

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL NO. 877

By: Murdock

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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 last  
9 amended by Section 1, Chapter 179, O.S.L. 2018 (17  
10 O.S. Supp. 2018, Section 160.20), which relates to  
11 setback requirements; adding private airport to wind  
12 energy setback requirements; updating statutory  
13 references; and providing an effective date.

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

15 SECTION 1. AMENDATORY Section 2, Chapter 92, O.S.L.  
16 2015, as last amended by Section 1, Chapter 179, O.S.L. 2018 (17  
17 O.S. Supp. 2018, Section 160.20), is amended to read as follows:

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

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

23 a. a public-use airport as defined in Section 120.2 of  
24 Title 3 of the Oklahoma Statutes, ~~or~~

25 b. an airport owned by a municipality, or

1           c. a private airport as defined by law;

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

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

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

6           3. The Corporation Commission shall promulgate rules and  
7 regulations for the implementation of the provisions of this  
8 section.

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

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11           57-1-264           CB           2/6/2019 9:33:09 AM