

1 STATE OF OKLAHOMA

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

3 POLICY COMMITTEE  
4 RECOMMENDATION

5 FOR

6 HOUSE BILL NO. 2142

7 By: Kannady

8 POLICY COMMITTEE RECOMMENDATION

9 An Act relating to wind energy facilities; defining  
10 terms; prohibiting construction or modification of  
11 wind energy facilities with respect to certain  
12 military facilities; defining adverse impact with  
13 respect to military facilities; prescribing  
14 procedures; requiring filing of application;  
15 requiring Oklahoma Military Department to provide  
16 certain information; authorizing administrative  
17 rules; imposing restriction on release of  
18 information; authorizing administrative fines;  
19 authorizing civil actions; providing for  
20 codification; and providing an effective date.

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

22 SECTION 1. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 240.1 of Title 44, unless there  
24 is created a duplication in numbering, reads as follows:

As used in this act:

1. "Clearinghouse" means the Military Aviation and Installation  
Assurance Siting Clearinghouse established by the United States  
Secretary of Defense under 10 U.S.C., Section 183(a);

- 1           2. "Commencement of construction" means beginning excavation of  
2 wind turbine foundations or other actions relating to the actual  
3 erection and installation of commercial wind energy equipment.  
4 Commencement of construction does not include activities related to:
- 5           a. the erection of meteorological towers,
  - 6           b. environmental assessments,
  - 7           c. surveys,
  - 8           d. preliminary engineering, or
  - 9           e. assessments of the development of the wind resources  
10           on a given parcel of property;
- 11           3. "Department" means the Oklahoma Military Department;
- 12           4. "Determination of no hazard" means the formal response  
13 issued by the FAA upon completion of an aeronautical study regarding  
14 a facility structure's impact to air navigation affirming that:
- 15           a. the facility structure does not exceed obstruction  
16           standards, and
  - 17           b. modifications to the facility structure are not  
18           required;
- 19           5. "FAA" means the United States Federal Aviation  
20 Administration;
- 21           6. "Facility structure" means a wind turbine or other structure  
22 located on a wind energy facility, the construction or modification  
23 of which would require the completion of Form 7460-1;
- 24           7. "Form 7460-1" means:

1 a. FAA Form 7460-1 Notice of Proposed Construction or  
2 Alteration, which the FAA uses to conduct aeronautical  
3 studies to promote air safety and the efficient use of  
4 navigable airspace, as required under 14 C.F.R., Part  
5 77, or

6 b. a form designated by the FAA to conduct aeronautical  
7 studies to promote air safety and the efficient use of  
8 navigable airspace;

9 8. "Mission compatibility certification letter" means the  
10 formal response the Clearinghouse issues through the Clearinghouse's  
11 review of proposed projects and facility structures through the  
12 Clearinghouse's evaluation process;

13 9. "Owner" means a person having a majority equity interest in  
14 a commercial wind energy facility;

15 10. "Wind energy facility" means an electrical generation  
16 consisting of one or more wind turbines under common ownership or  
17 operating control. Wind energy facility includes the infrastructure  
18 necessary to support the generation of electricity by one or more  
19 wind turbines, including:

- 20 a. substations,
- 21 b. meteorological data towers,
- 22 c. aboveground and underground electrical transmission  
23 lines,
- 24 d. transformers,

- e. control systems, and
- f. other structures used to support the operation of the facility with the primary purpose of supplying electricity to an off-site customer; and

11. "Wind turbine" means a wind energy conversion system that converts wind energy into electricity through the use of a wind turbine generator. Wind turbine includes the turbine, blade, tower, base, and pad transformer.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 240.2 of Title 44, unless there is created a duplication in numbering, reads as follows:

A. Construction or modification of a facility structure may not encroach upon or otherwise have an adverse impact on the mission, training, or operations of any military installation or branch of the military as determined by the Clearinghouse and the FAA.

B. An adverse impact to a military installation or branch of the military as described in subsection A of this section includes an adverse impact to:

- 1. A military training route;
- 2. A drop zone;
- 3. An approach to a runway;
- 4. A test or training range;
- 5. A military installation or facility;

1       6. United States Department of Defense special use air space;  
2 and

3       7. United States Department of Defense spectral requirements.

4       C. A facility structure may not be constructed or expanded  
5 unless:

6       1. There is an active determination of no hazard; or

7       2. Any adverse impacts to the United States Department of  
8 Defense, determined in accordance with 32 C.F.R., Section 211.6, or  
9 the National Defense Authorization Act have been resolved as  
10 evidenced by documentation from the Clearinghouse for the facility  
11 structure and the Department.

12       D. For purposes of paragraph 2 of subsection C of this section,  
13 a mission compatibility certification letter may serve as evidence  
14 that the wind energy facility has resolved adverse impacts with the  
15 United States Department of Defense or successor agency.

16       E. Before expanding or constructing a facility structure, and  
17 within thirty (30) days of submitting an application to the FAA, an  
18 owner shall file a copy of the FAA application with the Department.

19       F. Within fifteen (15) days of receiving a copy of the FAA  
20 application to construct a wind energy site, the Oklahoma Military  
21 Department will provide a copy of the application to the affected  
22 military entities.

23       G. The Department may serve in a coordination role with the  
24 owner and the affected military entity.

1 H. Within thirty (30) days of receiving final notification from  
2 the FAA or a Notice of Presumed Risk from the Department of Defense,  
3 the owner shall provide the Department a copy of the documentation.

4 I. The Department may make rules in accordance with the  
5 Oklahoma Administrative Procedures Act to administer this section.

6 J. The documentation an owner submits in accordance with  
7 subsections E and H of this section:

8 1. Shall only be used and disclosed by the Department in  
9 accordance with this section;

10 2. Is confidential, not public, and not open to public  
11 inspection; and

12 3. Is not subject to the Oklahoma Open Records Act.

13 K. If an owner fails to submit the documentation described in  
14 subsections E and H of this section for an individual facility  
15 structure:

16 1. The Department may charge the owner an administrative  
17 penalty not to exceed One Thousand Five Hundred Dollars (\$1,500.00)  
18 per day, per violation; and

19 2. A stakeholder, including the Department, may bring an action  
20 in court to:

21 a. enjoin any action on a facility structure in violation  
22 of this section, and

23 b. enforce the requirements of this section.

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

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