

FLOOR 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: Jim Shaw _____

Reading Clerk

1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 2751

By: Caldwell (Trey), Hays, and
Turner of the House

6 and

7 Seifried of the Senate

8
9 FLOOR SUBSTITUTE

10 An Act relating to wind energy; making legislative
11 findings; defining terms; providing setback
12 requirement; providing exceptions; authorizing waiver
13 by certain owners of real property; providing for
14 continuation of setback; providing procedures for
15 referral of question to eligible voters of a county;
16 stating certain applicability; making certain
17 exception; requiring Oklahoma Corporation Commission
18 to maintain database; providing for noncodification;
19 providing for codification; and declaring an
20 emergency.

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

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

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

1 The Legislature finds that the height of towers used to support
2 commercial wind turbines for production of electrical energy by
3 means of wind power is a potential issue with respect to setback
4 limitations and that there is a need for uniformity in areas of the
5 state likely to be affected by the construction and operation of
6 towers and wind turbines. The Legislature finds that consideration
7 of tip height and distance from both property lines and improvements
8 to real property are a logical basis in order to enact legislation
9 related to setback requirements for the structures used in the wind
10 energy industry that pose risks related to either persons or
11 property or both in the event of damage to the structures or
12 structural failures.

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

16 A. As used in this act:

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

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

23 3. "Tip height" means the highest measurable point of a tower
24 upon which an industrial wind turbine is installed or is capable of

1 being installed, including the height of the turbine itself without
2 regard to any period of time during which a turbine is removed from
3 the tower; and

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

6 5. "Nonparticipating property line" means any property line for
7 an owner of real property who is not participating in the wind
8 energy facility project.

9 B. Except as provided by Section 160.20 of Title 17 of the
10 Oklahoma Statutes, except as provided by subsection C of this
11 section, and except as provided by subsection G of this section, in
12 a county on or after the effective date of this act, a tower or
13 similar structure used in connection with an industrial wind turbine
14 shall not be located any closer than a distance of four (4) times
15 the tip height of the tower or one-half (1/2) of the one (1)
16 nautical mile, whichever is greater, from a nonparticipating
17 property line and seven-eighths (7/8) of one (1) nautical mile to an
18 improvement of real property.

19 C. An owner of real property that would otherwise be subject to
20 the provisions of this act with respect to a setback distance
21 applicable to a tower may waive the otherwise applicable setback
22 requirement. In order to exercise the waiver authorized by this
23 subsection, a property line shall be required to be within a
24 distance of four (4) times the tip height of the tower or one-half

1 (1/2) of one (1) nautical mile, whichever is greater, or some part
2 of real property shall be required to be within seven-eighths (7/8)
3 of one (1) nautical mile, to be calculated as required by subsection
4 B of this section.

5 D. The provisions of subsection B of this section shall
6 continue to be applicable to the construction of a tower or similar
7 structure used in connection with an industrial wind turbine unless
8 a majority of the qualified electors of a county voting on a
9 question submitted for such purpose by the board of county
10 commissioners of the county approve a modification of the setback
11 limitation as prescribed by subsection B of this section with
12 respect to a tower constructed on or after the effective date
13 specified in the question submitted to the voters. The vote
14 authorized by this subsection may occur no more often than once each
15 five (5) years. The provisions of this subsection shall be
16 applicable to all counties regardless of any zoning and planning
17 commissions that are or are not in place now or in the future.

18 E. Subject to the limitations prescribed by subsection D of
19 this section, the question described by subsection D of this section
20 may be referred to a vote of the qualified electors of the county by
21 an affirmative vote of a majority of the board of county
22 commissioners or by a properly executed petition, as prescribed by
23 law, of the citizens of that county calling for a vote on the
24 question by the qualified electors of the county.

1 F. The provisions of this section shall be applicable to towers
2 the physical construction of which has not been fully completed upon
3 the effective date of this act, or begins on or after the effective
4 date of this act.

5 G. The provisions of this act shall not be applicable to any
6 towers that have been fully constructed upon the effective date of
7 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.

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

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21 60-1-13307 JBH 03/25/25

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