

SENATE FLOOR VERSION

February 13, 2025

SENATE BILL NO. 713

By: Jech

An Act relating to wind energy facilities; defining terms; requiring certain newly established facilities to apply for certain light-mitigating technology system prior to commencement; requiring existing wind energy facilities to apply for certain light-mitigating technology system by certain date; providing for issuance of revenue bond by county; providing for cost recovery; directing rule promulgation; providing for codification; 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 to be codified

in the Oklahoma Statutes as Section 160.23 of Title 17, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Light-mitigating technology system" means aircraft

detection lighting or any other comparable system capable of reducing the impact of facility obstruction lighting while maintaining conspicuity sufficient to assist aircraft in identifying and avoiding collision with a wind energy facility;

2. "Wind energy facility" means an electrical generation facility consisting of one or more wind turbines under common

1 ownership or operating control, and includes substations,
2 meteorological data towers, aboveground and underground electrical
3 transmission lines, transformers, control systems, and other
4 buildings or facilities used to support the operation of the
5 facility, and whose primary purpose is to supply electricity to an
6 off-site customer or customers. Wind energy facility shall not
7 include a wind energy facility located entirely on property held in
8 fee simple absolute estate by the owner of the wind energy facility;

9 3. "Repowering" means a rebuild or refurbishment of a majority
10 of the wind energy facility due to the facility reaching the end of
11 its useful life or useful reasonable economic life. The rebuild or
12 refurbishment does not constitute repowering if it is part of
13 routine major maintenance or the maintenance of or replacement of
14 equipment that does not materially affect the expected physical or
15 economic life of the facility; and

16 4. "Power offtake agreement" means a long-term contract that
17 provides for the provision of the whole or any part of the available
18 capacity or the sale or other disposal of the whole or any part of
19 the output of a wind energy facility. Sales of capacity or energy
20 into a capacity or power market do not constitute a power offtake
21 agreement.

22 B. On and after the effective date of this act, no new wind
23 energy facility may commence operations in this state unless the
24 developer, owner, or operator of the facility applies to the Federal

1 Aviation Administration (FAA) for installation of a light-mitigating
2 technology system that complies with FAA regulations provided in 14
3 C.F.R., Section 1.1 et seq. If approved by the FAA, the developer,
4 owner, or operator of such facility shall install the light-
5 mitigating technology system on the facility within twenty-four (24)
6 months after receipt of approval.

7 C. 1. Any developer, owner, or operator of a wind energy
8 facility that commences commercial operations in this state on or
9 before the effective date of this act without a light-mitigating
10 technology system shall apply to the FAA for installation of the
11 system in compliance with FAA regulations provided in 14 C.F.R.,
12 Section 1.1 et seq. upon the occurrence of either:

- 13 a. the repowering of the wind energy facility, or
- 14 b. entrance into or renewal of a new power offtake
15 agreement.

16 2. Upon approval of the application submitted to the FAA in
17 compliance with paragraph 1 of this subsection, the developer,
18 owner, or operator of such facility shall install the light-
19 mitigating technology system on the facility within twenty-four (24)
20 months after receipt of approval.

21 D. Any county may issue revenue bonds for the purpose of paying
22 all or part of the costs of the purchase, acquisition, and equipping
23 of a light-mitigating technology system, subject to the approval of
24 the FAA, for a wind energy facility that has commenced operations

1 without a light-mitigating technology system prior to the effective
2 date of this act.

3 E. Any costs associated with the installation, implementation,
4 operation, and maintenance of a light-mitigating technology system
5 shall be the responsibility of the developer, owner, or operator of
6 the wind energy facility. For public utilities subject to rate
7 regulation by the Corporation Commission, costs incurred directly by
8 the public utility in compliance with this act may seek recovery
9 subject to review and order of the Corporation Commission.

10 F. Wind energy facilities shall maintain operations of
11 installed light-mitigating technology systems in accordance with
12 Corporation Commission rule.

13 G. The Corporation Commission shall have the authority to
14 enforce the provisions of this section and may promulgate rules to
15 effectuate the provisions of this section.

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

17 COMMITTEE REPORT BY: COMMITTEE ON ENERGY
18 February 13, 2025 - DO PASS