

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               1st Session of the 60th Legislature (2025)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2142

By: Kannady of the House

and

Green of the Senate

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10                               COMMITTEE SUBSTITUTE

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

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

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

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

7 Commencement of construction does not include activities related to:

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

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

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

- 18           a. the facility structure does not exceed obstruction  
19             standards, and
- 20           b. modifications to the facility structure are not  
21             required;

22        5. "FAA" means the United States Federal Aviation  
23 Administration;

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

4       7. "Form 7460-1" means:

5           a. FAA Form 7460-1 Notice of Proposed Construction or  
6           Alteration, which the FAA uses to conduct aeronautical  
7           studies to promote air safety and the efficient use of  
8           navigable airspace, as required under 14 C.F.R., Part  
9           77, or

10          b. a form designated by the FAA to conduct aeronautical  
11          studies to promote air safety and the efficient use of  
12          navigable airspace;

13       8. "Mission compatibility certification letter" means the  
14 formal response the Clearinghouse issues through the Clearinghouse's  
15 review of proposed projects and facility structures through the  
16 Clearinghouse's evaluation process;

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

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

24           a. substations,

- b. meteorological data towers,
- c. aboveground and underground electrical transmission lines,
- d. transformers,
- e. control systems, and
- f. other structures used to support the operation of the facility with the primary purpose of supplying electricity to an off-site customer; and

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

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

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

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

- 1. A military training route;
- 2. A drop zone;

1        3. An approach to a runway;

2        4. A test or training range;

3        5. A military installation or facility;

4        6. United States Department of Defense special use air space;

5 and

6        7. United States Department of Defense spectral requirements.

7        C. A facility structure may not be constructed or expanded

8 unless:

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

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

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

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

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

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

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

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

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

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

14 2. Is confidential, not public, and not open to public  
15 inspection; and

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

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

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

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

1           a.    enjoin any action on a facility structure in violation  
2                   of this section, and

3           b.    enforce the requirements of this section.

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

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6   COMMITTEE ON HEALTH AND HUMAN SERVICES OVERSIGHT, dated 03/06/2025 -  
7   DO PASS, As Amended.