

1 STATE OF OKLAHOMA

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

3 SENATE BILL 429

By: Hamilton

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7 AS INTRODUCED

8 An Act relating to wind energy facilities; amending  
9 17 O.S. 2021, Section 160.20, as amended by Section  
10 21, Chapter 126, O.S.L. 2023 (17 O.S. Supp. 2024,  
11 Section 160.20), which relates to setback  
12 requirements; providing setback requirements for wind  
13 towers from certain dwellings and property  
14 boundaries; updating statutory language; and  
15 declaring an emergency.

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

17 SECTION 1. AMENDATORY 17 O.S. 2021, Section 160.20, as  
18 amended by Section 21, Chapter 126, O.S.L. 2023 (17 O.S. Supp. 2024,  
19 Section 160.20), is amended to read as follows:

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

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

- 1 a. a public-use airport as defined in Section 120.2 of  
2 Title 3 of the Oklahoma Statutes, or  
3 b. an airport owned by a municipality;

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

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

7 B. After June 1, 2025, no wind energy facility may be  
8 constructed if the base of any tower is located at a distance of  
9 less than:

10 1. One and one-half (1 1/2) nautical miles from the nearest  
11 point on the outside wall of any residential dwelling; and

12 2. One and one-half (1 1/2) nautical miles from the nearest  
13 point of any nonparticipating property.

14 C. Attestation of compliance with the setback requirements in  
15 this section shall be included in any reports required by the  
16 Corporation Commission. Stakeholder and landowner disputes arising  
17 under subsection A or B of this section shall fall under the  
18 exclusive jurisdiction of the district courts. The Corporation  
19 Commission may seek enforcement of the submission and attestation  
20 requirements of this subsection and subsection ~~E~~ D of this section  
21 through its administrative court system.

22 ~~E~~. D. After April 3, 2018, construction or operation of a  
23 proposed individual wind turbine or any other individual structure  
24 requiring a Federal Aviation Administration (FAA) Form 7460-1 that  
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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  
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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~~r~~ but not limited to~~r~~ the Corporation  
17 Commission or the Oklahoma Department of Aerospace and Aeronautics,l  
18 may institute an action in any court of general jurisdiction to  
19 prevent, restrain, correct,l 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.

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