

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

COMMITTEE SUBSTITUTE

FOR ENGROSSED

SENATE BILL NO. 713

By: Jech of the Senate

and

Newton of the House

COMMITTEE SUBSTITUTE

An Act relating to wind energy facilities; defining terms; requiring certain newly established facilities to apply for certain light-mitigating technology system prior to commencement; requiring existing wind energy facilities to apply for certain light-mitigating technology system by certain date; providing for issuance of revenue bond by county; providing for cost recovery; directing rule promulgation; 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 160.23 of Title 17, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Light-mitigating technology system" means aircraft detection lighting or any other comparable system capable of reducing the impact of facility obstruction lighting while

1 maintaining conspicuity sufficient to assist aircraft in identifying  
2 and avoiding collision with a wind energy facility;

3 2. "Wind energy facility" means an electrical generation  
4 facility consisting of one or more wind turbines under common  
5 ownership or operating control, and includes substations,  
6 meteorological data towers, aboveground and underground electrical  
7 transmission lines, transformers, control systems, and other  
8 buildings or facilities used to support the operation of the  
9 facility, and whose primary purpose is to supply electricity to an  
10 off-site customer or customers. Wind energy facility shall not  
11 include a wind energy facility located entirely on property held in  
12 fee simple absolute estate by the owner of the wind energy facility;

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

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

3 B. On and after January 1, 2026, no new wind energy facility  
4 may commence operations in this state unless the developer, owner,  
5 or operator of the facility applies to the Federal Aviation  
6 Administration (FAA) for installation of a light-mitigating  
7 technology system that complies with FAA regulations provided in 14  
8 C.F.R., Section 1.1 et seq. and to the Federal Communications  
9 Commission (FCC) regarding frequency licensing and antenna structure  
10 registration, as applicable, as provided in 47 C.F.R., Sections  
11 90.101 and 17.4. If approved by the FAA and the FCC, the developer,  
12 owner, or operator of such facility shall install the light-  
13 mitigating technology system on the facility within twenty-four (24)  
14 months after receipt of approval.

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

23 a. the repowering of the wind energy facility, or  
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1           b.    entrance into or renewal of a new power offtake  
2                    agreement.

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

8           D.    Any county may issue revenue bonds for the purpose of paying  
9 all or part of the costs of the purchase, acquisition, and equipping  
10 of a light-mitigating technology system, subject to the approval of  
11 the FAA and FCC, for a wind energy facility that has commenced  
12 operations without a light-mitigating technology system prior to the  
13 effective date of this act.

14          E.    Any costs associated with the installation, implementation,  
15 operation, and maintenance of a light-mitigating technology system  
16 shall be the responsibility of the developer, owner, or operator of  
17 the wind energy facility. For public utilities subject to rate  
18 regulation by the Corporation Commission, costs incurred directly by  
19 the public utility in compliance with this act may seek recovery  
20 subject to review and order of the Corporation Commission.

21          F.    Wind energy facilities shall maintain operations of  
22 installed light-mitigating technology systems in accordance with  
23 Corporation Commission rule.  
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1       G. The Corporation Commission shall have the authority to  
2 enforce the provisions of this section and may promulgate rules to  
3 effectuate the provisions of this section.

4       SECTION 2. This act shall become effective January 1, 2026.

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6       60-1-13608       JBH       04/23/25

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