

Bill Summary
2nd Session of the 60th Legislature

Bill No.:	SB 2123
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Author:	Sen. Frix
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Bill Analysis

SB 2123 decreases the timeframe a wind energy facility may fail to generate electricity before it is considered abandoned from 24 consecutive months to 180 consecutive days. The measure expands the definition of “commencement of construction” to include the clearing of land, relocation of utilities, expansion of a wind energy facility, and other actions that would adversely affect the natural environment of the proposed site. The measure specifies that a wind energy facility must have wind turbines that possess a rated capacity of 5 megawatts or more as well as stand at 200 feet in height. The measure requires the removal of foundations of wind turbines to be conducted at 48 inches below grade. The measure requires the decommissioning of a wind energy facility if a turbine is abandoned unless the electricity was mandated by state or federal law or was authorized by the Corporation Commission. The measure authorizes the Commission to grant 2, 180-day extensions.

The measure requires any operator seeking to construct a facility to also receive permission from any political subdivision that enacted an ordinance that addresses the construction or expansion of a wind energy facility within its jurisdiction. The measure establishes a \$2,500.00 filing fee and requires any submitted plans to include a complete description of the wind energy facility. The submitted plan must provide for emergency contingencies. The emergency contingencies shall be annually reviewed by the owner and operator of the facility. Copies of the permit application shall be filed with the county clerk. The submitted plan must also show that the proposed construction complies with a 1/4 nautical mile or 2 times the total height of the wind turbine setback requirement from a nonparticipating landowner’s property line as well as a 1/2 nautical mile setback requirement from a residence. Applications shall be required to include an environmental impact assessment unless 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. The Corporation Commission is directed to notify executive agencies upon receiving an application requesting comments regarding the adequacy of a permit application. Permit applications shall be subject to public disclosure under the Oklahoma Open Records Act and the federal Freedom of Information Act. Proprietary information shall not be subject to disclosure.

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