

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 2123

By: Frix

AS INTRODUCED

An Act relating to wind energy; amending 17 O.S. 2021, Sections 160.13, 160.14, 160.15, and 160.21, as amended by Section 22, Chapter 126, O.S.L. 2023 (17 O.S. Supp. 2025, Section 160.21), which relate to the Oklahoma Wind Energy Development Act; modifying definitions; defining terms; modifying certain depth requirement; requiring decommission or removal in certain circumstances; requiring certain restoration; modifying requirements for evidence of financial 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.

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

SECTION 1. AMENDATORY 17 O.S. 2021, Section 160.13, is amended to read as follows:

Section 160.13. As used in the Oklahoma Wind Energy Development 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;
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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
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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 filing with the Federal Aviation Administration (FAA) of a FAA 7460-

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

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

1 location of alternate landing zones for emergency
2 service aircraft.

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

10 3. The owner of a wind energy facility shall submit to the
11 Oklahoma Department of Aerospace and Aeronautics copies of all
12 initial FAA 7460-1 forms for all individual wind turbines or any
13 other individual structure that requires a FAA Form 7460-1 that is
14 part of a wind energy facility within thirty (30) days of the
15 initial filing with the FAA. The Oklahoma Department of Aerospace
16 and Aeronautics shall prescribe the submittal requirements for the
17 7460-1 form.

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

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

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

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

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

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

14 C. Upon review of comments received, if any, the Commission
15 shall determine whether the applicant failed to include or
16 adequately develop relevant environmental or economic impacts
17 associated with the wind energy facility as required pursuant to
18 Section 160.21 of Title 17 of the Oklahoma Statutes. The Commission
19 shall issue a letter to the applicant if there are deficiencies in
20 the application. The letter shall be prepared and served to the
21 applicant no later than twenty (20) days before the date for a
22 public hearing pursuant to subsection D of this section. The
23 applicant shall promptly respond to the letter and the public
24 hearing shall be deferred unless the applicant has responded before
25 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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24 60-2-3215 CN 1/15/2026 1:07:00 PM
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