

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

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

4   ENGROSSED SENATE  
5   BILL NO. 2

                              By: Green, Thompson, and  
                              Seifried of the Senate

6   and

7   Pfeiffer of the House

8  
9  
10                   **[ wind energy facilities - setback requirements -**  
11                   **wind energy facility towers - dwellings and**  
12                   **property boundaries - effective date ]**

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

16           SECTION 1.       AMENDATORY       17 O.S. 2021, Section 160.20, as  
17   amended by Section 21, Chapter 126, O.S.L. 2023 (17 O.S. Supp. 2024,  
18   Section 160.20), is amended to read as follows:

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

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

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

3           b.    an airport owned by a municipality;

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

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

7           B.   On and after November 1, 2025, no wind energy facility may  
8 be constructed if the base of any tower is located at a distance of  
9 less than:

10          1.   One-quarter (1/4) nautical mile from the nearest point on  
11 the outside wall of any residential dwelling; and

12          2.   One-quarter (1/4) nautical mile from the nearest point of  
13 any nonparticipating property.

14          If a notice of commencement of construction of a wind energy  
15 facility is completed and filed with the Corporation Commission  
16 prior to November 1, 2025, with a date to commence construction at  
17 the location detailed in the notice on or before November 1, 2026,  
18 the setback provisions described in this subsection shall not apply  
19 to such facility.

20          C.   Attestation of compliance with the setback requirements in  
21 this section shall be included in any reports required by the  
22 Corporation Commission. Stakeholder and landowner disputes arising  
23 under subsection A or B of this section shall fall under the  
24 exclusive jurisdiction of the district courts. The Corporation

1 Commission may seek enforcement of the submission and attestation  
2 requirements of this subsection and subsection ~~E~~ D of this section  
3 through its administrative court system.

4 ~~E~~ D. After April 3, 2018, construction or operation of a  
5 proposed individual wind turbine or any other individual structure  
6 requiring a Federal Aviation Administration (FAA) Form 74 is part of  
7 a wind energy facility shall not encroach upon or otherwise have a  
8 significant adverse impact on the mission, training, or operations  
9 of any military installation or branch of military as determined by  
10 the Military Aviation and Installation Assurance Siting  
11 Clearinghouse ~~(Clearinghouse)~~ and the FAA. Areas of impact include,  
12 but are not limited to, military training routes, drop zones,  
13 approaches to runways, and bombing ranges. No individual wind  
14 turbine or any other individual structure that requires ~~a~~ an FAA  
15 7460-1 form that is part of a wind energy facility may be  
16 constructed or expanded unless there is an active Determination of  
17 No Hazard from the FAA and adverse impacts to the United States  
18 Department of Defense, pursuant to Title 32 of the Code of Federal  
19 Regulations, Section 211.6, have been resolved as evidenced by  
20 documentation from the Clearinghouse for the individual wind turbine  
21 or other individual structure. The Mission Compatibility  
22 Certification Letter or successor form may serve as such evidence of  
23 adverse impacts being resolved with the Department of Defense or  
24 successor agency.

1        1. The Determination of No Hazard and documentation of the  
2 resolution of adverse impacts to the Department of Defense shall be  
3 filed with the Corporation Commission and the Oklahoma Department of  
4 Aerospace and Aeronautics.

5        2. The requirements established by this subsection shall not  
6 prohibit the construction of an individual wind turbine or any other  
7 individual structure requiring ~~a~~ an FAA 7460-1 form that is part of  
8 a wind energy facility if that individual wind turbine or other  
9 individual structure has received a Determination of No Hazard or  
10 mitigation plan on or before April 3, 2018.

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

14       ~~D.~~ E. If an owner of a wind energy facility fails to submit an  
15 active Determination of No Hazard and documentation that adverse  
16 impacts to the Department of Defense have been resolved by the  
17 Clearinghouse for the individual wind turbine or other individual  
18 structure prior to the start of construction, the owner shall be  
19 subject to an administrative penalty not to exceed One Thousand Five  
20 Hundred Dollars (\$1,500.00) per day, per violation from the  
21 Corporation Commission as provided by law. In addition,  
22 stakeholders, including, but not limited to, the Corporation  
23 Commission or the Oklahoma Department of Aerospace and Aeronautics,  
24 may institute an action in any court of general jurisdiction to

1 prevent, restrain, correct, or abate any violation of subsection E D  
2 of this section other than Corporation Commission actions related to  
3 submissions or attestations.

4 SECTION 2. This act shall become effective November 1, 2025.

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6 COMMITTEE REPORT BY: COMMITTEE ON ENERGY AND NATURAL RESOURCES  
7 OVERSIGHT, dated 04/23/2025 - DO PASS, As Amended.  
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