

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1989 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Tim Turner

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

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

3 PROPOSED POLICY  
4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 1989

By: Turner

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8 PROPOSED POLICY COMMITTEE SUBSTITUTE

9 An Act relating to wind energy; making legislative  
10 findings; defining terms; providing for setback  
11 requirement for certain affected counties; providing  
12 for continuation of setback; providing procedures for  
13 referral of question to eligible voters of a county;  
14 requiring Oklahoma Corporation Commission to maintain  
15 database; providing for noncodification; and  
16 providing for codification.

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  
means of wind power is a potential issue with respect to setback  
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 a combination  
3 of both population density and average wind speed are a logical  
4 basis in order to enact legislation related to setback requirements  
5 for the structures used in the wind energy industry that pose risks  
6 related to either persons or property or both in the event of damage  
7 to the 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 a population density  
13 greater than eight and five-tenths (8.5) persons per square mile  
14 according to the 2020 Federal Decennial Census or most recent  
15 population estimate and which has an average wind speed of less than  
16 nine and five-tenths (9.5) miles per hour according to the most  
17 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 a building used or suitable for use by a for-profit or nonprofit  
21 entity, a barn, an outbuilding, structures used for the shelter or  
22 feeding of livestock of any kind or both shelter and feeding,  
23 structures used for the temporary storage of agricultural equipment  
24 or commodities or tangible personal property used in connection with

1 an agricultural enterprise, or mobile homes. As used in this act,  
2 "improvement" shall not include a fence;

3 3. "Tower" means a vertical structure used in order to support  
4 a wind turbine; and

5 4. "Wind turbine" means a device used for the production of  
6 electrical energy by means of wind with a nameplate capacity of at  
7 least one hundred (100) megawatts.

8 B. Except as provided by Section 160.20 of Title 17 of the  
9 Oklahoma Statutes and except as provided by subsection C of this  
10 section, on or after the effective date of this act, a tower or  
11 similar structure used in connection with a wind turbine shall not  
12 be located any closer than two thousand six hundred forty (2,640)  
13 feet from the nearest point of any physical structure consisting of  
14 improvements to real property.

15 C. On the first day of the month following the expiration of a  
16 period of five (5) years after the effective date of this act, the  
17 provisions of subsection B of this section shall continue to be  
18 applicable to the construction of a tower or similar structure used  
19 in connection with a wind turbine unless a majority of the qualified  
20 electors of a county vote on a question submitted for such purpose  
21 by the board of county commissioners of the county to eliminate the  
22 setback limitation as prescribed by subsection B of this section  
23 with respect to a tower constructed on or after the effective date  
24 specified in the question submitted to the voters.

1 D. The question described by subsection C of this section may  
2 be referred to a vote of the qualified electors of the county by an  
3 affirmative vote of a majority of the board of county commissioners.

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

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

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