~ obtain that individual wind  
12 turbine or other individual structure has received a written  
13 Determination of No Hazard or mitigation plan on or before the  
14 effective date of this act.

15 3. The Corporation Commission ~~shall~~ is authorized to promulgate  
16 rules and regulations for the implementation of the provisions of  
17 this section and Section 160.21 of this title.

18 D. If an owner of a wind energy facility fails to submit an  
19 active Determination of No Hazard and documentation that objections  
20 of the Department of Defense have been resolved by the Clearinghouse  
21 for the individual wind turbine or other individual structure prior  
22 to the start of construction, the owner shall be subject to an  
23 administrative penalty not to exceed One Thousand Five Hundred  
24 Dollars (\$1,500.00) per day, per violation from the Corporation



1 Commission as provided by law. In addition, stakeholders,  
2 including, but not limited to, the Corporation Commission or the  
3 Aeronautics Commission may institute an action in any court of  
4 general jurisdiction to prevent, restrain, correct or abate any  
5 violation of subsection C of this section other than Corporation  
6 Commission actions related to submissions or attestations.

7 SECTION 5. AMENDATORY Section 3, Chapter 92, O.S.L.  
8 2015, as last amended by Section 2, Chapter 179, O.S.L. 2018 (17  
9 O.S. Supp. 2018, Section 160.21), is amended to read as follows:

10 Section 160.21 A. The owner of a wind energy facility shall  
11 submit notification of intent to build a facility to the Corporation  
12 Commission within six (6) months of the initial filing ~~pertaining to~~  
13 ~~commencement of construction~~ with the Federal Aviation  
14 Administration (FAA) of ~~an a~~ a FAA Form 7460-1 ~~(Notice of Proposed~~  
15 ~~Construction or Alteration)~~ or any subsequent form required by the  
16 ~~FAA for evaluating the impact a proposed wind energy facility will~~  
17 ~~have on air commerce safety and the preservation of navigable~~  
18 ~~airspace~~ form. The Corporation Commission shall prescribe the form  
19 and submittal requirements of the notification; provided, the  
20 information required on the notification form shall include at least  
21 the same information required on the FAA form and a map of the  
22 project boundary. The owner of a wind energy facility shall submit  
23 to the Oklahoma Aeronautics Commission copies of all initial FAA  
24 7460-1 forms for all individual wind turbines or any other

1 individual structure that requires a FAA Form 7460-1 that is part of  
2 a wind energy facility within thirty (30) days of the initial filing  
3 with the FAA. The Aeronautics Commission shall prescribe the  
4 submittal requirements for the 7460-1 form. The owner of the wind  
5 energy facility shall send copies of the notification ~~with~~ to the  
6 board of county commissioners of every county in which all or a  
7 portion of the wind energy facility is to be located within twenty-  
8 four (24) hours of filing with the Corporation Commission. If all  
9 or a portion of the wind energy facility is to be located within the  
10 incorporated area of a municipality, copies of the notification  
11 shall also be sent to the governing body of the municipality within  
12 twenty-four (24) hours of filing with the Corporation Commission.  
13 If the owner of a wind energy facility is required to file  
14 subsequent 7460-1 forms with the FAA due to changing locations or  
15 heights of individual structures from the locations or heights  
16 originally proposed in the initial 7460-1 forms submitted to the  
17 Aeronautics Commission, the owner shall, within ten (10) days of  
18 filing with the FAA, submit such subsequent 7460-1 forms to the  
19 Corporation Commission and Aeronautics Commission. A wind energy  
20 facility owner shall not be required to start the notification  
21 processes over unless the subsequent 7460-1 forms expand the project  
22 beyond its original boundaries submitted to the Corporation  
23 Commission.

24

1 B. Within ~~thirty (30)~~ ten (10) days of ~~submitting the~~  
2 ~~notification to the Corporation Commission~~ receiving a FAA 7460-1  
3 form, as provided for in subsection A of this section, the ~~owner of~~  
4 ~~the wind energy facility~~ Aeronautics Commission shall ~~cause a copy~~  
5 ~~of the notification to be submitted to~~ notify the Oklahoma Strategic  
6 Military Planning Commission. The Oklahoma Strategic Military  
7 Planning Commission shall notify local base commanders upon receipt  
8 of ~~the~~ this notification. The Oklahoma Strategic Military Planning  
9 Commission shall submit a letter to the Military Aviation and  
10 Installation Assurance Siting Clearinghouse outlining potential  
11 areas of impact, as provided in Section 160.20 of this title, within  
12 thirty (30) days of receipt of the notification. The letter from  
13 the Oklahoma Strategic Military Planning Commission shall be  
14 submitted to the Corporation Commission, the Aeronautics Commission  
15 and the wind energy facility owner.

16 C. Within six (6) months of submitting the notification with  
17 the Corporation Commission as provided for in subsection A of this  
18 section, the owner of the wind energy facility shall cause a copy of  
19 the notification to be published in a newspaper of general  
20 circulation in the county or counties in which all or a portion of  
21 the wind energy facility is to be located. Proof of publication  
22 shall be submitted to the Corporation Commission.

23 D. Within six (6) months of submitting the notification with  
24 the Corporation Commission as provided in subsection A of this

1 section, the owner of the wind energy facility shall cause a copy of  
2 the notification to be sent, by certified mail, to:

3 1. Any operator, as reflected in the records of the Corporation  
4 Commission, who is conducting oil and gas operations upon all or any  
5 part of the surface estate as to which the wind energy developer  
6 intends the construction of the wind energy facility;

7 2. Any operator, as reflected in the records of the  
8 Corporation Commission, of an unspaced unit, or a unit created by  
9 order of the Corporation Commission, who is conducting oil and gas  
10 operations for the unit where all or any part of the unit area is  
11 within the geographical boundaries of the surface estate as to which  
12 the wind energy developer intends the construction of the wind  
13 energy facility; and

14 3. As to tracts of land not described in paragraphs 1 and 2 of  
15 this subsection on which the wind energy developer intends to  
16 construct a wind energy facility, all lessees of oil and gas leases  
17 covering the mineral estate underlying any part of the tracts of  
18 land that are filed of record with county clerk in the county where  
19 the tracts are located and whose primary term has not expired.

20 If the wind energy developer makes a search with reasonable  
21 diligence, and the whereabouts of a party entitled to any notice  
22 described in this subsection cannot be ascertained or such notice  
23 cannot be delivered, then an affidavit attesting to such diligent  
24

1 search for the parties shall be placed in the records of the county  
2 clerk where the surface estate is actually located.

3 E. Within sixty (60) days of publishing the notification in a  
4 newspaper as provided for in subsection C of this section, the owner  
5 of the wind energy facility shall hold a public meeting. Notice of  
6 the public meeting shall be published in a newspaper of general  
7 circulation and submitted to the board of county commissioners in  
8 the county or counties in which all or a portion of the wind energy  
9 facility is to be located. The notice shall contain the place, date  
10 and time of the public meeting. Proof of publication of the notice  
11 shall be submitted to the Corporation Commission. The public  
12 meeting shall be held in one of the counties in which all or a  
13 portion of the wind energy facility is to be located.

14 F. With regard to the surface estate upon which the owner of a  
15 wind energy facility intends to construct a wind energy facility, at  
16 least sixty (60) days before entering upon the surface estate for  
17 the purposes of commencement of construction of the wind energy  
18 facility, the owner shall provide written notice, by certified mail,  
19 of its intent to construct the wind energy facility to:

- 20 1. Any operator, as reflected in the records of the Corporation  
21 Commission, who is conducting oil and gas operations upon all or any  
22 part of the surface estate as to which the wind energy developer  
23 intends the construction of the wind energy facility;

24

1           2. Any operator, as reflected in the records of the Corporation  
2 Commission, of an unspaced unit, or a unit created by order of the  
3 Corporation Commission, who is conducting oil and gas operations for  
4 the unit where all or any part of the unit area is within the  
5 geographical boundaries of the surface estate as to which the wind  
6 energy developer intends the construction of the wind energy  
7 facility; and

8           3. As to tracts of land not described in paragraphs 1 and 2 of  
9 this subsection on which the wind energy developer intends to  
10 construct a wind energy facility, all lessees of oil and gas leases  
11 covering the mineral estate underlying any part of the tracts of  
12 land that are filed of record with county clerk in the county where  
13 the tracts are located and whose primary term has not expired.

14           The notice shall contain a map or plat of the proposed location,  
15 with sufficient specificity of all of the various elements of the  
16 wind energy facility to be located on the governmental section which  
17 includes all or any part of the tracts of land described in  
18 paragraphs 1, 2 and 3 of this subsection and the approximate date  
19 that the owner of the wind energy facility proposes to commence  
20 construction. If the wind energy developer makes a search with  
21 reasonable diligence, and the whereabouts of a party entitled to any  
22 notice described in this subsection cannot be ascertained or such  
23 notice cannot be delivered, then an affidavit attesting to such  
24 diligent search for the parties shall be placed in the records of

1 the county clerk where the surface estate is actually located.  
2 Within thirty (30) days of receiving said notice, any operator, as  
3 described in paragraphs 1, 2 and 3 of this subsection shall  
4 reciprocate, in writing by certified mail, certain site, operational  
5 and infrastructure information, with sufficient specificity, to be  
6 shared with the owner of the wind energy facility to assist both  
7 with the safe construction and operation pertaining to the surface  
8 estate. This information should include ALTA surveys of existing  
9 subsurface and surface improvements on the property, if any, as well  
10 as other technical specifications for existing improvements such as  
11 pipe size, material, capacity and depth.

12 G. The owner of a wind energy facility shall not commence  
13 construction on the facility until the notification and public  
14 meeting requirements of this section have been met. If an owner of  
15 a wind energy facility fails to submit the information as required  
16 in this section, the owner shall be subject to an administrative  
17 penalty from the Corporation Commission not to exceed One Thousand  
18 Five Hundred Dollars (\$1,500.00) per day, per violation as provided  
19 by law.

20 SECTION 6. It being immediately necessary for the preservation  
21 of the public peace, health or safety, an emergency is hereby  
22 declared to exist, by reason whereof this act shall take effect and  
23 be in full force from and after its passage and approval.  
24

1 Passed the House of Representatives the 12th day of March, 2019.

2  
3 \_\_\_\_\_  
4 Presiding Officer of the House  
of Representatives

5 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2019.

6  
7  
8 \_\_\_\_\_  
9 Presiding Officer of the Senate