

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

HOUSE BILL 1044

By: Jenkins

AS INTRODUCED

An Act relating to wind energy facilities; creating the Vital Industries Security Act of 2025; 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 setbacks; authorizing county commissions to make certain moratorium declaration; providing for noncodification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Vital Industries Security Act of 2025".

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

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

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

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

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

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 E. A county commission in any county in this state that is the  
19 home to any facility spanning two or more counties that serves as a  
20 primary hub for the storage, aggregation, and distribution of crude  
21 oil through pipeline networks, and that is recognized as a key  
22 delivery point for crude oil futures contracts in national or  
23 international markets, may declare a moratorium on the construction  
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1 or expansion of wind energy facilities within the county  
2 commission's area of jurisdiction.

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

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