

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 SENATE BILL 1514

By: McIntosh

6 AS INTRODUCED

7 An Act relating to wind energy; amending 17 O.S.  
8 2021, Sections 160.13, 160.14, 160.15, and 160.21, as  
9 amended by Section 22, Chapter 126, O.S.L. 2023 (17  
10 O.S. Supp. 2025, Section 160.21), which relate to the  
11 Oklahoma Wind Energy Development Act; modifying  
12 definitions; defining terms; modifying certain depth  
13 requirement; requiring decommission or removal in  
14 certain circumstances; requiring certain restoration;  
15 modifying requirements for evidence of financial  
16 security; requiring certain permit; stating permit  
application criteria; requiring certain mailing and  
notification; modifying where certain meeting shall  
be held; establishing minimum requirements for  
certain approval; requiring certain notification;  
authorizing comments from executive agencies;  
requiring certain letter; requiring public hearing;  
authorizing promulgation of rules; stating certain  
disclosure; stating exception; providing for  
codification; and providing an effective date.

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

20 SECTION 1. AMENDATORY 17 O.S. 2021, Section 160.13, is

21 amended to read as follows:

22 Section 160.13. As used in the Oklahoma Wind Energy Development

23 Act:

1       1. "Abandonment" means the failure to generate electricity from  
2       commercial wind energy equipment for a period of ~~twenty-four~~ (24)  
3       ~~consecutive months~~ one hundred eighty (180) consecutive days for  
4       reasons other than curtailment, repowering, a valid judicial order,  
5       or other governmental regulatory action, with no pending  
6       negotiations for purchase. A wind energy facility shall not be  
7       considered abandoned if the owner or operator has elected not to run  
8       the facility, but it has been maintained in proper working order and  
9       is capable of generating electricity;

10       2. "Commencement of construction" means beginning excavation of  
11       wind turbine foundations or other actions relating to the actual  
12       erection and installation of commercial wind energy equipment. It  
13       shall include the clearing of land, relocation of utilities,  
14       expansion of a wind energy facility, and other actions that would  
15       adversely affect the natural environment of the proposed site. It  
16       shall not include erection of meteorological towers, environmental  
17       assessments, surveys, preliminary engineering, or other activities  
18       associated with assessment of development of the wind resources on a  
19       given parcel of property;

20       3. "Commercial generation date" means the date on which the  
21       wind turbine in question first generates electrical energy in  
22       commercial quantities;

1       4. "Commercial wind energy equipment" means a wind tower and  
2       turbine with five hundred kilowatts (500kw) or greater of total  
3       nameplate generating capacity;

4       5. "Commercial quantities" means an amount of electrical energy  
5       sufficient for sale or use off-site from a wind turbine or wind  
6       energy facility, and shall not include amounts of electrical energy  
7       used only for the maintenance or testing of the wind turbine or wind  
8       energy facility itself;

9       6. "Nonparticipating landowner" means a landowner that is not  
10      under a lease or other property agreement with an owner or operator;

11      7. "Operate" means activity associated with the management,  
12      operation, and maintenance of a completed wind energy facility and  
13      includes the installation or improvement of a wind energy facility;

14      8. "Operator" means a person or entity that operates a wind  
15      energy facility;

16      9. "Owner" means the entity having a majority equity interest  
17      in commercial wind energy equipment, including their respective  
18      successors and assigns;

19      7. 10. "Person" means a natural person, corporation, limited  
20      liability company, partnership, joint venture, or other private  
21      business entity;

22      11. "Proprietary information" means commercial or financial  
23      information that:

1           a. is used directly or indirectly in the business of an  
2           applicant submitting information to a political  
3           subdivision, and  
4           b. gives an applicant submitting information to a  
5           political subdivision an advantage or opportunity to  
6           obtain an advantage over a competitor that does not  
7           know of, or otherwise use, the information.

8           It shall include trade secrets;

9           12. "Redevelop" means to replan, reconstruct, or redesign a  
10           wind energy facility and includes the acquisition, clearance,  
11           development, disposal, or combination thereof, of a wind energy  
12           facility;

13           13. "Transmission facility" means a power cable, distribution  
14           line, or other equipment that delivers electricity from a wind  
15           turbine located in this state to the point of interconnection with a  
16           power distribution grid, long-distance power transmission grid, or  
17           other facility by and through which the electricity is distributed  
18           or transmitted to one or more customers. It shall not include  
19           distribution, transmission, or other facilities that are located  
20           beyond the point of interconnection with the power distribution grid  
21           or transmission grid;

22           14. "Under development" means the execution of land leases on  
23           all real estate to be included in the proposed development, the  
24           commencement of necessary state and federal studies related to

1 construction of a wind energy facility, and the commencement of on-  
2 site physical work of a significant nature on the proposed wind  
3 energy facility site;

4       15. "Useful life" means the time during which a wind turbine or  
5 wind energy facility is generating electricity in commercial  
6 quantities;

7       8. "Wind turbine" means a wind energy conversion system which  
8 converts wind energy into electricity through the use of a wind  
9 turbine generator and includes the turbine, blade, tower, base and  
10 pad transformer, if any; and

11       9. 16. "Wind energy facility" means an electrical generation  
12 facility consisting of one or more wind turbines under common  
13 ownership or operating control, that, cumulatively with any other  
14 wind energy facility:

15           a. has a rated capacity of five (5) megawatts or more of  
16 electrical energy, and

17           b. is more than two hundred (200) feet in height,

18 and includes substations, meteorological data towers, aboveground  
19 and underground electrical transmission lines, transformers, control  
20 systems, and other buildings or facilities used to support the  
21 operation of the facility, and whose primary purpose is to supply  
22 electricity to an off-site customer or customers. Wind energy  
23 facility shall not include a wind energy facility located entirely  
24 on property held in fee simple absolute estate by the owner of the

1      wind energy facility nor shall it include equipment that, when  
2      installed in connection with a dwelling, transmits or uses wind  
3      energy to produce electrical energy in a useful form for residential  
4      purposes;

5      17. "Wind energy facility expansion" means an activity that  
6      adds or substantially modifies a wind energy facility including, but  
7      not limited to, increasing the height or the number of wind  
8      turbines, transmission facilities, or other equipment or that  
9      increases the environmental footprint of a wind energy facility; and

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

14     SECTION 2.      AMENDATORY      17 O.S. 2021, Section 160.14, is  
15     amended to read as follows:

16     Section 160.14. A. The owner of a wind energy facility shall  
17     be responsible, at its expense, for the proper decommissioning of  
18     the facility upon abandonment or the end of the useful life of the  
19     commercial wind energy equipment in the wind energy facility.

20     B. Proper decommissioning of a wind energy facility shall  
21     include:

22       1. Removal of wind turbines, towers, buildings, cabling,  
23       electrical components, foundations and any other associated

1 facilities, to a depth of ~~thirty~~ (30) forty-eight (48) inches below  
2 grade; and

3       2. Disturbed earth being graded and reseeded or otherwise  
4 restored to substantially the same physical condition as existed  
5 prior to the construction of the wind energy facility by the owner,  
6 excluding roads, unless the landowner specifically requests in  
7 writing that the roads or other land surface areas be restored.

8       C. The decommissioning of the wind energy facility, or  
9 individual pieces of commercial wind energy equipment, shall be  
10 completed as follows:

11       1. By the owner of the wind energy facility within twelve (12)  
12 months after abandonment or the end of the useful life of the  
13 commercial wind energy equipment in the wind energy facility; and

14       2. If the owner of the wind energy facility fails to complete  
15 the decommissioning within the period prescribed in paragraph 1 of  
16 this subsection, the Corporation Commission shall take such measures  
17 as are necessary to complete the decommissioning.

18       D. A lease or other agreement between a landowner and an owner  
19 of a wind energy facility may contain provisions for decommissioning  
20 that are more restrictive than provided for in this section.

21       E. A wind energy facility shall be decommissioned or removed  
22 if:

23       1. A wind turbine ceases to generate electricity for one  
24 hundred eighty (180) continuous days unless the termination of

1    electricity was mandated by state or federal law or was authorized  
2    by the Commission. Two extensions may be authorized by the  
3    Commission for one-hundred-eighty-day periods at a time if the wind  
4    energy facility continues to be maintained in proper working order;

5    or

6    2. A wind turbine or group of wind turbines violates the noise  
7    level restrictions pursuant to Section 160.21 of this title unless  
8    the wind turbine or group of wind turbines is brought into  
9    compliance within one hundred eighty (180) days of the violation.

10    One extension may be authorized by the Commission pursuant to this  
11    paragraph.

12    F. Within twelve (12) months of the decommissioning of a wind  
13    energy facility, the property shall be restored to its original  
14    condition.

15    SECTION 3.        AMENDATORY        17 O.S. 2021, Section 160.15, is  
16    amended to read as follows:

17    Section 160.15. A. The owner of a wind energy facility shall  
18    submit to the Corporation Commission evidence of financial security  
19    to cover the anticipated costs of decommissioning the wind energy  
20    facility. For a wind energy facility or portion thereof which  
21    reaches the commercial generation date prior to December 31, 2016,  
22    the evidence of financial security shall be submitted after the  
23    fifteenth year of operation of the facility. For a wind energy  
24    facility or portion thereof which reaches the commercial generation

1 date on or after December 31, 2016, the evidence of financial  
2 security shall be submitted by the fifth year of operation of the  
3 facility with a permit application pursuant to Section 160.21 of  
4 this title. Evidence of financial security may be in the form of a  
5 surety bond, collateral bond, parent guaranty, cash, cashier's  
6 check, certificate of deposit, bank joint custody receipt or other  
7 approved negotiable instrument as established in rules promulgated  
8 by the Commission.

9       B. 1. For a wind energy facility which reaches the commercial  
10 generation date prior to December 31, 2016, the evidence of  
11 financial security shall be accompanied by an estimate of the total  
12 cost of decommissioning, ~~minus the salvage value of the equipment~~,  
13 prepared by a professional engineer licensed in this state. The  
14 amount of the evidence of financial security shall be either:

- 15           a. the estimate of the total cost of decommissioning  
16                   minus the salvage value of the equipment which shall  
17                   be submitted to the Commission in the fifteenth year  
18                   of the project and every tenth fifth year thereafter  
19                   for the life of the wind energy facility, or
- 20           b. one hundred twenty-five percent (125%) of the estimate  
21                   of the total cost of decommissioning which shall be  
22                   submitted to the Commission in the fifteenth year of  
23                   the project.

1       2. For a wind energy facility which reaches the commercial  
2 generation date on or after December 31, 2016, the evidence of  
3 financial security shall be accompanied by an estimate of the total  
4 cost of decommissioning ~~and an estimate of the salvage value of~~ the  
5 equipment prepared by a professional engineer licensed in this  
6 state. The amount of the evidence of financial security shall be  
7 one hundred twenty-five percent (125%) of the estimate of the total  
8 cost of decommissioning, ~~minus the salvage value of the equipment,~~  
9 which shall be submitted to the Commission ~~by the fifth year after~~  
10 ~~reaching the commercial generation date when applying for a permit~~  
11 pursuant to Section 160.21 of this title and once every five (5)  
12 years thereafter upon request by the Commission.

13       C. If the owner of a wind energy facility fails to submit the  
14 information with the Commission as is required by this section, the  
15 owner shall be subject to an administrative penalty not to exceed  
16 One Thousand Five Hundred Dollars (\$1,500.00) per day.

17       D. In the event of a transfer of ownership of a wind energy  
18 facility, the evidence of financial security posted by the  
19 transferor shall remain in place and shall not be released until  
20 such time as evidence of financial security meeting the requirements  
21 of this section is posted by the new owner of the wind energy  
22 facility and deemed acceptable by the Commission.

23       E. The provisions of this section shall apply to any wind  
24 energy facility or portion thereof entering into or renewing a power

1 purchase agreement (PPA) for the energy generated by the wind energy  
2 facility on or after January 1, 2011. If a wind energy facility  
3 does not sell its energy under a power purchase agreement, the  
4 provisions of this section shall apply to the wind energy facility  
5 or portion thereof which construction commences on or after January  
6 1, 2011.

7 SECTION 4. AMENDATORY 17 O.S. 2021, Section 160.21, as  
8 amended by Section 22, Chapter 126, O.S.L. 2023 (17 O.S. Supp. 2025,  
9 Section 160.21), is amended to read as follows:

10 Section 160.21. A. 1. A person shall not construct, operate,  
11 or redevelop a wind energy facility or wind energy facility  
12 expansion in this state before obtaining a permit from the  
13 Corporation Commission. In addition, if a political subdivision has  
14 enacted an ordinance that addresses the construction or expansion of  
15 a wind energy facility within its jurisdiction, permission shall be  
16 obtained from the political subdivision. Subject to the approval of  
17 the Commission, a permit issued pursuant to this section may be  
18 transferred to a person that agrees to comply with the terms of the  
19 permit. A filing fee of Two Thousand Five Hundred Dollars  
20 (\$2,500.00) shall be submitted with each permit application.

21 2. The owner of a wind energy facility shall submit  
22 notification of intent to build a facility a permit application to  
23 the Corporation Commission within six (6) months of the initial  
24 filings with the Federal Aviation Administration (FAA) of a FAA 7460-

1 form. The Corporation Commission shall prescribe the form and  
2 submittal requirements of the notification permit application;  
3 provided, the information required on the notification permit  
4 application form shall include at least the same information  
5 required on the FAA form and, a map of the project boundary, a  
6 complete description of the wind energy facility including the  
7 number and size of the wind turbines, the proposed timeline for  
8 construction and operation of the wind energy facility, and a  
9 development and management plan. The development and management  
10 plan shall address physical characteristics of the wind energy  
11 facility; electric standards that meet national electric codes;  
12 construction, operation, and maintenance standards that comply with  
13 all building codes and ensure maintenance in a manner that protects  
14 the public and complies with all requirements of this subsection;  
15 and emergency procedures. The emergency procedures shall include:

- 16       a. a way to provide notice to the Oklahoma Department of  
17            Emergency Management and local emergency agencies  
18            within twenty-four (24) hours of an emergency,
- 19       b. directions to address an emergency situation,  
20            including written procedures to shut down the wind  
21            energy facility or a portion of the facility as  
22            necessary, and
- 23       c. an emergency evacuation plan for an area within four  
24            (4) miles of a wind energy facility, including the

location of alternate landing zones for emergency service aircraft.

The emergency procedures shall be reviewed at least annually by the owner or operator of the wind energy facility in collaboration with the fire department, law enforcement, and other appropriate first responders as necessary. Copies of the emergency procedures shall be distributed to the local legislative body, first responders, and supervisors or employees of the wind energy facility.

3. The owner of a wind energy facility shall submit to the Oklahoma Department of Aerospace and Aeronautics copies of all initial FAA 7460-1 forms for all individual wind turbines or any other individual structure that requires a FAA Form 7460-1 that is part of a wind energy facility within thirty (30) days of the initial filing with the FAA. The Oklahoma Department of Aerospace and Aeronautics shall prescribe the submittal requirements for the 7460-1 form.

4. The owner of the wind energy facility shall send copies of the ~~notification~~ permit application to the board of county commissioners of every county in which all or a portion of the wind energy facility is to be located within twenty-four (24) hours of filing with the Corporation Commission. If all or a portion of the wind energy facility is to be located within the incorporated area of a municipality, copies of the ~~notification~~ permit application

1 shall also be sent to the governing body of the municipality within  
2 twenty-four (24) hours of filing with the Corporation Commission.  
3 In addition to sending copies of the permit application to the  
4 county commissioners and the governing body of a municipality, if  
5 necessary, the owner of the wind energy facility shall send a copy  
6 of the permit application to the Oklahoma Tourism and Recreation  
7 Department, the county clerk of every county in which all or a  
8 portion of the wind energy facility is to be located, and any  
9 landowner and resident located within four (4) miles of the proposed  
10 location of the wind energy facility or wind energy facility  
11 expansion within twenty-four (24) hours of filing with the  
12 Corporation Commission.

13 If the owner of a wind energy facility is required to file  
14 subsequent 7460-1 forms with the FAA due to changing locations or  
15 heights of individual structures from the locations or heights  
16 originally proposed in the initial 7460-1 forms submitted to the  
17 Oklahoma Department of Aerospace and Aeronautics, the owner shall,  
18 within ten (10) days of filing with the FAA, submit such subsequent  
19 7460-1 forms to the Corporation Commission and Oklahoma Department  
20 of Aerospace and Aeronautics. A wind energy facility owner shall  
21 not be required to start the notification processes over unless the  
22 subsequent 7460-1 forms expand the project beyond its original  
23 boundaries submitted to the Corporation Commission.

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1       B. Within ten (10) days of receiving a FAA 7460-1 form, as  
2 provided for in subsection A of this section, the Oklahoma  
3 Department of Aerospace and Aeronautics shall notify the Oklahoma  
4 Strategic Military Planning Commission. The Oklahoma Strategic  
5 Military Planning Commission shall notify local base commanders upon  
6 receipt of this notification. The Oklahoma Strategic Military  
7 Planning Commission shall submit a letter to the Military Aviation  
8 and Installation Assurance Siting Clearinghouse outlining potential  
9 areas of impact, as provided in Section 160.20 of this title, within  
10 thirty (30) days of receipt of the notification. The letter from  
11 the Oklahoma Strategic Military Planning Commission shall be  
12 submitted to the Corporation Commission, the Oklahoma Department of  
13 Aerospace and Aeronautics, and the wind energy facility owner at the  
14 same time the letter is submitted to the Clearinghouse.

15       C. Within six (6) months of submitting the notification permit  
16 application with the Corporation Commission as provided for in  
17 subsection A of this section, the owner of the wind energy facility  
18 shall cause a copy of the notification permit application to be  
19 published in a newspaper of general circulation in the county or  
20 counties in which all or a portion of the wind energy facility is to  
21 be located. Proof of publication shall be submitted to the  
22 Corporation Commission.

23       D. Within six (6) months of submitting the notification permit  
24 application with the Corporation Commission as provided in

1 subsection A of this section, the owner of the wind energy facility  
2 shall cause a copy of the ~~notification~~ permit application to be  
3 sent, by certified mail, to:

4 1. Any oil and gas operator, as reflected in the records of the  
5 Corporation Commission, who is conducting oil and gas operations  
6 upon all or any part of the surface estate as to which the wind  
7 energy developer intends the construction of the wind energy  
8 facility;

9 2. Any oil and gas operator, as reflected in the records of the  
10 Corporation Commission, of an unspaced unit, or a unit created by  
11 order of the Corporation Commission, who is conducting oil and gas  
12 operations for the unit where all or any part of the unit area is  
13 within the geographical boundaries of the surface estate as to which  
14 the wind energy developer intends the construction of the wind  
15 energy facility; and

16 3. As to tracts of land not described in paragraphs 1 and 2 of  
17 this subsection on which the wind energy developer intends to  
18 construct a wind energy facility, all lessees of oil and gas leases  
19 covering the mineral estate underlying any part of the tracts of  
20 land that are filed of record with the county clerk in the county  
21 where the tracts are located and whose primary term has not expired.

22 If the wind energy developer makes a search with reasonable  
23 diligence, and the whereabouts of a party entitled to any notice  
24 described in this subsection cannot be ascertained or such notice

1 cannot be delivered, then an affidavit attesting to such diligent  
2 search for the parties shall be placed in the records of the county  
3 clerk where the surface estate is actually located.

4       E. Within sixty (60) days of publishing the notification permit  
5 application in a newspaper as provided for in subsection C of this  
6 section, the owner of the wind energy facility shall hold a public  
7 meeting. Notice of the public meeting shall be published in a  
8 newspaper of general circulation and submitted to the board of  
9 county commissioners in the county or counties in which all or a  
10 portion of the wind energy facility is to be located. The notice  
11 shall contain the place, date, and time of the public meeting.  
12 Proof of publication of the notice shall be submitted to the  
13 Corporation Commission. The public meeting shall be held in ~~one of~~  
14 ~~the counties~~ each county in which all or a portion of the wind  
15 energy facility is to be located or expanded.

16       F. With regard to the surface estate upon which the owner of a  
17 wind energy facility intends to construct a wind energy facility, at  
18 least sixty (60) days before entering upon the surface estate for  
19 the purposes of commencement of construction of the wind energy  
20 facility, the owner shall provide written notice, by certified mail,  
21 of its intent to construct the wind energy facility to:

22       1. Any oil and gas operator, as reflected in the records of the  
23 Corporation Commission, who is conducting oil and gas operations  
24 upon all or any part of the surface estate as to which the wind

1 energy developer intends the construction of the wind energy  
2 facility;

3       2. Any oil and gas operator, as reflected in the records of the  
4 Corporation Commission, of an unspaced unit, or a unit created by  
5 order of the Corporation Commission, who is conducting oil and gas  
6 operations for the unit where all or any part of the unit area is  
7 within the geographical boundaries of the surface estate as to which  
8 the wind energy developer intends the construction of the wind  
9 energy facility; and

10      3. As to tracts of land not described in paragraphs 1 and 2 of  
11 this subsection on which the wind energy developer intends to  
12 construct a wind energy facility, all lessees of oil and gas leases  
13 covering the mineral estate underlying any part of the tracts of  
14 land that are filed of record with the county clerk in the county  
15 where the tracts are located and whose primary term has not expired.

16       The notice shall contain a map or plat of the proposed location,  
17 with sufficient specificity of all of the various elements of the  
18 wind energy facility to be located on the governmental section which  
19 includes all or any part of the tracts of land described in  
20 paragraphs 1, 2, and 3 of this subsection and the approximate date  
21 that the owner of the wind energy facility proposes to commence  
22 construction. If the wind energy developer makes a search with  
23 reasonable diligence, and the whereabouts of a party entitled to any  
24 notice described in this subsection cannot be ascertained or such

1 notice cannot be delivered, then an affidavit attesting to such  
2 diligent search for the parties shall be placed in the records of  
3 the county clerk where the surface estate is actually located.  
4 Within thirty (30) days of receiving such notice, any oil and gas  
5 operator, as described in paragraphs 1, 2, and 3 of this subsection  
6 shall reciprocate, in writing by certified mail, certain site,  
7 operational and infrastructure information, with sufficient  
8 specificity, to be shared with the owner of the wind energy facility  
9 to assist both with the safe construction and operation pertaining  
10 to the surface estate. This information should include American  
11 Land Title Association (ALTA) surveys of existing subsurface and  
12 surface improvements on the property, if any, as well as other  
13 technical specifications for existing improvements such as pipe  
14 size, material, capacity and depth.

15       G. The owner of a wind energy facility shall not commence  
16 construction on the facility until the notification and public  
17 meeting requirements of this section have been met. If an owner of  
18 a wind energy facility fails to submit the information as required  
19 in this section, the owner shall be subject to an administrative  
20 penalty from the Corporation Commission not to exceed One Thousand  
21 Five Hundred Dollars (\$1,500.00) per day, per violation as provided  
22 by law.

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1       H. The Corporation Commission shall establish that the  
2       applicant has met the following minimum requirements before  
3       approving a permit application:

4       1. The minimum setback for the base of any wind turbine from a  
5       nonparticipating landowner's property line shall be equal to the  
6       greater of one quarter (1/4) of a nautical mile or two (2) times the  
7       total height of the wind turbine as measured from the ground at its  
8       base to the maximum height of the blade tip. A nonparticipating  
9       landowner may elect to sign a waiver that allows a wind turbine or  
10       group of wind turbines to be placed up to one and one-tenth (1.1)  
11       times the total height of the wind turbine as measured from the  
12       ground at its base to the maximum height of the blade tip from the  
13       nonparticipating landowner's property line;

14       2. The minimum setback from the base of a wind turbine shall be  
15       one half (1/2) of a nautical mile from any residential structure  
16       that exists at the time the permit application is submitted to the  
17       Corporation Commission;

18       3. An environmental impact assessment, conducted by a qualified  
19       third-party expert approved by the Corporation Commission and paid  
20       for by the applicant, of the potential adverse impacts within four  
21       (4) miles of the perimeter of the wind energy facility or wind  
22       energy facility expansion. The environmental impact assessment  
23       shall include, but not be limited to, a study of the:

1           a. economic impacts to individuals, real property values,  
2           tourism, and agriculture,  
3           b. compliance with state and national fire, building, and  
4           electrical codes,  
5           c. impact on wildlife including potential adverse impacts  
6           to wildlife refuges, preserves and management areas,  
7           habitats for threatened or endangered species, primary  
8           nursery areas as designated by the Oklahoma Wildlife  
9           Conservation Commission, and critical fishery habitats  
10           as identified by state or federal law,  
11           d. viewshed analysis for state and federal parks and  
12           forests, historic and cultural sites, public parks and  
13           recreation areas, and private conservation land, and  
14           e. bodies of water within four (4) miles of the perimeter  
15           of the wind energy facility or wind energy facility  
16           expansion, including flowing water sources, stormwater  
17           runoff, wetlands, groundwater, aquifers, and private  
18           wells.

19           Such environmental impact assessment shall not be required if an  
20           environmental review of the wind energy facility or any portion of  
21           the wind energy facility is required pursuant to the National  
22           Environmental Policy Act of 1969 that includes public input, a  
23           public hearing, an environmental impact statement, and a viewshed  
24           analysis;

1       4. A risk assessment and mitigation recommendations for shadow  
2       flicker and other incidents, including wind turbine fires,  
3       structural damage or failure, ice throw, blade shear, and hazardous  
4       material spills. Shadow flicker shall not exceed thirty (30) hours  
5       annually as verified in an assessment prepared according to industry  
6       standards. A nonparticipating landowner may elect to sign a written  
7       waiver to allow shadow flicker, ice throw, or blade shear from any  
8       wind turbine on the nonparticipating landowner's property;

9       5. A risk assessment for civil air navigation, military or law  
10      enforcement routes or training exercises, emergency medical flights,  
11      radar operations, and mobile phone services;

12      6. A risk assessment for lighting requirements beyond those  
13      required by the Federal Aviation Administration; and

14      7. A baseline determination of preconstruction noise levels,  
15      including modeling and enforcement, conducted by a qualified third-  
16      party acoustics expert paid for by the applicant. Except during an  
17      event of inclement weather that prevents an operator from  
18      controlling the noise level of one or more wind turbines, the noise  
19      emission limit at a nonparticipating landowner's dwelling shall not  
20      exceed thirty-five A-weighted decibels (35 dBA). The emission limit  
21      at a nonparticipating landowner's property line shall not exceed  
22      forty-five A-weighted decibels (45 dBA). A nonparticipating  
23      landowner may elect to sign a written waiver to allow for noise  
24      levels that exceed such limits.

1 SECTION 5. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 160.24 of Title 17, unless there  
3 is created a duplication in numbering, reads as follows:

4 A. Upon receipt of an application for a permit for the  
5 construction, operation, or redevelopment of a wind energy facility  
6 or a wind energy facility expansion pursuant to Section 160.21 of  
7 Title 17 of the Oklahoma Statutes, the Corporation Commission shall  
8 notify executive agencies of this state requesting comments  
9 regarding the adequacy of a permit application.

10 B. Comments shall be received within one hundred twenty (120)  
11 days after the notification from the Commission unless an agency  
12 requests a longer period to consider the permit application.

13 C. Upon review of comments received, if any, the Commission  
14 shall determine whether the applicant failed to include or  
15 adequately develop relevant environmental or economic impacts  
16 associated with the wind energy facility as required pursuant to  
17 Section 160.21 of Title 17 of the Oklahoma Statutes. The Commission  
18 shall issue a letter to the applicant if there are deficiencies in  
19 the application. The letter shall be prepared and served to the  
20 applicant no later than twenty (20) days before the date for a  
21 public hearing pursuant to subsection D of this section. The  
22 applicant shall promptly respond to the letter and the public  
23 hearing shall be deferred unless the applicant has responded before  
24 the hearing.

1       D. A public hearing shall be set no earlier than sixty (60)  
2 days after the notification date for comments from executive  
3 agencies. The testimony presented at the hearing may be presented  
4 in writing or orally; provided, the Commission may promulgate rules  
5 designed to exclude repetitive, redundant, or irrelevant testimony.  
6 After the public hearing, the Commission may deny, grant, or  
7 conditionally grant the permit.

8       SECTION 6.        NEW LAW        A new section of law to be codified  
9 in the Oklahoma Statutes as Section 160.25 of Title 17, unless there  
10 is created a duplication in numbering, reads as follows:

11       A. Except as provided in subsection B of this section, a permit  
12 application for the construction, operation, or redevelopment of a  
13 wind energy facility or a wind energy facility expansion and other  
14 documents required pursuant to this act are subject to disclosure  
15 under the Oklahoma Open Records Act and the federal Freedom of  
16 Information Act.

17       B. Proprietary information contained in a permit application or  
18 other documents required pursuant to this act or documents used by  
19 the Commission to evaluate and approve or deny a permit application  
20 shall remain confidential and not subject to disclosure under the  
21 Oklahoma Open Records Act or the federal Freedom of Information Act.

22       SECTION 7. This act shall become effective November 1, 2026.  
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