

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

HOUSE BILL 2440

By: Cleveland

AS INTRODUCED

An Act relating to wind energy facilities; amending Section 2, Chapter 92, O.S.L. 2015 (17 O.S. Supp. 2015, Section 160.20), which relates to setback requirements for wind energy facilities; modifying setback distance for airports; and declaring an emergency.

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

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

Section 160.20 A. After the effective date of this act, 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)~~ Three (3) 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,

1 b. a private-use airport as defined in Section 157.2 of
2 Title 14 of the Code of Federal Regulations and for
3 which:

4 (1) a notice to the Federal Aviation Administration
5 (FAA) has been filed under Section 157.3 of Title
6 14 of the Code of Federal Regulations prior to
7 the notification of intent to build a facility
8 with the Corporation Commission pursuant to
9 subsection A of Section ~~3~~ 160.21 of this ~~act~~
10 title, and

11 (2) an airport determination has been issued by the
12 FAA with a determination of no objection or a
13 conditional determination or the airport
14 determination remains pending, or

15 c. 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 arising under this section shall
22 fall under the exclusive jurisdiction of the district courts.

23 SECTION 2. It being immediately necessary for the preservation
24 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

3

4 55-2-7979 KB 01/07/16

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24