

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
FOR
4 HOUSE BILL NO. 2751

By: Caldwell (Trey) and Hays

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7 COMMITTEE SUBSTITUTE

8 An Act relating to wind energy; making legislative
9 findings; defining terms; providing for setback
10 requirement for certain affected counties; providing
11 exceptions; authorizing waiver by certain owners of
12 real property; providing for continuation of setback;
providing procedures for referral of question to
eligible voters of a county; requiring Oklahoma
Corporation Commission to maintain database;
providing for noncodification; and providing for
codification.

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

16 SECTION 1. NEW LAW A new section of law not to be
17 codified in the Oklahoma Statutes reads as follows:

18 The Legislature finds that construction and operation of wind
19 turbines and construction of the towers used in connection with wind
20 turbines is a matter which is the proper subject of legislation.

21 The Legislature finds that the height of towers used to support
22 commercial wind turbines for production of electrical energy by
23 means of wind power is a potential issue with respect to setback
24 limitations and that there is a need for uniformity in areas of the

1 state likely to be affected by the construction and operation of
2 towers and wind turbines. The Legislature finds that consideration
3 of population density and average wind speed are a logical basis in
4 order to enact legislation related to setback requirements for the
5 structures used in the wind energy industry that pose risks related
6 to either persons or property or both in the event of damage to the
7 structures or structural failures.

8 SECTION 2. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 160.21.1 of Title 17, unless
10 there is created a duplication in numbering, reads as follows:

11 A. As used in this act:

12 1. "Affected county" means a county having both a population
13 density greater than eight and five-tenths (8.5) persons per square
14 mile according to the 2020 Federal Decennial Census or most recent
15 population estimate and a county which has an average wind speed of
16 less than nine and five-tenths (9.5) miles per hour according to the
17 most recent climatology documents by county from the Oklahoma
18 Climatological Survey as of the effective date of this act;

19 2. "Improvement to real property" means a residential dwelling
20 or a building used or suitable for use by a for-profit or nonprofit
21 entity. As used in this act, "improvement" shall not include a
22 fence;

23 3. "Industrial wind turbine" means a device used for the
24 production of electrical energy by means of wind;

1 4. "Tip height" means the highest measurable point of a tower
2 upon which an industrial wind turbine is installed or is capable of
3 being installed, including the height of the turbine itself without
4 regard to any period of time during which a turbine is removed from
5 the tower; and

6 5. "Tower" means a vertical structure used in order to support
7 an industrial wind turbine.

8 B. Except as provided by Section 160.20 of Title 17 of the
9 Oklahoma Statutes, except as provided by subsection C of this
10 section, and except as provided by subsection G of this section, in
11 an affected county on or after the effective date of this act, a
12 tower or similar structure used in connection with an industrial
13 wind turbine shall not be located any closer than a distance of two
14 and one-half (2 1/2) times the tip height of the tower or one-
15 quarter (1/4) of one (1) mile, whichever distance is the greater.

16 For purposes of this section, the distance shall be measured from
17 the point on the property line of the parcel of real property upon
18 which the tower is located, which is nearest to the point at which
19 an improvement to real property affected by the provisions of this
20 act is located.

21 C. An owner of real property that would otherwise be subject to
22 the provisions of this act with respect to a setback distance
23 applicable to a tower may waive the otherwise applicable setback
24 requirement. In order to exercise the waiver authorized by this

1 subsection, some part of the real property shall be required to be
2 within a distance of two and one-half (2 1/2) times the tip height
3 of the tower or one-quarter (1/4) of one (1) mile, whichever is
4 greater, to be calculated as required by subsection B of this
5 section.

6 D. The provisions of subsection B of this section shall
7 continue to be applicable to the construction of a tower or similar
8 structure used in connection with an industrial wind turbine unless
9 a majority of the qualified electors of a county voting on a
10 question submitted for such purpose by the board of county
11 commissioners of the county approve a modification or elimination of
12 the setback limitation as prescribed by subsection B of this section
13 with respect to a tower constructed on or after the effective date
14 specified in the question submitted to the voters. The vote
15 authorized by this subsection may occur no more often than once each
16 five (5) years.

17 E. Subject to the limitations prescribed by subsection D of
18 this section, the question described by subsection D of this section
19 may be referred to a vote of the qualified electors of the county by
20 an affirmative vote of a majority of the board of county
21 commissioners.

22 F. The provisions of this section shall be applicable to towers
23 the physical construction of which begins on or after the effective
24 date of this act.

1 G. The provisions of this act shall not be applicable to any
2 entity that owns, directly or indirectly, any wind turbine that
3 would otherwise be subject to the provisions of this act if the
4 entity is a party to a contract for the sale of electrical energy
5 produced by or capable of being produced by one or more wind
6 turbines located within the state and such contract is in effect
7 upon the effective date of this act.

8 SECTION 3. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 160.21.2 of Title 17, unless
10 there is created a duplication in numbering, reads as follows:

11 The Oklahoma Corporation Commission shall maintain a publicly
12 accessible and searchable database containing the status of each
13 county of the state with respect to whether a setback provision is
14 in effect and the relevant information regarding the setback
15 provisions, including any applicable expiration date.

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