

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

HOUSE BILL 1989

By: Turner

AS INTRODUCED

An Act relating to wind farms; 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 setback requirements; modifying date; modifying list of setbacks; and providing an effective date.

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

SECTION 1. 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~~ November 1, 2025, no wind energy facility may be constructed if the base of any tower 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:

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

1           b.    an airport owned by a municipality;

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

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

5           4.    Two (2) nautical miles from a wildlife refuge, wildlife  
6 management area, a body of water that is regarded as a habitat for  
7 migrating waterfowl or any active aquifer.

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

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

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

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

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

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

1 D. If an owner of a wind energy facility fails to submit an  
2 active Determination of No Hazard and documentation that adverse  
3 impacts to the Department of Defense have been resolved by the  
4 Clearinghouse for the individual wind turbine or other individual  
5 structure prior to the start of construction, the owner shall be  
6 subject to an administrative penalty not to exceed One Thousand Five  
7 Hundred Dollars (\$1,500.00) per day, per violation from the  
8 Corporation Commission as provided by law. In addition,  
9 stakeholders, including, but not limited to, the Corporation  
10 Commission or the Oklahoma Department of Aerospace and Aeronautics  
11 may institute an action in any court of general jurisdiction to  
12 prevent, restrain, correct or abate any violation of subsection C of  
13 this section other than Corporation Commission actions related to  
14 submissions or attestations.

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

16

17 60-1-11795 JBH 01/16/25

18

19

20

21

22

23

24