

BILL SUMMARY

1 st Ses

The second Floor Amendment for HB 2751 creates setback requirements for industrial wind turbines in affected counties. Affected counties include those with a population density greater than 8.5 people per square mile, and those with an average wind speed of less than 9.5 miles per hour.

The turbines must be at least:

- 1.5x the windmill tower height away from any non-participating property line, measured from the tower base to the property line; or
- 1/2 nautical mile away from the nearest point of a "dwelling", which is defined as a structure that is occupied by at least one person for at least half of the year.

A property owner, who would otherwise be affected, can waive the setback requirements if they choose. A lease agreement with a wind energy company constitutes a waiver.

These setbacks will remain in effect unless a Board of County Commissioners agrees to refer the elimination, modification, or adoption of the setback requirements to a vote of county residents. County residents may also vote on the setbacks if a certain amount of residents file a petition with the county clerk. Such votes may not occur more frequently than every five years.

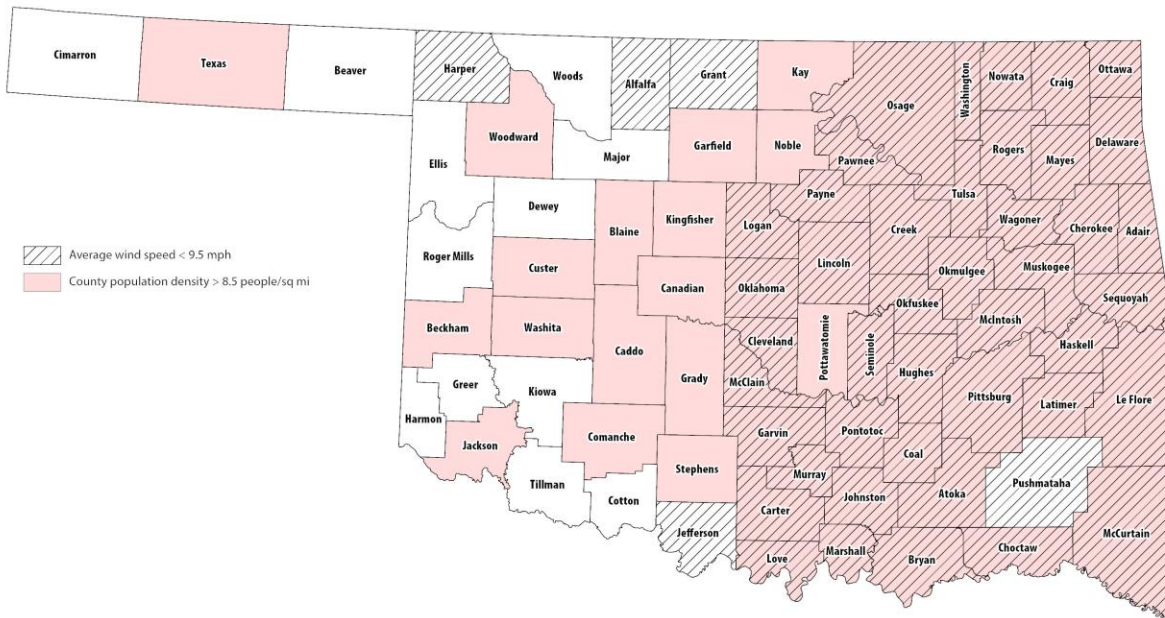
The measure requires the act to supersede any zoning provisions. Further, once a wind energy company is contractually guaranteed connection to the SPP, it has four years to start substantial construction activity. If a wind energy company has had a contract guaranteeing grid connection, or has had grid connection for three years, the company has 12 months to begin substantial construction activity.

Lastly, the Corporation Commission must maintain a public database containing the status of the setback requirements in each affected county.

DIFFERENCES BETWEEN COMMITTEE SUB AND FLOOR SUB 2

The Floor substitute:

- adds definitions of *dwelling* and *substantial construction activity*;
- modifies the setbacks;
- adds language allowing affected county residents to vote on the setbacks if 10 percent of certain county voters file a petition;
- Removes language about a power purchase agreement; and
- Requires wind companies to begin substantial construction activity within a certain timeframe.



okhouse.gov/maps
 2/14/2025
 Sources: 2020 Census population; Oklahoma Climatological Survey,
 County Climate Summary, 2016–2020

Prepared By: Emily Byrne

Fiscal Analysis

The committee substitute to HB 2751 introduces language related to setback requirements for wind energy structures. This measure requires the Oklahoma Corporation Commission to maintain a public database of setback provisions by county. The Corporation Commission anticipates a significant fiscal impact in order to create and maintain such a database, and would potentially require additional appropriations to cover these costs; however, exact cost estimates are unknown at this time.

The second floor amendment makes several changes, including adding two new definitions, amending the setback requirements, allowing for an initiative petition for a county vote to modify or eliminate the setbacks, and putting certain timing requirements on wind energy companies. These changes do affect the fiscal impact of the measure. The Corporation Commission is still working to determine the potential costs in maintaining the database required in Section 3 of this Act.

Prepared By: Mariah Searock, House Fiscal Staff

Other Considerations

None.

© 2025 Oklahoma House of Representatives, see Copyright Notice at www.okhouse.gov