

1 STATE OF OKLAHOMA

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

3 HOUSE JOINT  
4 RESOLUTION 1003

By: Jenkins

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8 AS INTRODUCED

9 A Joint Resolution directing the Secretary of State  
10 to refer to the people for their approval or  
11 rejection a proposed amendment to the Constitution of  
12 the State of Oklahoma by adding a new Section 49 to  
13 Article IX; defining terms; prohibits the use of  
14 eminent domain for certain energy projects; provides  
15 that new section does not apply to certain projects;  
16 providing ballot title; and directing filing.

17 BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE  
18 1ST SESSION OF THE 60TH OKLAHOMA LEGISLATURE:

19 SECTION 1. The Secretary of State shall refer to the people for  
20 their approval or rejection, as and in the manner provided by law,  
21 the following proposed amendment to the Constitution of the State of  
22 Oklahoma by adding a new Section 49 to Article IX thereof, to read  
23 as follows:

24 A. For purposes of this section:

1 1. "Cost" means the total projected expenses of planning,  
2 constructing, and operating the project, as submitted by the entity  
3 seeking to exercise eminent domain;

4 2. "Exclusively" or "primarily" means that more than fifty  
5 percent (50%) of the electricity transmitted by the project is  
6 generated by wind or solar energy;

7 3. "Financial assistance" means any direct or indirect funding,  
8 subsidy, grant, loan, tax credit, or other monetary benefit provided  
9 by the United States government, including through agencies,  
10 programs, or revolving funds, for the purpose of planning,  
11 designing, constructing, or operating the project;

12 4. "Project" means the specific infrastructure, including  
13 turbines, transmission lines, and related facilities, proposed for  
14 construction, development, or operation; and

15 5. "Tax incentives" means any credit, deduction, exemption, or  
16 deferral provided under federal law to encourage the development,  
17 operation, or expansion of wind or solar energy projects.

18 B. No person, firm, or corporation organized under the laws of  
19 this state, or authorized to do business in this state, to furnish  
20 light, heat, or power by electricity or gas, nor any other person,  
21 association, or firm engaged in furnishing light, heat, or power by  
22 electricity or gas, shall have or exercise the right of eminent  
23 domain for:  
24

1           1. The siting or construction of wind turbines on private  
2 property; or

3           2. The siting, building, or construction of transmission lines  
4 associated with projects that meet either of the following  
5 conditions:

6           a. the project receives financial assistance from the  
7 United States government amounting to or exceeding  
8 three percent (3%) of the project's total cost, and  
9 the transmission lines are used to transmit  
10 electricity generated by wind or solar energy, or

11           b. the transmission lines are used exclusively or  
12 primarily for transmitting electricity generated by  
13 wind or solar energy projects benefiting from tax  
14 incentives provided by the United States government.

15           C. Nothing in this section shall:

16           1. Prohibit the voluntary negotiation and acquisition of land  
17 by private agreement for wind energy or transmission projects;

18           2. Affect eminent domain authority as applied to projects that  
19 do not meet the conditions specified in subsection B of this  
20 section; or

21           3. Prohibit energy projects that are not dependent on financial  
22 assistance or tax incentives provided by the United States  
23 government.

1 SECTION 2. The Ballot Title for the proposed Constitutional  
2 amendment as set forth in SECTION 1 of this resolution shall be in  
3 the following form:

4 BALLOT TITLE

5 Legislative Referendum No. \_\_\_\_\_ State Question No. \_\_\_\_\_

6 THE GIST OF THE PROPOSITION IS AS FOLLOWS:

7 This measure adds a new section to the State Constitution. It  
8 adds Section 49 to Article 9 of the Oklahoma Constitution. It  
9 protects private property rights by restricting eminent domain  
10 for certain energy projects. It prohibits the use of eminent  
11 domain for the siting or construction of wind turbines on  
12 private property. It prohibits the use of eminent domain for  
13 transmission lines that transmit electricity from wind energy  
14 projects. It prohibits the use of eminent domain for  
15 transmission lines associated with projects that receive  
16 significant funding from the United States government. It  
17 limits the use of eminent domain for federally subsidized wind  
18 energy projects.

19 SHALL THE PROPOSAL BE APPROVED?

20 FOR THE PROPOSAL - YES \_\_\_\_\_

21 AGAINST THE PROPOSAL - NO \_\_\_\_\_

22 SECTION 3. The Chief Clerk of the House of Representatives,  
23 immediately after the passage of this resolution, shall prepare and  
24 file one copy thereof, including the Ballot Title set forth in

1 SECTION 2 hereof, with the Secretary of State and one copy with the  
2 Attorney General.

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