

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1026

By: Bergstrom

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5
6 AS INTRODUCED

7 An Act relating to wind energy facilities; amending
8 17 O.S. 2021, Section 160.20, as amended by Section
9 21, Chapter 126, O.S.L. 2023 (17 O.S. Supp. 2024,
10 Section 160.20), which relates to wind energy
11 facilities; modifying setback requirements for
12 certain wind energy facilities; updating statutory
13 language; updating statutory reference; providing
14 decibel limit for nonparticipating properties;
15 providing for codification; and declaring an
16 emergency.

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

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

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

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

- 25 a. a public-use airport as defined in Section 120.2 of
26 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.

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

8 1. Two thousand (2,000) feet or five times the length of a
9 blade from the tower, whichever is greater, from the nearest point
10 on the outside wall of any residential dwelling; and

11 2. Two thousand (2,000) feet or five times the length of a
12 blade from the tower, whichever is greater, from the nearest point
13 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 ~~C~~ D of this section
21 through its administrative court system.

22 ~~C~~. 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

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 the 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~~ C.F.R., Section 211.6, have been
14 resolved as evidenced by documentation from the Clearinghouse for
15 the individual wind turbine or other individual structure. The
16 Mission Compatibility Certification Letter or successor form may
17 serve as such evidence of adverse impacts being resolved with the
18 Department 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, 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. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 160.23 of Title 17, unless there
24 is created a duplication in numbering, reads as follows:

1 For any wind energy facility constructed on or after the
2 effective date of this act, the maximum decibel level at the
3 property line of any nonparticipating property shall not exceed
4 forty (40) decibels.

5 SECTION 3. It being immediately necessary for the preservation
6 of the public peace, health or safety, an emergency is hereby
7 declared to exist, by reason whereof this act shall take effect and
8 be in full force from and after its passage and approval.

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