

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1156

By: Cornwell

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6 AS INTRODUCED

7 An Act relating to wind energy facilities; amending  
8 17 O.S. 2021, Section 160.20, as amended by Section  
9 21, Chapter 126, O.S.L. 2023 (17 O.S. Supp. 2024,  
10 Section 160.20), which relates to setback  
11 requirements; modifying date; prohibiting  
12 construction of wind energy facilities within certain  
13 distance of adjacent properties; and providing an  
14 effective date.

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

16 SECTION 1. 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:

- 24 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; or

4           4. One-half (1/2) mile from the property line of an adjacent  
5 property.

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

14           C. After April 3, 2018, construction or operation of a proposed  
15 individual wind turbine or any other individual structure requiring  
16 a Federal Aviation Administration (FAA) Form 7460-1 that is part of  
17 a wind energy facility shall not encroach upon or otherwise have a  
18 significant adverse impact on the mission, training or operations of  
19 any military installation or branch of military as determined by the  
20 Military Aviation and Installation Assurance Siting Clearinghouse  
21 (Clearinghouse) and the FAA. Areas of impact include, but are not  
22 limited to, military training routes, drop zones, approaches to  
23 runways and bombing ranges. No individual wind turbine or any other  
24 individual structure that requires a FAA 7460-1 form that is part of

1 a wind energy facility may be constructed or expanded unless there  
2 is an active Determination of No Hazard from the FAA and adverse  
3 impacts to the United States Department of Defense, pursuant to  
4 Title 32 of the Code of Federal Regulations, Section 211.6, have  
5 been resolved as evidenced by documentation from the Clearinghouse  
6 for the individual wind turbine or other individual structure. The  
7 Mission Compatibility Certification Letter or successor form may  
8 serve as such evidence of adverse impacts being resolved with the  
9 Department of Defense or successor agency.

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

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

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

23 D. If an owner of a wind energy facility fails to submit an  
24 active Determination of No Hazard and documentation that adverse

1 impacts to the Department of Defense have been resolved by the  
2 Clearinghouse for the individual wind turbine or other individual  
3 structure prior to the start of construction, the owner shall be  
4 subject to an administrative penalty not to exceed One Thousand Five  
5 Hundred Dollars (\$1,500.00) per day, per violation from the  
6 Corporation Commission as provided by law. In addition,  
7 stakeholders, including, but not limited to, the Corporation  
8 Commission or the Oklahoma Department of Aerospace and Aeronautics  
9 may institute an action in any court of general jurisdiction to  
10 prevent, restrain, correct or abate any violation of subsection C of  
11 this section other than Corporation Commission actions related to  
12 submissions or attestations.

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

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15 60-1-10239 JBH 12/05/24

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