

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

POLICY COMMITTEE
RECOMMENDATION

FOR

HOUSE BILL NO. 2142

By: Kannady

POLICY COMMITTEE RECOMMENDATION

An Act relating to wind energy facilities; defining terms; prohibiting construction or modification of wind energy facilities with respect to certain military facilities; defining adverse impact with respect to military facilities; prescribing procedures; requiring filing of application; requiring Oklahoma Military Department to provide certain information; authorizing administrative rules; imposing restriction on release of information; authorizing administrative fines; authorizing civil actions; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 240.1 of Title 44, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "Clearinghouse" means the Military Aviation and Installation Assurance Siting Clearinghouse established by the United States Secretary of Defense under 10 U.S.C., Section 183(a);

1 2. "Commencement of construction" means beginning excavation of
2 wind turbine foundations or other actions relating to the actual
3 erection and installation of commercial wind energy equipment.

4 Commencement of construction does not include activities related to:

- 5 a. the erection of meteorological towers,
- 6 b. environmental assessments,
- 7 c. surveys,
- 8 d. preliminary engineering, or
- 9 e. assessments of the development of the wind resources
10 on a given parcel of property;

11 3. "Department" means the Oklahoma Military Department;

12 4. "Determination of no hazard" means the formal response
13 issued by the FAA upon completion of an aeronautical study regarding
14 a facility structure's impact to air navigation affirming that:

- 15 a. the facility structure does not exceed obstruction
16 standards, and
- 17 b. modifications to the facility structure are not
18 required;

19 5. "FAA" means the United States Federal Aviation
20 Administration;

21 6. "Facility structure" means a wind turbine or other structure
22 located on a wind energy facility, the construction or modification
23 of which would require the completion of Form 7460-1;

24 7. "Form 7460-1" means:

1 a. FAA Form 7460-1 Notice of Proposed Construction or
2 Alteration, which the FAA uses to conduct aeronautical
3 studies to promote air safety and the efficient use of
4 navigable airspace, as required under 14 C.F.R., Part
5 77, or

6 b. a form designated by the FAA to conduct aeronautical
7 studies to promote air safety and the efficient use of
8 navigable airspace;

9 8. "Mission compatibility certification letter" means the
10 formal response the Clearinghouse issues through the Clearinghouse's
11 review of proposed projects and facility structures through the
12 Clearinghouse's evaluation process;

13 9. "Owner" means a person having a majority equity interest in
14 a commercial wind energy facility;

15 10. "Wind energy facility" means an electrical generation
16 consisting of one or more wind turbines under common ownership or
17 operating control. Wind energy facility includes the infrastructure
18 necessary to support the generation of electricity by one or more
19 wind turbines, including:

- 20 a. substations,
- 21 b. meteorological data towers,
- 22 c. aboveground and underground electrical transmission
- 23 lines,
- 24 d. transformers,

1 e. control systems, and

2 f. other structures used to support the operation of the
3 facility with the primary purpose of supplying
4 electricity to an off-site customer; and

5 11. "Wind turbine" means a wind energy conversion system that
6 converts wind energy into electricity through the use of a wind
7 turbine generator. Wind turbine includes the turbine, blade, tower,
8 base, and pad transformer.

9 SECTION 2. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 240.2 of Title 44, unless there
11 is created a duplication in numbering, reads as follows:

12 A. Construction or modification of a facility structure may not
13 encroach upon or otherwise have an adverse impact on the mission,
14 training, or operations of any military installation or branch of
15 the military as determined by the Clearinghouse and the FAA.

16 B. An adverse impact to a military installation or branch of
17 the military as described in subsection A of this section includes
18 an adverse impact to:

- 19 1. A military training route;
- 20 2. A drop zone;
- 21 3. An approach to a runway;
- 22 4. A test or training range;
- 23 5. A military installation or facility;

1 6. United States Department of Defense special use air space;
2 and

3 7. United States Department of Defense spectral requirements.

4 C. A facility structure may not be constructed or expanded
5 unless:

6 1. There is an active determination of no hazard; or

7 2. Any adverse impacts to the United States Department of
8 Defense, determined in accordance with 32 C.F.R., Section 211.6, or
9 the National Defense Authorization Act have been resolved as
10 evidenced by documentation from the Clearinghouse for the facility
11 structure and the Department.

12 D. For purposes of paragraph 2 of subsection C of this section,
13 a mission compatibility certification letter may serve as evidence
14 that the wind energy facility has resolved adverse impacts with the
15 United States Department of Defense or successor agency.

16 E. Before expanding or constructing a facility structure, and
17 within thirty (30) days of submitting an application to the FAA, an
18 owner shall file a copy of the FAA application with the Department.

19 F. Within fifteen (15) days of receiving a copy of the FAA
20 application to construct a wind energy site, the Oklahoma Military
21 Department will provide a copy of the application to the affected
22 military entities.

23 G. The Department may serve in a coordination role with the
24 owner and the affected military entity.

1 H. Within thirty (30) days of receiving final notification from
2 the FAA or a Notice of Presumed Risk from the Department of Defense,
3 the owner shall provide the Department a copy of the documentation.

4 I. The Department may make rules in accordance with the
5 Oklahoma Administrative Procedures Act to administer this section.

6 J. The documentation an owner submits in accordance with
7 subsections E and H of this section:

8 1. Shall only be used and disclosed by the Department in
9 accordance with this section;

10 2. Is confidential, not public, and not open to public
11 inspection; and

12 3. Is not subject to the Oklahoma Open Records Act.

13 K. If an owner fails to submit the documentation described in
14 subsections E and H of this section for an individual facility
15 structure:

16 1. The Department may charge the owner an administrative
17 penalty not to exceed One Thousand Five Hundred Dollars (\$1,500.00)
18 per day, per violation; and

19 2. A stakeholder, including the Department, may bring an action
20 in court to:

21 a. enjoin any action on a facility structure in violation
22 of this section, and

23 b. enforce the requirements of this section.
24

SECTION 3. This act shall become effective November 1, 2025.

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