

SENATE FLOOR VERSION

February 13, 2025

SENATE BILL NO. 2

By: Green, Thompson, and
Seifried of the Senate

and

Pfeiffer of the House

An Act relating to wind energy facilities; 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; providing setback requirements for wind towers from certain dwellings and property boundaries; updating statutory language; and declaring an emergency.

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, 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

b. an airport owned by a municipality;

2. One and one-half (1 1/2) nautical miles from any public

school which is a part of a public school district; or

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

B. After June 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-quarter (1/4) nautical mile from the nearest point on

the outside wall of any residential dwelling; and

2. One-quarter (1/4) nautical mile from the nearest point of

any nonparticipating property.

C. Attestation of compliance with the setback requirements in

this section shall be included in any reports required by the

Corporation Commission. Stakeholder and landowner disputes arising

under subsection A or B of this section shall fall under the

exclusive jurisdiction of the district courts. The Corporation

Commission may seek enforcement of the submission and attestation

requirements of this subsection and subsection E D of this section

through its administrative court system.

C. D. After April 3, 2018, construction or operation of a

proposed individual wind turbine or any other individual structure

requiring a Federal Aviation Administration (FAA) Form 7460-1 that

1 | is part of a wind energy facility shall not encroach upon or
2 | otherwise have a significant adverse impact on the mission,
3 | training, or operations of any military installation or branch of
4 | military as determined by the Military Aviation and Installation
5 | Assurance Siting Clearinghouse (~~Clearinghouse~~) and the FAA. Areas
6 | of impact include, but are not limited to, military training routes,
7 | drop zones, approaches to runways, and bombing ranges. No
8 | individual wind turbine or any other individual structure that
9 | requires a an FAA 7460-1 form that is part of a wind energy facility
10 | may be constructed or expanded unless there is an active
11 | Determination of No Hazard from the FAA and adverse impacts to the
12 | United States Department of Defense, pursuant to Title 32 of the
13 | Code of Federal Regulations, Section 211.6, have been resolved as
14 | evidenced by documentation from the Clearinghouse for the individual
15 | wind turbine or other individual structure. The Mission
16 | Compatibility Certification Letter or successor form may serve as
17 | such evidence of adverse impacts being resolved with the Department
18 | of Defense or successor agency.

19 | 1. The Determination of No Hazard and documentation of the
20 | resolution of adverse impacts to the Department of Defense shall be
21 | filed with the Corporation Commission and the Oklahoma Department of
22 | Aerospace and Aeronautics.

23 | 2. The requirements established by this subsection shall not
24 | prohibit the construction of an individual wind turbine or any other

1 individual structure requiring a an FAA 7460-1 form that is part of
2 a wind energy facility if that individual wind turbine or other
3 individual structure has received a Determination of No Hazard or
4 mitigation plan on or before April 3, 2018.

5 3. The Corporation Commission is authorized to promulgate rules
6 and regulations for the implementation of the provisions of this
7 section and Section 160.21 of this title.

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

22 SECTION 2. It being immediately necessary for the preservation
23 of the public peace, health or safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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

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