

COMMITTEE 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

Amendment submitted by: Trey Caldwell

Adopted: _____

Reading Clerk

1 STATE OF OKLAHOMA

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

3 PROPOSED POLICY
4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2751

By: Caldwell (Trey)

7 PROPOSED POLICY COMMITTEE SUBSTITUTE

8 An Act relating to wind energy; making legislative
9 findings; defining terms; providing for setback
10 requirement for certain affected counties;
11 authorizing waiver by certain owners of real
12 property; providing for continuation of setback;
13 providing procedures for referral of question to
14 eligible voters of a county; requiring Oklahoma
15 Corporation Commission to maintain database;
16 providing for noncodification; and providing for
17 codification.

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

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

21 The Legislature finds that construction and operation of wind
22 turbines and construction of the towers used in connection with wind
23 turbines is a matter which is the proper subject of legislation.
24 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
limitations and that there is a need for uniformity in areas of the

1 state likely to be affected by the construction and operation of
2 towers and wind turbines. The Legislature finds that consideration
3 of population density and average wind speed are a logical basis in
4 order to enact legislation related to setback requirements for the
5 structures used in the wind energy industry that pose risks related
6 to either persons or property or both in the event of damage to the
7 structures or structural failures.

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

11 A. As used in this act:

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

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

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

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

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

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

20 C. An owner of real property that would otherwise be subject to
21 the provisions of this act with respect to a setback distance
22 applicable to a tower may waive the otherwise applicable setback
23 requirement. In order to exercise the waiver authorized by this
24 subsection, some part of the real property shall be required to be

1 within a distance of two and one-half (2 1/2) times the tip height
2 of the tower or one-quarter (1/4) of one (1) mile, whichever is
3 greater, to be calculated as required by subsection B of this
4 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 vote on a question
9 submitted for such purpose by the board of county commissioners of
10 the county to modify or to eliminate the setback limitation as
11 prescribed by subsection B of this section with respect to a tower
12 constructed on or after the effective date specified in the question
13 submitted to the voters. The vote authorized by this subsection may
14 occur no more often than once each five (5) years.

15 E. Subject to the limitations prescribed by subsection D of
16 this section, the question described by subsection D of this section
17 may be referred to a vote of the qualified electors of the county by
18 an affirmative vote of a majority of the board of county
19 commissioners.

20 F. The provisions of this section shall be applicable to towers
21 the physical construction of which begins on or after the effective
22 date of this act.

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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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