

1 STATE OF OKLAHOMA

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

3 POLICY COMMITTEE
4 RECOMMENDATION

5 FOR

6 HOUSE BILL NO. 2751

By: Caldwell (Trey)

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8 POLICY COMMITTEE RECOMMENDATION

9 An Act relating to wind energy; making legislative
10 findings; defining terms; providing for setback
11 requirement for certain affected counties;
12 authorizing waiver by certain owners of real
13 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 and except as provided by subsection C of this
12 section, in an affected county on or after the effective date of
13 this act, a tower or similar structure used in connection with an
14 industrial wind turbine shall not be located any closer than a
15 distance of two and one-half (2 1/2) times the tip height of the
16 tower or one-quarter (1/4) of one (1) mile, whichever distance is
17 the greater. For purposes of this section, the distance shall be
18 measured from the point on the property line of the parcel of real
19 property upon which the tower is located, which is nearest to the
20 point at which an improvement to real property affected by the
21 provisions of this act is located.

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

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

7 D. The provisions of subsection B of this section shall
8 continue to be applicable to the construction of a tower or similar
9 structure used in connection with an industrial wind turbine unless
10 a majority of the qualified electors of a county vote on a question
11 submitted for such purpose by the board of county commissioners of
12 the county to modify or to eliminate the setback limitation as
13 prescribed by subsection B of this section with respect to a tower
14 constructed on or after the effective date specified in the question
15 submitted to the voters. The vote authorized by this subsection may
16 occur no more often than once each 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 SECTION 3. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 160.21.2 of Title 17, unless
3 there is created a duplication in numbering, reads as follows:

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

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