

1 ENGROSSED SENATE  
2 BILL NO. 1913

By: Jech of the Senate

3 and

4 Newton of the House

5  
6 An Act relating to wind energy facilities; defining  
7 terms; requiring certain newly established facilities  
8 to apply for certain light-mitigating technology  
9 system prior to commencement; requiring existing wind  
10 energy facilities to apply for certain light  
11 mitigating technology system by certain date;  
12 providing for issuance of revenue bond by county;  
13 providing for cost recovery; directing rule  
14 promulgation; providing for codification; and  
15 providing an effective date.

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

17 SECTION 1. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 160.23 of Title 17, unless there  
19 is created a duplication in numbering, reads as follows:

20 A. As used in this section:

21 1. "Light-mitigating technology system" means aircraft  
22 detection lighting or any other comparable system capable of  
23 reducing the impact of facility obstruction lighting while  
24 maintaining conspicuity sufficient to assist aircraft in identifying  
25 and avoiding collision with a wind energy facility;

26 2. "Wind energy facility" means an electrical generation  
27 facility consisting of one or more wind turbines under common

ownership or operating control, and includes substations, meteorological data towers, aboveground and underground electrical transmission lines, transformers, control systems, and other buildings or facilities used to support the operation of the facility, and whose primary purpose is to supply electricity to an off-site customer or customers. Wind energy facility shall not include a wind energy facility located entirely on property held in fee simple absolute estate by the owner of the wind energy facility;

3. "Repowering" means a rebuild or refurbishment of a majority of the wind energy facility due to the facility reaching the end of its useful life or useful reasonable economic life. The rebuild or refurbishment does not constitute repowering if it is part of routine major maintenance or the maintenance of or replacement of equipment that does not materially affect the expected physical or economical life of the facility; and

4. "Power offtake agreement" means a long-term contract that provides for the provision of the whole or any part of the available capacity or the sale or other disposal of the whole or any part of the output of a wind energy facility. Sales of capacity or energy into a capacity or power market do not constitute a power offtake agreement.

B. On and after the effective date of this act, no new wind energy facility may commence operations in this state unless the developer, owner, or operator of the facility applies to the Federal

1 Aviation Administration (FAA) for installation of a light-mitigating  
2 technology system that complies with FAA regulations provided in 14  
3 C.F.R., Section 1.1 et seq. If approved by the FAA, the developer,  
4 owner, or operator of such facility shall install the light-  
5 mitigating technology system on the facility within twenty-four (24)  
6 months after receipt of approval.

7 C. 1. Any developer, owner, or operator of a wind energy  
8 facility that commences commercial operations in this state on or  
9 before the effective date of this act without a light-mitigating  
10 technology system shall apply to the FAA for installation of the  
11 system in compliance with FAA regulation provided in 14 C.F.R.,  
12 Section 1.1 et seq. upon the occurrence of either:

- 13 a a repowering of the wind energy facility, or
- 14 b entrance into or renewal of a new power offtake
- 15 agreement.

16 2. Upon approval of the application submitted to the FAA in  
17 compliance with paragraph 1 of this subsection, the developer,  
18 owner, or operator of such facility shall install the light-  
19 mitigating technology system on the facility within twenty-four (24)  
20 months after receipt of approval.

21 D. Any county may issue revenue bonds for the purpose of paying  
22 all or part of the costs of the purchase, acquisition, and equipping  
23 of a light-mitigating technology system, subject to the approval of  
24 the FAA, for a wind energy facility that has commenced operations

1 prior to the effective date of this act without a light-mitigating  
2 technology system.

3 E. Any costs associated with the installation, implementation,  
4 operation, and maintenance of a light-mitigating technology system  
5 shall be the responsibility of the developer, owner, or operator of  
6 the wind energy facility. For public utilities subject to rate  
7 regulation by the Corporation Commission, costs incurred directly by  
8 the public utility in compliance with this act may seek recovery  
9 subject to review and order of the Corporation Commission;

10 F. Wind energy facilities shall maintain operations of  
11 installed light-mitigating technology systems in accordance with  
12 Corporation Commission rule.

13 G. The Corporation Commission shall have authority to enforce  
14 the provisions of this section and may promulgate rules to  
15 effectuate the provisions of this section.

16 SECTION 2. This act shall become effective November 1, 2024.

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1 Passed the Senate the 14th day of March, 2024.

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3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2024.

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9 Presiding Officer of the House  
10 of Representatives