

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1263

By: Hays

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6 AS INTRODUCED

7 An Act relating to wind energy facilities; requiring  
8 the Oklahoma Water Resources Board conduct certain  
9 study; detailing study requirements; requiring  
10 certain collaboration; requiring report be submitted  
11 by certain date; amending 17 O.S. 2021, Section  
12 160.20, as amended by Section 21, Chapter 126, O.S.L.  
13 2023 (17 O.S. Supp. 2024, Section 160.20), which  
14 relates to setback requirements; modifying date;  
15 requiring setback from residential housing and  
16 certain lakes; requiring greater setback distance for  
17 towers exceeding a certain height; providing for  
18 codification; and providing an effective date.

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

26 SECTION 1. NEW LAW A new section of law to be codified  
27 in the Oklahoma Statutes as Section 1021.23 of Title 82, unless  
28 there is created a duplication in numbering, reads as follows:

29 A. The Oklahoma Water Resources Board shall conduct a detailed  
30 study to assess the effects of the placement of wind turbine  
31 footings on the state's aquifers and groundwater resources.

32 B. The study shall include, but shall not be limited to:

1 1. Analysis of the physical impact of wind turbine  
2 construction, including the placement of footings, on aquifer  
3 integrity;

4 2. Assessment of potential changes in groundwater flow,  
5 availability, and quality;

6 3. Evaluation of cumulative impacts in areas with high  
7 concentrations of wind turbines; and

8 4. Recommendations for mitigating any identified adverse  
9 effects.

10 C. The Board shall collaborate with relevant state and federal  
11 agencies, academic institutions, and stakeholders, including  
12 representatives from the wind energy industry, agricultural sector,  
13 and environmental organizations, to ensure the study is  
14 comprehensive and inclusive.

15 D. The Board shall submit a report detailing its findings and  
16 recommendations to the Governor, the Speaker of the Oklahoma House  
17 of Representatives, and the President Pro Tempore of the Oklahoma  
18 State Senate no later than December 31, 2026.

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

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

1 ~~1. One~~

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

4 ~~a.~~

5 (1) a public-use airport as defined in Section 120.2  
6 of Title 3 of the Oklahoma Statutes, or

7 ~~b.~~

8 (2) an airport owned by a municipality~~+,~~

9 ~~2. One~~

10 b. one and one-half (1 1/2) nautical miles from any  
11 public school which is a part of a public school  
12 district~~;~~ or,

13 ~~3. One~~

14 c. one and one-half (1 1/2) nautical miles from a  
15 hospital,

16 d. one and one-half (1 1/2) nautical miles from any  
17 residential home, or

18 e. forty (40) nautical miles from any lake with a normal  
19 level surface area that is in excess of ten thousand  
20 (10,000) surface acres.

21 2. For any wind turbine tower that exceeds five hundred (500)  
22 feet in height, the setback distance specified in subparagraphs a,  
23 b, c, and d of paragraph 1 on this subsection shall be three (3)  
24 nautical miles.

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

9 C. After April 3, 2018, construction or operation of a proposed  
10 individual wind turbine or any other individual structure requiring  
11 a Federal Aviation Administration (FAA) Form 7460-1 that is part of  
12 a wind energy facility shall not encroach upon or otherwise have a  
13 significant adverse impact on the mission, training or operations of  
14 any military installation or branch of military as determined by the  
15 Military Aviation and Installation Assurance Siting Clearinghouse  
16 (Clearinghouse) and the FAA. Areas of impact include, but are not  
17 limited to, military training routes, drop zones, approaches to  
18 runways and bombing ranges. No individual wind turbine or any other  
19 individual structure that requires a FAA 7460-1 form that is part of  
20 a wind energy facility may be constructed or expanded unless there  
21 is an active Determination of No Hazard from the FAA and adverse  
22 impacts to the United States Department of Defense, pursuant to  
23 Title 32 of the Code of Federal Regulations, Section 211.6, have  
24 been resolved as evidenced by documentation from the Clearinghouse

1 for the individual wind turbine or other individual structure. The  
2 Mission Compatibility Certification Letter or successor form may  
3 serve as such evidence of adverse impacts being resolved with the  
4 Department of Defense or successor agency.

5 1. The Determination of No Hazard and documentation of the  
6 resolution of adverse impacts to the Department of Defense shall be  
7 filed with the Corporation Commission and the Oklahoma Department of  
8 Aerospace and Aeronautics.

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

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

18 D. If an owner of a wind energy facility fails to submit an  
19 active Determination of No Hazard and documentation that adverse  
20 impacts to the Department of Defense have been resolved by the  
21 Clearinghouse for the individual wind turbine or other individual  
22 structure prior to the start of construction, the owner shall be  
23 subject to an administrative penalty not to exceed One Thousand Five  
24 Hundred Dollars (\$1,500.00) per day, per violation from the

1 Corporation Commission as provided by law. In addition,  
2 stakeholders, including, but not limited to, the Corporation  
3 Commission or the Oklahoma Department of Aerospace and Aeronautics  
4 may institute an action in any court of general jurisdiction to  
5 prevent, restrain, correct or abate any violation of subsection C of  
6 this section other than Corporation Commission actions related to  
7 submissions or attestations.

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

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