

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 713

By: Jech of the Senate

3 and

4 Newton of the House

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

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16 AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill  
17 and insert:

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19 "An Act relating to wind energy facilities; defining  
20 terms; requiring newly established facilities to  
21 apply for certain light-mitigating technology systems  
22 prior to commencement; establishing deadline for  
23 installation after receipt of approval; requiring  
24 existing wind energy facilities to apply for  
installation of light-mitigating technology systems;  
establishing deadline for installation after receipt  
of approval; providing for issuance of revenue bond  
by county; providing for cost recovery; directing  
wind energy facilities to maintain operations in

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1           accordance with certain rules; directing rule  
2           promulgation; providing for codification; and  
3           providing an effective date.

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

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

8           A. As used in this section:

9           1. "Light-mitigating technology system" means aircraft  
10          detection lighting or any other comparable system capable of  
11          reducing the impact of facility obstruction lighting while  
12          maintaining conspicuity sufficient to assist aircraft in identifying  
13          and avoiding collision with a wind energy facility;

14          2. "Wind energy facility" means an electrical generation  
15          facility consisting of one or more wind turbines under common  
16          ownership or operating control, and includes substations,  
17          meteorological data towers, aboveground and underground electrical  
18          transmission lines, transformers, control systems, and other  
19          buildings or facilities used to support the operation of the  
20          facility, and whose primary purpose is to supply electricity to an  
21          off-site customer or customers. Wind energy facility shall not  
22          include a wind energy facility located entirely on property held in  
23          fee simple absolute estate by the owner of the wind energy facility;

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

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

14        B. On and after January 1, 2026, no new wind energy facility  
15 may commence operations in this state unless the developer, owner,  
16 or operator of the facility applies to the Federal Aviation  
17 Administration (FAA) for installation of a light-mitigating  
18 technology system that complies with FAA regulations provided in 14  
19 C.F.R., Section 1.1 et seq. and to the Federal Communications  
20 Commission (FCC) regarding frequency licensing and antenna structure  
21 registration, as applicable, as provided in 47 C.F.R., Sections  
22 90.101 and 17.4. If approved by the FAA and the FCC, the developer,  
23 owner, or operator of such facility shall install the light-

1 mitigating technology system on the facility within twenty-four (24)  
2 months after receipt of approval.

3 C. 1. Any developer, owner, or operator of a wind energy  
4 facility that commences commercial operations in this state on or  
5 before the effective date of this act without a light-mitigating  
6 technology system shall apply to the FAA for installation of the  
7 system in compliance with FAA regulations provided in 14 C.F.R.,  
8 Section 1.1 et seq. and to the FCC regarding frequency licensing and  
9 antenna structure registration, as applicable, as provided in 47  
10 C.F.R., Sections 90.101 and 17.4 upon the occurrence of either:

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

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

19 D. Any county may issue revenue bonds for the purpose of paying  
20 all or part of the costs of the purchase, acquisition, and equipping  
21 of a light-mitigating technology system, subject to the approval of  
22 the FAA and FCC, for a wind energy facility that has commenced  
23 operations without a light-mitigating technology system prior to the  
24 effective date of this act.

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

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

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

14       SECTION 2. This act shall become effective January 1, 2026."  
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1 Passed the House of Representatives the 1st day of May, 2025.

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4 Presiding Officer of the House of  
Representatives  
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6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2025.

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9 Presiding Officer of the Senate  
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1 ENGROSSED SENATE  
2 BILL NO. 713

By: Jech of the Senate

3 and

4 Newton of the House

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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 3. 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 economic 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 regulations provided in 14 C.F.R.,  
12 Section 1.1 et seq. upon the occurrence of either:

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

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 the authority to  
14 enforce the provisions of this section and may promulgate rules to  
15 effectuate the provisions of this section.

16 SECTION 4. This act shall become effective November 1, 2025.

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1 Passed the Senate the 25th day of March, 2025.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2025.

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9 Presiding Officer of the House  
10 of Representatives