

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1451

By: Shaw

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6 AS INTRODUCED

7 An Act relating to green energy setbacks; creating
8 setback requirements for certain solar energy farms;
9 requiring certain attestation of compliance;
10 requiring disputes be resolved in district court;
11 allowing the Oklahoma Corporation Commission to seek
12 certain enforcement; amending 17 O.S. 2021, Section
13 160.20, as amended by Section 21, Chapter 126, O.S.L.
14 2023 (17 O.S. Supp. 2024, Section 160.20), which
15 relates to setback requirements; modifying date; and
16 modifying setback provisions for wind energy
17 facilities; providing for codification; and providing
18 an effective date.

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

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 180.14 of Title 17, unless there
22 is created a duplication in numbering, reads as follows:

23 A. After November 1, 2025, no utility-scale solar farm facility
24 may be constructed if any solar panel 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:

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

3 b. an airport owned by a municipality;

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

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

7 4. Three (3) nautical miles from any nonparticipating property
8 lines.

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

16 SECTION 2. AMENDATORY 17 O.S. 2021, Section 160.20, as
17 amended by Section 21, Chapter 126, O.S.L. 2023 (17 O.S. Supp. 2024,
18 Section 160.20), is amended to read as follows:

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

22 1. One and one-half (1 1/2) nautical miles from the center line
23 of any runway located on:
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1 a. a public-use airport as defined in Section 120.2 of
2 Title 3 of the Oklahoma Statutes, or

3 b. an airport owned by a municipality;

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

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

7 4. Three (3) nautical miles from any nonparticipating property
8 lines.

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

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

1 limited to, military training routes, drop zones, approaches to
2 runways and bombing ranges. No individual wind turbine or any other
3 individual structure that requires a FAA 7460-1 form that is part of
4 a wind energy facility may be constructed or expanded unless there
5 is an active Determination of No Hazard from the FAA and adverse
6 impacts to the United States Department of Defense, pursuant to
7 Title 32 of the Code of Federal Regulations, Section 211.6, have
8 been resolved as evidenced by documentation from the Clearinghouse
9 for the individual wind turbine or other individual structure. The
10 Mission Compatibility Certification Letter or successor form may
11 serve as such evidence of adverse impacts being resolved with the
12 Department of Defense or successor agency.

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

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

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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. 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 C of
16 this section other than Corporation Commission actions related to
17 submissions or attestations.

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

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