

An Act

ENROLLED SENATE
BILL NO. 713

By: Jech of the Senate

and

Newton of the House

An Act relating to wind energy facilities; defining terms; requiring newly established facilities to apply for certain light-mitigating technology systems prior to commencement; establishing deadline for installation after receipt of approval; requiring 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 accordance with certain rules; directing rule promulgation; providing for codification; and providing an effective date.

SUBJECT: Wind energy facilities

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

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

C. 1. Any developer, owner, or operator of a wind energy facility that commences commercial operations in this state on or before the effective date of this act without a light-mitigating

technology system shall apply to the FAA for installation of the system in compliance with FAA regulations provided in 14 C.F.R., Section 1.1 et seq. and to the FCC regarding frequency licensing and antenna structure registration, as applicable, as provided in 47 C.F.R., Sections 90.101 and 17.4 upon the occurrence of either:

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

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

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

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

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

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

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

Passed the Senate the 20th day of May, 2025.

Presiding Officer of the Senate

Passed the House of Representatives the 1st day of May, 2025.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____