

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1044 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Molly Jenkins

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

PROPOSED POLICY
COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1044

By: Jenkins

PROPOSED POLICY COMMITTEE SUBSTITUTE

An Act relating to wind energy facilities; creating the Vital Industries Security Act of 2025; amending 17 O.S. 2021, Section 160.20, as amended by Section 21, Chapter 126, O.S.L. 2023 (17 O.S. Supp. 2024, Section 160.20), which relates to setbacks; authorizing certain county commissions to make certain moratorium declaration; requiring certain moratorium be declared within certain timeframe; providing for noncodification; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Vital Industries Security Act of 2025".

SECTION 2. AMENDATORY 17 O.S. 2021, Section 160.20, as amended by Section 21, Chapter 126, O.S.L. 2023 (17 O.S. Supp. 2024, Section 160.20), is amended to read as follows:

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

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

6 a. a public-use airport as defined in Section 120.2 of
7 Title 3 of the Oklahoma Statutes, or

8 b. an airport owned by a municipality;

9 2. One and one-half (1 1/2) nautical miles from any public
10 school which is a part of a public school district; or

11 3. One and one-half (1 1/2) nautical miles from a hospital.

12 B. Attestation of compliance with the setback requirements in
13 this section shall be included in any reports required by the
14 Oklahoma Corporation Commission. Stakeholder and landowner disputes
15 arising under subsection A of this section shall fall under the
16 exclusive jurisdiction of the district courts. The Corporation
17 Commission may seek enforcement of the submission and attestation
18 requirements of this subsection and subsection C of this section
19 through its administrative court system.

20 C. After April 3, 2018, construction or operation of a proposed
21 individual wind turbine or any other individual structure requiring
22 a Federal Aviation Administration (FAA) Form 7460-1 that is part of
23 a wind energy facility shall not encroach upon or otherwise have a
24 significant adverse impact on the mission, training or operations of

1 any military installation or branch of military as determined by the
2 Military Aviation and Installation Assurance Siting Clearinghouse
3 (Clearinghouse) and the FAA. Areas of impact include, but are not
4 limited to, military training routes, drop zones, approaches to
5 runways and bombing ranges. No individual wind turbine or any other
6 individual structure that requires a FAA 7460-1 form that is part of
7 a wind energy facility may be constructed or expanded unless there
8 is an active Determination of No Hazard from the FAA and adverse
9 impacts to the United States Department of Defense, pursuant to
10 Title 32 of the Code of Federal Regulations, Section 211.6, have
11 been resolved as evidenced by documentation from the Clearinghouse
12 for the individual wind turbine or other individual structure. The
13 Mission Compatibility Certification Letter or successor form may
14 serve as such evidence of adverse impacts being resolved with the
15 Department of Defense or successor agency.

16 1. The Determination of No Hazard and documentation of the
17 resolution of adverse impacts to the Department of Defense shall be
18 filed with the Corporation Commission and the Oklahoma Department of
19 Aerospace and Aeronautics.

20 2. The requirements established by this subsection shall not
21 prohibit the construction of an individual wind turbine or any other
22 individual structure requiring a FAA 7460-1 form that is part of a
23 wind energy facility if that individual wind turbine or other
24

1 individual structure has received a Determination of No Hazard or
2 mitigation plan on or before April 3, 2018.

3 3. The Corporation Commission is authorized to promulgate rules
4 and regulations for the implementation of the provisions of this
5 section and Section 160.21 of this title.

6 D. If an owner of a wind energy facility fails to submit an
7 active Determination of No Hazard and documentation that adverse
8 impacts to the Department of Defense have been resolved by the
9 Clearinghouse for the individual wind turbine or other individual
10 structure prior to the start of construction, the owner shall be
11 subject to an administrative penalty not to exceed One Thousand Five
12 Hundred Dollars (\$1,500.00) per day, per violation from the
13 Corporation Commission as provided by law. In addition,
14 stakeholders, including, but not limited to, the Corporation
15 Commission or the Oklahoma Department of Aerospace and Aeronautics
16 may institute an action in any court of general jurisdiction to
17 prevent, restrain, correct or abate any violation of subsection C of
18 this section other than Corporation Commission actions related to
19 submissions or attestations.

20 E. A county commission of any county in this state that is home
21 to any facility spanning two or more counties that serves as a
22 primary hub for the storage, aggregation, and distribution of crude
23 oil through pipeline networks, and that is recognized as a key
24 delivery point for crude oil futures contracts in national or

1 international markets, may declare a two-year moratorium on the
2 construction or expansion of wind energy facilities within the
3 county commission's area of jurisdiction. However, any moratorium
4 declared pursuant to the provisions of this subsection shall be
5 declared within two (2) years of the passage of this act.

6 SECTION 3. It being immediately necessary for the preservation
7 of the public peace, health or safety, an emergency is hereby
8 declared to exist, by reason whereof this act shall take effect and
9 be in full force from and after its passage and approval.

10
11 60-1-12460 JBH 02/07/25
12
13
14
15
16
17
18
19
20
21
22
23
24