

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2751 _____
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

Adopted: _____

Amendment submitted by: Kyle Hilbert

Reading Clerk

1 STATE OF OKLAHOMA

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

3 PROPOSED OVERSIGHT
4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2751

By: Caldwell (Trey) and Hays

7
8 PROPOSED OVERSIGHT 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 exceptions; authorizing waiver by certain owners of
13 real property; providing for continuation of setback;
14 providing procedures for referral of question to
15 eligible voters of a county; requiring Oklahoma
16 Corporation Commission to maintain database;
17 providing for noncodification; and providing for
18 codification.

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

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

22 The Legislature finds that construction and operation of wind
23 turbines and construction of the towers used in connection with wind
24 turbines is a matter which is the proper subject of legislation.
The Legislature finds that the height of towers used to support
commercial wind turbines for production of electrical energy by
means of wind power is a potential issue with respect to setback

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

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

12 A. As used in this act:

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

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

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

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

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

10 B. Except as provided by Section 160.20 of Title 17 of the
11 Oklahoma Statutes, except as provided by subsection C of this
12 section, and except as provided by subsection G of this section, in
13 an affected county on or after the effective date of this act, a
14 tower or similar structure used in connection with an industrial
15 wind turbine shall not be located any closer than a distance of two
16 and one-half (2 1/2) times the tip height of the tower or one-
17 quarter (1/4) of one (1) mile, whichever distance is the greater.
18 For purposes of this section, the distance shall be measured from
19 the point on the property line of the parcel of real property upon
20 which the tower is located, which is nearest to the point at which
21 an improvement to real property affected by the provisions of this
22 act is located.

23 C. An owner of real property that would otherwise be subject to
24 the provisions of this act with respect to a setback distance

1 applicable to a tower may waive the otherwise applicable setback
2 requirement. In order to exercise the waiver authorized by this
3 subsection, some part of the real property shall be required to be
4 within a distance of two and one-half (2 1/2) times the tip height
5 of the tower or one-quarter (1/4) of one (1) mile, whichever is
6 greater, to be calculated as required by subsection B of this
7 section.

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

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

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1 F. The provisions of this section shall be applicable to towers
2 the physical construction of which begins on or after the effective
3 date of this act.

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

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

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

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