

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1989 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Tim Turner _____

Reading Clerk

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

PROPOSED POLICY
COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 1989

By: Turner

PROPOSED POLICY COMMITTEE SUBSTITUTE

An Act relating to wind energy facilities; amending 17 O.S. 2021, Section 160.20, as amended by Section 21, Chapter 126, O.S.L. 2023 (17 O.S. Supp. 2024, Section 160.20), which relates to setback requirements; modifying date; modifying setback provisions; making certain exception; and providing an effective date.

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

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

Section 160.20. A. 1. After ~~August 21, 2015~~ November 1, 2025, no wind energy facility may be constructed if the base of any tower is located at a distance of less than:

~~1. One~~

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

~~a.~~

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

3 ~~b.~~

4 (2) an airport owned by a municipality~~+~~,

5 ~~2. One~~

6 b. one and one-half (1 1/2) nautical miles from any
7 public school which is a part of a public school
8 district~~;~~ ~~or,~~

9 ~~3. One~~

10 c. one and one-half (1 1/2) nautical miles from a
11 hospital,

12 d. one-half (1/2) nautical mile from a nonparticipating
13 landowner's property; however, a nonparticipating
14 landowner may sign an agreement with a wind energy
15 facility waiving his or her right to the setback
16 requirements of this subparagraph,

17 e. one-half (1/2) nautical mile from any aquifer, or

18 f. five (5) nautical miles from any body of water with a
19 normal level surface area that is in excess of twelve
20 thousand (12,000) surface acres.

21 2. The setback provisions of paragraph 1 of this subsection
22 shall not apply to any nonindustrial or noncommercial wind turbine
23 that is one hundred fifty (150) feet in height or less.

1 B. Attestation of compliance with the setback requirements in
2 this section shall be included in any reports required by the
3 Corporation Commission. Stakeholder and landowner disputes arising
4 under subsection A of this section shall fall under the exclusive
5 jurisdiction of the district courts. The Corporation Commission may
6 seek enforcement of the submission and attestation requirements of
7 this subsection and subsection C of this section through its
8 administrative court system.

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

1 for the individual wind turbine or other individual structure. The
2 Mission Compatibility Certification Letter or successor form may
3 serve as such evidence of adverse impacts being resolved with the
4 Department of Defense or successor agency.

5 1. The Determination of No Hazard and documentation of the
6 resolution of adverse impacts to the Department of Defense shall be
7 filed with the Corporation Commission and the Oklahoma Department of
8 Aerospace and Aeronautics.

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

15 3. The Corporation Commission is authorized to promulgate rules
16 and regulations for the implementation of the provisions of this
17 section and Section 160.21 of this title.

18 D. If an owner of a wind energy facility fails to submit an
19 active Determination of No Hazard and documentation that adverse
20 impacts to the Department of Defense have been resolved by the
21 Clearinghouse for the individual wind turbine or other individual
22 structure prior to the start of construction, the owner shall be
23 subject to an administrative penalty not to exceed One Thousand Five
24 Hundred Dollars (\$1,500.00) per day, per violation from the

1 Corporation Commission as provided by law. In addition,
2 stakeholders, including, but not limited to, the Corporation
3 Commission or the Oklahoma Department of Aerospace and Aeronautics
4 may institute an action in any court of general jurisdiction to
5 prevent, restrain, correct or abate any violation of subsection C of
6 this section other than Corporation Commission actions related to
7 submissions or attestations.

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

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