

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

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

14 A. As used in this act:

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

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

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

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

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

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

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

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

21 E. Subject to the limitations prescribed by subsection D of
22 this section, the question described by subsection D of this section
23 may be referred to a vote of the qualified electors of the county by
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1 an affirmative vote of a majority of the board of county
2 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 act shall not be applicable to any
7 entity that owns, directly or indirectly, any wind turbine that
8 would otherwise be subject to the provisions of this act if the
9 entity is a party to a contract for the sale of electrical energy
10 produced by or capable of being produced by one or more wind
11 turbines located within the state and such contract is in effect
12 upon the effective date of this act.

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

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

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22 COMMITTEE REPORT BY: COMMITTEE ON ENERGY AND NATURAL RESOURCES
23 OVERSIGHT, dated 03/05/2025 - DO PASS, As Amended and Coauthored.

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