

1 ENGROSSED HOUSE  
2 BILL NO. 2751

3 By: Caldwell (Trey), Hays,  
4 Turner, and Hilbert of the  
5 House

6 and

7 Seifried of the Senate

8  
9 An Act relating to wind energy; making legislative  
10 findings; defining terms; providing for setback  
11 requirement for certain affected counties; providing  
12 exceptions; authorizing waiver by certain owners of  
13 real property; providing procedures for referral of  
14 question to eligible voters of a county; providing  
for effect of zoning provisions; prescribing the  
period for construction; requiring Oklahoma  
Corporation Commission to maintain database;  
providing for noncodification; providing for  
codification; and declaring an emergency.

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

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

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

23 The Legislature finds that the height of towers used to support  
24 commercial wind turbines for production of electrical energy by

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

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

13 A. As used in this act:

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

21 2. "Dwelling" means a structure occupied by one or more persons  
22 for at least six (6) months during a single calendar year or which  
23 is occupied by one or more persons for an average of more than fifty  
24 percent (50%) of the time during any other period of time in excess

1 of one (1) year. As used in this section, dwelling shall not  
2 include a motor home or recreational vehicle;

3       3. "Improvement to real property" means a residential dwelling  
4 or a building used or suitable for use by a for-profit or nonprofit  
5 entity. As used in this act, "improvement" shall not include a  
6 fence;

7       4. "Industrial wind turbine" means a device used for the  
8 production of electrical energy by means of wind;

9       5. "Substantial construction activity" means movement or  
10 grading of earth at the site of a tower and pouring of concrete or  
11 installation of material designed to support the weight of a tower  
12 or both such activities and shall require due diligence and the  
13 conduct of activity which is continuous without any cessation of  
14 such activity for a period in excess of sixty (60) days;

15       6. "Tip height" means the highest measurable point of a tower  
16 upon which an industrial wind turbine is installed or is capable of  
17 being installed, including the height of the turbine itself without  
18 regard to any period of time during which a turbine is removed from  
19 the tower; and

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

22       B. Except as provided by Section 160.20 of Title 17 of the  
23 Oklahoma Statutes, except as provided by subsection C of this  
24 section, in an affected county on or after the effective date of

1 this act, a tower or similar structure used in connection with an  
2 industrial wind turbine shall not be located:

3       1. Any closer than a distance of one and one-half (1 1/2) times  
4 the tip height of the tower. For purposes of this paragraph, the  
5 distance shall be measured from the point on the property line of  
6 the parcel of real property upon which the tower is located, which  
7 is nearest to the point on a property line of any parcel of real  
8 property affected by the provisions of this act; or

9       2. Any closer than one-half (1/2) nautical mile from the  
10 nearest point of a dwelling structure.

11       C. An owner of real property that would otherwise be subject to  
12 the provisions of this act with respect to a setback distance  
13 applicable to a tower may waive the otherwise applicable setback  
14 requirement. In order to exercise the waiver authorized by this  
15 subsection, a point along the property line of a parcel of real  
16 property shall be required to be within a distance of one and one-  
17 half (1 1/2) times the tip height of the tower or a tower must be  
18 located within one-half (1/2) mile of a dwelling structure. If an  
19 owner of real property executes a lease with a wind energy company  
20 to allow placement of a tower or other wind energy assets on such  
21 real property, the execution of the lease agreement shall constitute  
22 a waiver pursuant to this subsection.

23       D. 1. The provisions of subsection B of this section shall  
24 continue to be applicable to the construction of a tower or similar

1 structure used in connection with an industrial wind turbine unless  
2 a majority of the qualified electors of a county voting on a  
3 question submitted for such purpose by the board of county  
4 commissioners of the county approve the adoption of the setback  
5 limitations as prescribed by subsection B of this section or a  
6 modification or elimination of the setback limitation as prescribed  
7 by subsection B of this section with respect to a tower constructed  
8 on or after the effective date specified in the question submitted  
9 to the voters.

10       2. In addition to the referral of the question pursuant to  
11 paragraph 1 of this subsection, the question may also be submitted  
12 to the voters of the county if a petition, signed by at least ten  
13 percent (10%) of the number of voters who voted in the last  
14 presidential election, is filed with the county clerk of the county.

15       3. The vote authorized by this subsection may occur no more  
16 often than once each five (5) years.

17       E. Subject to the limitations prescribed by paragraph 3 of  
18 subsection D of this section, the question described by subsection D  
19 of this section may be referred to a vote of the qualified electors  
20 of the county by an affirmative vote of a majority of the board of  
21 county 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 section shall be applicable whether  
2 or not any existing zoning provisions are in effect on or after the  
3 effective date of this act and the provisions of this act shall  
4 supersede such zoning provisions.

5       H. Except as otherwise provided by subsection I of this  
6 section, a wind energy company shall have a total period of four (4)  
7 years in order to begin substantial construction activity of a wind  
8 energy project. The time period shall be computed from the first  
9 date as of which the wind energy company is contractually assured of  
10 the ability to make an interconnection to the segment of the  
11 national electric grid located within the state for which the  
12 Southwest Power Pool is responsible.

13       I. If a wind energy company has had contractual assurance of  
14 the ability to make such interconnection as described in subsection  
15 H of this section or a wind energy company has established an actual  
16 physical connection to the segment of the national electric grid  
17 located within the state for which the Southwest Power Pool is  
18 responsible for a period of three (3) or more years prior to the  
19 effective date of this act, the wind energy company shall have a  
20 period of twelve (12) months from the effective date of this act to  
21 begin substantial construction activity.

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

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

SECTION 4. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 26th day of March, 2025.

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Presiding Officer of the House  
of Representatives

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Presiding Officer of the Senate