

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 1012

By: Murdock

AS INTRODUCED

An Act relating to the Oklahoma Wind Energy Development Act; 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 for wind energy facilities; establishing waiver process for certain setback provisions; updating statutory language; providing an effective date; and declaring an emergency.

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

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

a. a public-use airport as defined in Section 120.2 of 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. The setback distances prescribed in paragraphs 2 and 3 of
5 subsection A of this section may be waived by a majority vote of the
6 applicable school board or by a hospital board of directors or other
7 governing body. Any approved waiver shall be submitted in writing,
8 signed by all parties, by the wind energy facility operator to the
9 Corporation Commission.

10 C. Attestation of compliance with the setback requirements in
11 this section shall be included in any reports required by the
12 Corporation Commission. Stakeholder and landowner disputes arising
13 under subsection A or B of this section shall fall under the
14 exclusive jurisdiction of the district courts. The Corporation
15 Commission may seek enforcement of the submission and attestation
16 requirements of this subsection and subsection ~~C~~ D of this section
17 through its administrative court system.

18 ~~C.~~ D. After April 3, 2018, construction or operation of a
19 proposed individual wind turbine or any other individual structure
20 requiring a Federal Aviation Administration (FAA) Form 7460-1 that
21 is part of a wind energy facility shall not encroach upon or
22 otherwise have a significant adverse impact on the mission, training
23 or operations of any military installation or branch of military as
24 determined by the Military Aviation and Installation Assurance

1 Siting Clearinghouse ~~(Clearinghouse)~~ and the FAA. Areas of impact
2 include, but are not limited to, military training routes, drop
3 zones, approaches to runways and bombing ranges. No individual wind
4 turbine or any other individual structure that requires a an FAA
5 7460-1 form that is part of a wind energy facility may be
6 constructed or expanded unless there is an active Determination of
7 No Hazard from the FAA and adverse impacts to the United States
8 Department of Defense, pursuant to Title 32 of the Code of Federal
9 Regulations, Section 211.6, have been resolved as evidenced by
10 documentation from the Clearinghouse for the individual wind turbine
11 or other individual structure. The Mission Compatibility
12 Certification Letter or successor form may serve as such evidence of
13 adverse impacts being resolved with the Department of Defense or
14 successor agency.

15 1. The Determination of No Hazard and documentation of the
16 resolution of adverse impacts to the Department of Defense shall be
17 filed with the Corporation Commission and the Oklahoma Department of
18 Aerospace and Aeronautics.

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

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

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

18 SECTION 2. This act shall become effective July 1, 2025.

19 SECTION 3. It being immediately necessary for the preservation
20 of the public peace, health or safety, an emergency is hereby
21 declared to exist, by reason whereof this act shall take effect and
22 be in full force from and after its passage and approval.

24 60-1-588

RD

1/16/2025 2:23:08 PM