

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 HOUSE BILL 2972

By: Hays

7 AS INTRODUCED

8 An Act relating to wind and solar energy; authorizing
9 board of county commissioners of each county to adopt
10 certain ordinances; limiting the scope of ordinances;
11 stating act does not limit certain authorities;
12 authorizing ordinances more restrictive than state
13 standards; requiring Corporation Commission maintain
14 certain database; authorizing county voters to
15 undertake initiative petition; stating requirements
16 for initiative petition; providing for counting of
signatures; providing procedure for protests;
outlining procedure for ballot title; providing for
appeals to the wording of ballot title; requiring
secretary of the county election board notify county
commission of ballot title; requiring question be
presented to voters at next general election;
providing for codification; and providing an
effective date.

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

21 SECTION 1. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 180.14 of Title 17, unless there
23 is created a duplication in numbering, reads as follows:

1 A. The board of county commissioners of each county is hereby
2 granted authority to adopt, amend, and enforce ordinances regulating
3 the siting, construction, and expansion of commercial wind energy
4 facilities and commercial solar energy facilities within the
5 unincorporated areas of the county. Ordinances adopted pursuant to
6 this section may include, but are not limited to, provisions
7 governing:

- 8 1. Setbacks from residences, property lines, roads, and public
9 infrastructure;
- 10 2. Height, density, and spacing of facilities; and
- 11 3. Noise, shadow flicker, lighting, and visual impact
12 mitigation.

13 B. Nothing in this section shall be construed to limit the
14 authority of any state or federal agency with jurisdiction over
15 energy generation, transmission, or environmental permitting.
16 County ordinances adopted pursuant to this section shall not
17 conflict with state or federal law but may impose requirements that
18 are more restrictive than state minimum standards where not
19 expressly preempted.

20 C. Approval, permitting, or application submission to any
21 state, regional, or federal authority shall not create a vested
22 right to construct or operate a commercial wind or solar energy
23 facility absent compliance with applicable county ordinances adopted
24 pursuant to this section.

1 D. The Oklahoma Corporation Commission shall maintain a
2 publicly accessible and searchable database containing the status of
3 each county of the state with respect to county ordinances enacted
4 pursuant to this section.

5 SECTION 2. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 180.15 of Title 17, unless there
7 is created a duplication in numbering, reads as follows:

8 A. The legal voters of any county are hereby granted the
9 authority to propose and enact county ordinances by initiative
10 petition regulating commercial wind energy facilities and commercial
11 solar energy facilities located within the unincorporated areas of
12 the county. An ordinance adopted pursuant to this section shall
13 apply only within the unincorporated areas of the county and shall
14 have the same force and effect as an ordinance enacted by the board
15 of county commissioners. An initiative petition filed pursuant to
16 this section may address one or more of the following subjects,
17 provided the ordinance is otherwise consistent with state and
18 federal law:

19 1. Setbacks from residences, property lines, roads, rights-of-
20 way, and public infrastructure;

21 2. Height, density, and spacing of wind turbines, solar panels,
22 and associated facilities; and

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1 3. Noise, shadow flicker, lighting, and visual impact
2 mitigation standards designed to protect public health, safety, and
3 welfare.

4 B. 1. For purposes of this section, the form of the initiative
5 petition shall be substantially as provided in Section 1 of Title 34
6 of the Oklahoma Statutes. A true copy of each measure proposed by
7 initiative and referendum shall be filed with the secretary of the
8 county election board before it is circulated and signed by the
9 registered voters.

10 2. Every initiative petition shall be signed by a number of the
11 registered voters residing in the county to be equal to at least ten
12 percent (10%) of the registered voters residing in the county. The
13 signatures to each petition shall be verified in the manner provided
14 by law.

15 3. Signed copies of an initiative petition shall be submitted
16 to the secretary of the county election board within ninety (90)
17 days after the initial filing of the measure with the secretary of
18 the county election board.

19 C. When signed copies of a petition are timely filed with the
20 secretary of the county election board, the secretary of the county
21 election board shall make a physical count of the number of
22 signatures appearing on the petitions. He or she shall then
23 publish, in at least one newspaper of general circulation in the
24 county, a notice of the filing and the apparent sufficiency or

1 insufficiency of the petition. The notice shall also state that any
2 qualified elector of the county may file a protest to the petition
3 or an objection to the count made by the secretary of the county
4 election board.

5 A protest to the petition or the count of signatures shall be
6 filed in the district court in the county within ten (10) days after
7 the publication. Written notice of the protest shall be served upon
8 the secretary of the county election board and the parties who filed
9 the petition. In the case of the filing of an objection to the
10 count, notice shall also be served upon any party filing a protest.
11 The district court shall fix a day, not less than ten (10) days
12 after the filing of a protest, to hear testimony and arguments for
13 and against the sufficiency of the petition. A protest filed by
14 anyone, if abandoned by the party filing it, may be revived within
15 five (5) days by any other qualified elector. After the hearing,
16 the district court shall decide whether such petition is in the form
17 required by law.

18 D. 1. The parties submitting initiative petition shall also
19 prepare and file a ballot title for the measure. The ballot title
20 may be filed with the secretary of the county election board prior
21 to circulating the petition, but it shall be submitted no later than
22 the time that the signed copies of the petition are filed with the
23 secretary of the county election board. The ballot title shall
24 contain the gist of the proposition couched in language that may be

1 readily understood by persons not engaged in the practice of law.
2 The ballot title shall contain language which clearly states that a
3 "yes" vote is a vote in favor of the proposition, and a "no" vote is
4 a vote against the proposition. The ballot title may not:
5 a. exceed one hundred fifty words,
6 b. reflect partiality in its composition or contain any
7 argument for or against the measure, or
8 c. contain language whereby a "yes" vote is, in fact, a
9 vote against the proposition and a "no" vote is, in
10 fact, a vote in favor of the proposition.

11 2. The secretary of the county election board shall immediately
12 forward a copy of the proposition and ballot title to the district
13 attorney. Within three (3) days after the filing of the ballot
14 title, the district attorney shall notify the secretary of the
15 county election board in writing whether or not the proposed ballot
16 title is in legal form and in harmony with the law. If the ballot
17 title is not in proper form, in the opinion of the district
18 attorney, he or she shall prepare and file a ballot title which does
19 conform to the law within the three-day period.

20 E. A qualified elector who is dissatisfied with the wording of
21 a ballot title may appeal, within ten (10) days after the ballot
22 title is filed with the secretary of the county election board, to
23 the county district court. The petition for appeal shall offer a
24 substitute ballot title for the one from which the appeal is taken.

1 Written notice of the appeal shall be served upon the secretary of
2 the county election board and upon the parties who filed the ballot
3 title at least five (5) days before such appeal is heard by the
4 court. The district attorney shall, and any interested citizen may,
5 defend the ballot title from which the appeal is taken. After the
6 hearing of the appeal, the district court may correct or amend the
7 ballot title, or accept the substitute suggested, or may draft a new
8 ballot title which will conform with the law.

9 F. When a ballot title has been decided upon, either as
10 approved by the district attorney or by the district court, the
11 secretary of the county election board shall notify the secretary of
12 the board of county commissioners in writing, and attach a copy of
13 the petition and ballot title.

14 G. When an initiative petition demands the enactment of an
15 ordinance, the chair of the board of county commissioners shall
16 present the petition to the governing body at its next meeting. If
17 the petition is not granted more than thirty (30) days before the
18 next general county election, the board of county commissioners
19 shall submit the ordinance so petitioned to the registered voters of
20 the county at the next general county election.

21 H. The Oklahoma Corporation Commission shall maintain a
22 publicly accessible and searchable database containing the status of
23 each county of the state with respect to county ordinances enacted
24 by initiative petition pursuant to this section.

1 SECTION 3. This act shall become effective November 1, 2026.

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3 60-2-14083 JBH 12/16/25

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