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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1323 Session of  
2023

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INTRODUCED BY MAKO, HAMM, R. MACKENZIE, JAMES, BOROWSKI,  
TWARDZIK, DIAMOND, OWLETT, ROAE, GILLEN, MOUL AND ZIMMERMAN,  
JUNE 6, 2023

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REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY  
PREPAREDNESS, JUNE 6, 2023

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AN ACT

1 Imposing the duty of Department of Environmental Protection to  
2 prohibit the construction or installation of wind turbines  
3 that negatively affect military installations.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Military  
8 Installation Training and Operations Preservation Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall  
11 have the meanings given to them in this section unless the  
12 context clearly indicates otherwise:

13 "Clearinghouse." The Military Aviation and Installation  
14 Assurance Siting Clearinghouse.

15 "Department." The Department of Environmental Protection of  
16 the Commonwealth.

17 "Wind turbine." A wind turbine or collection of wind

1 turbines that require notice to be provided to the Federal  
2 Aviation Administration under 14 CFR 77.9 (relating to  
3 construction or alteration requiring notice).

4 "Wind turbine owner." A person or entity that plans to  
5 construct or install a wind turbine in this Commonwealth.

6 Section 3. Prohibition.

7 A wind turbine owner may not engage in the construction,  
8 installation or expansion of a wind turbine until the wind  
9 turbine owner has received written notification from the  
10 clearinghouse that the proposed project will not have an adverse  
11 impact on military operations and readiness or that the proposed  
12 project will not result in an unacceptable risk to the national  
13 security of the United States.

14 Section 4. Department notification.

15 The department may not issue a required permit or  
16 authorization under the laws of this Commonwealth regarding the  
17 construction, installation or expansion of a proposed wind  
18 turbine unless the department receives the required written  
19 notification provided by the clearinghouse under section 3.

20 Section 5. Applicability.

21 This act shall apply to a wind turbine that commences  
22 operations on or after the effective date of this section,  
23 regardless of the status of any other of the wind turbine's  
24 permits or authorizations required under the laws of this  
25 Commonwealth. A wind turbine owner that will commence operations  
26 on or after the effective date of this section shall obtain the  
27 written notification from the clearinghouse prior to commencing  
28 operations.

29 Section 6. Effective date.

30 This act shall take effect immediately.