

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2300

By: McCall

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to wind energy; amending Section 2,
10 Chapter 92, O.S.L. 2015 (17 O.S. Supp. 2016, Section
11 160.20), which relates to the Oklahoma Wind Energy
12 Development Act; modifying provisions related to
13 procedures for construction of wind energy
14 facilities; modifying provisions related to
15 determinations with respect to private-use airports;
16 requiring Oklahoma Aeronautics Commission to adopt
17 rules; and providing an effective date.

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

19 SECTION 1. AMENDATORY Section 2, Chapter 92, O.S.L. 2015
20 (17 O.S. Supp. 2016, Section 160.20), is amended to read as follows:

21 Section 160.20 A. After the effective date of this act, no
22 wind energy facility may be constructed if the base of any tower is
23 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:

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

3 b. a private-use airport as defined in Section 157.2 of
4 Title 14 of the Code of Federal Regulations and for
5 which the following have occurred prior to the
6 notification of intent to build a facility with the
7 Corporation Commission pursuant to subsection A of
8 Section 160.21 of this title:

9 (1) a notice to the Federal Aviation Administration
10 (FAA) has been filed under Section 157.3 of Title
11 14 of the Code of Federal Regulations ~~prior to~~
12 ~~the notification of intent to build a facility~~
13 ~~with the Corporation Commission pursuant to~~
14 ~~subsection A of Section 3 of this act, and~~

15 (2) an airport determination has been issued by the
16 FAA with a determination of no objection or a
17 conditional determination ~~or the airport~~
18 ~~determination remains pending, or~~ and

19 (3) the private-use airport, as constructed, has been
20 inspected and approved by the Oklahoma
21 Aeronautics Commission,

22 c. an airport owned by a municipality;

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

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

2 B. The Oklahoma Aeronautics Commission shall promulgate rules
3 on how private-use airports shall be inspected and under what
4 conditions a constructed private-use airport shall be approved.

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

9 SECTION 2. This act shall become effective November 1, 2017.

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11 COMMITTEE REPORT BY: COMMITTEE ON ENERGY AND NATURAL RESOURCES,
12 dated 03/02/2017 - DO PASS, As Amended.