

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: Trey Caldwell

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
10 FLOOR SUBSTITUTE

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

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

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

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 population density and average wind speed are a logical basis in
8 order to enact legislation related to setback requirements for the
9 structures used in the wind energy industry that pose risks related
10 to either persons or property or both in the event of damage to the
11 structures or structural failures.

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

15 A. As used in this act:

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

23 2. "Dwelling" means a structure occupied by one or more persons
24 for at least six (6) months during a single calendar year or which

1 is occupied by one or more persons for an average of more than fifty
2 percent (50%) of the time during any other period of time in excess
3 of one (1) year. As used in this section, dwelling shall not
4 include a motor home or recreational vehicle;

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

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

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

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

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

24

1 B. Except as provided by Section 160.20 of Title 17 of the
2 Oklahoma Statutes, except as provided by subsection C of this
3 section, in an affected county on or after the effective date of
4 this act, a tower or similar structure used in connection with an
5 industrial wind turbine shall not be located:

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

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

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

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

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

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

21 E. Subject to the limitations prescribed by paragraph 3 of
22 subsection D of this section, the question described by subsection D
23 of this section may be referred to a vote of the qualified electors
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1 of the county by an affirmative vote of a majority of the board of
2 county commissioners.

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

6 G. The provisions of this section shall be applicable whether
7 or not any existing zoning provisions are in effect on or after the
8 effective date of this act and the provisions of this act shall
9 supersede such zoning provisions.

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

18 I. If a wind energy company has had contractual assurance of
19 the ability to make such interconnection as described in subsection
20 H of this section or a wind energy company has established an actual
21 physical connection to the segment of the national electric grid
22 located within the state for which the Southwest Power Pool is
23 responsible for a period of three (3) or more years prior to the
24 effective date of this act, the wind energy company shall have a

1 period of twelve (12) months from the effective date of this act to
2 begin substantial construction activity.

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

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

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

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