

1 ENGROSSED HOUSE AMENDMENT

2 TO

2 ENGROSSED SENATE BILL NO. 713

By: Jech of the Senate

3 and

4 Newton of the House

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7 An Act relating to wind energy facilities; defining
8 terms; requiring certain newly established facilities
9 to apply for certain light-mitigating technology
10 system prior to commencement; requiring existing wind
11 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.

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16 AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill
and insert:

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19 "An Act relating to wind energy facilities; defining
20 terms; requiring newly established facilities to
apply for certain light-mitigating technology systems
prior to commencement; establishing deadline for
installation after receipt of approval; requiring
existing wind energy facilities to apply for
installation of light-mitigating technology systems;
establishing deadline for installation after receipt
of approval; providing for issuance of revenue bond
by county; providing for cost recovery; directing
wind energy facilities to maintain operations in

1 accordance with certain rules; directing rule
2 promulgation; providing for codification; and
3 providing an effective date.

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

5 SECTION 1. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 160.23 of Title 17, unless there
7 is created a duplication in numbering, reads as follows:

8 A. As used in this section:

9 1. "Light-mitigating technology system" means aircraft
10 detection lighting or any other comparable system capable of
11 reducing the impact of facility obstruction lighting while
12 maintaining conspicuity sufficient to assist aircraft in identifying
13 and avoiding collision with a wind energy facility;

14 2. "Wind energy facility" means an electrical generation
15 facility consisting of one or more wind turbines under common
16 ownership or operating control, and includes substations,
17 meteorological data towers, aboveground and underground electrical
18 transmission lines, transformers, control systems, and other
19 buildings or facilities used to support the operation of the
20 facility, and whose primary purpose is to supply electricity to an
21 off-site customer or customers. Wind energy facility shall not
22 include a wind energy facility located entirely on property held in
23 fee simple absolute estate by the owner of the wind energy facility;

1 3. "Repowering" means a rebuild or refurbishment of a majority
2 of the wind energy facility due to the facility reaching the end of
3 its useful life or useful reasonable economic life. The rebuild or
4 refurbishment does not constitute repowering if it is part of
5 routine major maintenance or the maintenance of or replacement of
6 equipment that does not materially affect the expected physical or
7 economic life of the facility; and

8 4. "Power offtake agreement" means a long-term contract that
9 provides for the provision of the whole or any part of the available
10 capacity or the sale or other disposal of the whole or any part of
11 the output of a wind energy facility. Sales of capacity or energy
12 into a capacity or power market do not constitute a power offtake
13 agreement.

14 B. On and after January 1, 2026, no new wind energy facility
15 may commence operations in this state unless the developer, owner,
16 or operator of the facility applies to the Federal Aviation
17 Administration (FAA) for installation of a light-mitigating
18 technology system that complies with FAA regulations provided in 14
19 C.F.R., Section 1.1 et seq. and to the Federal Communications
20 Commission (FCC) regarding frequency licensing and antenna structure
21 registration, as applicable, as provided in 47 C.F.R., Sections
22 90.101 and 17.4. If approved by the FAA and the FCC, the developer,
23 owner, or operator of such facility shall install the light-

mitigating technology system on the facility within twenty-four (24) months after receipt of approval.

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

19 D. Any county may issue revenue bonds for the purpose of paying
20 all or part of the costs of the purchase, acquisition, and equipping
21 of a light-mitigating technology system, subject to the approval of
22 the FAA and FCC, for a wind energy facility that has commenced
23 operations without a light-mitigating technology system prior to the
24 effective date of this act.

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

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

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

14 SECTION 2. This act shall become effective January 1, 2026."

Passed the House of Representatives the 1st day of May, 2025.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2025.

Presiding Officer of the Senate

1 ENGROSSED SENATE
2 BILL NO. 713

3 By: Jech of the Senate

4 and

5 Newton of the House

6 An Act relating to wind energy facilities; defining
7 terms; requiring certain newly established facilities
8 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.

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

14 SECTION 3. NEW LAW A new section of law to be codified

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

17 A. As used in this section:

18 1. "Light-mitigating technology system" means aircraft
19 detection lighting or any other comparable system capable of
20 reducing the impact of facility obstruction lighting while
21 maintaining conspicuity sufficient to assist aircraft in identifying
22 and avoiding collision with a wind energy facility;

23 2. "Wind energy facility" means an electrical generation
24 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 4. This act shall become effective November 1, 2025.
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Passed the Senate the 25th day of March, 2025.

Presiding Officer of the Senate

Passed the House of Representatives the _____ day of _____,
2025.

Presiding Officer of the House
of Representatives