

1 ENGROSSED SENATE
2 BILL NO. 2

By: Green, Thompson, and
Seifried of the Senate

3 and

4 Pfeiffer of the House
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6 An Act relating to wind energy facilities; amending
7 17 O.S. 2021, Section 160.20, as amended by Section
8 21, Chapter 126, O.S.L. 2023 (17 O.S. Supp. 2024,
9 Section 160.20), which relates to setback
10 requirements; providing setback requirements for
11 certain wind energy facility towers from certain
12 dwellings and property boundaries; updating statutory
13 language; and providing an effective date.

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

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

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

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

- 23 a. a public-use airport as defined in Section 120.2 of
24 Title 3 of the Oklahoma Statutes, or
- b. an airport owned by a municipality;

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

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

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

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

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

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

17 C. Attestation of compliance with the setback requirements in
18 this section shall be included in any reports required by the
19 Corporation Commission. Stakeholder and landowner disputes arising
20 under subsection A or B of this section shall fall under the
21 exclusive jurisdiction of the district courts. The Corporation
22 Commission may seek enforcement of the submission and attestation
23 requirements of this subsection and subsection C D of this section
24 through its administrative court system.

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

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

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

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

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

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1 of this section other than Corporation Commission actions related to
2 submissions or attestations.

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

4 Passed the Senate the 27th day of March, 2025.

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Presiding Officer of the Senate

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8 Passed the House of Representatives the ____ day of _____,

9 2025.

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Presiding Officer of the House
of Representatives

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