

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE  
4 FOR  
5 SENATE BILL NO. 2173

By: Boren

6  
7 COMMITTEE SUBSTITUTE

8 An Act relating to agriculture; creating the  
9 Landowner Energy Negotiation, Agricultural  
10 Preservation, and Orphaned Well Mitigation Education  
11 Act of 2026; providing short title; stating  
12 legislative findings; defining terms; creating the  
13 Landowner Energy Negotiation, Agricultural  
14 Preservation, and Orphaned Well Mitigation Education  
15 Program within the Oklahoma Cooperative Extension  
16 Service; prescribing duties and program purposes;  
17 requiring reporting; granting rulemaking authority;  
18 establishing fees for energy land remediation and  
19 education; providing for collection and distribution  
20 of fees; creating a revolving fund; authorizing land  
21 stewardship credits; authorizing rulemaking;  
22 providing for the promulgation of rules; providing  
23 for codification; and providing an effective date.  
24

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

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 4200 of Title 2, unless there is  
created a duplication in numbering, reads as follows:

1       A. This act shall be known and may be cited as the "Landowner  
2 Energy Negotiation, Agricultural Preservation, and Orphaned Well  
3 Mitigation Education Act of 2026".

4       B. 1. The Legislature finds that landowners across this state  
5 require improved access to high-quality professional education to  
6 effectively negotiate oil, gas, wind, and solar energy agreements.

7       2. The Legislature further finds that the rapid expansion of  
8 utility-scale wind and solar development necessitates education,  
9 training, and professional development to ensure agricultural  
10 operations, including grazing, crop production, and soil  
11 conservation, may be preserved alongside energy production.

12       3. The Legislature additionally recognizes the need for  
13 improved landowner awareness regarding environmental, safety, and  
14 financial strategies posed by orphaned and abandoned oil and gas  
15 wells.

16       4. It is the intent of the Legislature to support landowners  
17 through the Oklahoma Cooperative Extension Service by providing  
18 educational resources that promote informed negotiation, dual-use  
19 land management, agricultural preservation, the voluntary  
20 conservation and protection of soil and water resources for  
21 beneficial use, and environmental stewardship.

22       5. The Legislature further finds that agricultural producers  
23 and rural landowners face increasing challenges related to the  
24 availability of water for beneficial use, including groundwater and

1 surface water management, and that land use decisions associated  
2 with energy development may affect the conservation and protection  
3 of water resources.

4 6. The Legislature recognizes that the conservation and  
5 protection of water resources for beneficial use, consistent with  
6 existing law, is essential to the long-term viability of  
7 agriculture, grazing, soil health, and rural economies, and that  
8 education and technical assistance may assist landowners in  
9 voluntarily incorporating water-protective practices into energy-  
10 related land use agreements.

11 C. As used in this section:

12 1. "Abandoned or orphaned well" shall have the same meaning as  
13 "abandoned well" as defined in Section 53.3 of Title 17 of the  
14 Oklahoma Statutes;

15 2. "Dual-use land management" means land management strategies  
16 that allow agricultural activities, including grazing, crop  
17 cultivation, pasture improvement, or soil conservation, to continue  
18 on land leased for or impacted by wind or solar energy  
19 infrastructure;

20 3. "Extension Service" means the Oklahoma State University  
21 Cooperative Extension Service and Langston University Cooperative  
22 Extension Service;

23 4. "Landowner" means the legal owner of surface rights to real  
24 property within this state; and

1           5. "Water conservation" means voluntary practices and  
2 management strategies that promote the beneficial use of water and  
3 the conservation or protection of groundwater and surface water  
4 resources, consistent with the authority of the Oklahoma Water  
5 Resources Board and existing water rights law, including efficient  
6 water use, soil moisture retention, runoff reduction, and prevention  
7 of contamination.

8           D. There is hereby established within the Extension Service the  
9 Landowner Energy Negotiation, Agricultural Preservation, and  
10 Orphaned Well Mitigation Education Program. The program shall  
11 provide education, legal assistance, and training to landowners  
12 related to energy development and agricultural compatibility and the  
13 voluntary conservation of soil and water resources, provided that  
14 nothing in this act shall be construed to regulate water rights,  
15 water use, or water allocation.

16           E. The Extension Service shall administer the program and may  
17 use funds collected pursuant to this section for the following  
18 purposes:

19           1. Development and delivery of professional education, legal  
20 assistance, and training programs for landowners regarding:

21               a. negotiation of oil and gas leases, surface use  
22                    agreements, and related energy contracts,

23               b. negotiation of wind energy leases and turbine siting  
24                    agreements, including impacts on agricultural

1 operations, access roads, drainage, and long-term land  
2 value,

3 c. negotiation of solar energy leases, including ground  
4 cover requirements, panel spacing and height, panel  
5 technology requirements, fencing, vegetation  
6 management, and livestock-compatible or agrivoltaics  
7 system layouts,

8 d. incorporation of agricultural preservation clauses,  
9 dual-use provisions, land restoration requirements,  
10 and decommissioning assurances into energy contracts,

11 e. legal and financial considerations associated with  
12 energy development on privately owned agricultural  
13 land,

14 f. evaluation of risks and obligations related to energy  
15 infrastructure on agricultural property,

16 g. negotiation of timelines and procedures for  
17 dismantling energy-related equipment and any  
18 potentially necessary land restoration requirements,

19 h. negotiation of clear ownership, responsibilities, and  
20 procedures for any necessary repairs of energy-related  
21 equipment during the life of the lease, and

22 i. voluntary practices related to the conservation and  
23 protection of groundwater and surface water resources,  
24 including educational discussion of lease provisions

1 addressing water use during construction or operation,  
2 protection of water wells regulated under state law,  
3 drainage alteration, erosion control, stormwater  
4 management, and post-construction land restoration,  
5 provided that such education does not alter, impair,  
6 or adjudicate any existing water right;

7 2. Creation and dissemination of educational, legal assistance,  
8 and professional development materials, including model contract  
9 provisions, negotiation guides, and decision-support tools related  
10 to energy development and agricultural compatibility including  
11 informational discussion of potential water conservation  
12 considerations, provided such materials are educational in nature  
13 and do not confer regulatory authority or modify existing law;

14 3. Conducting workshops, field demonstrations, or educational  
15 programming related to:

16 a. agricultural co-location with wind and solar energy,  
17 including grazing under solar arrays, wind-compatible  
18 grazing systems, and soil protection during  
19 construction,

20 b. identification, reporting, and remediation options  
21 related to orphaned and abandoned oil and gas wells,  
22 and

23 c. voluntary soil and water conservation practices  
24 related to energy development, including soil moisture

1 protection, runoff and drainage management, protection  
2 of water wells and recharge areas, vegetative cover  
3 systems, and drought-resilient land management  
4 practices, presented for educational purposes only;

5 4. Supporting Extension Service personnel, including the hiring  
6 or training of specialists with expertise in renewable energy  
7 contracting, agricultural dual-use systems, energy law, soil and  
8 water conservation practices consistent with existing water law, and  
9 environmental remediation; and

10 5. Conducting outreach in rural and agricultural communities  
11 with high levels of oil, gas, wind, or solar development, or  
12 concentrations of orphaned or abandoned wells.

13 F. In administering the program, the Extension Service shall  
14 coordinate with the Corporation Commission, county governments,  
15 agricultural producer organizations, tribal governments, and other  
16 relevant public or private stakeholders.

17 G. On or before December 31 of each year, the Extension Service  
18 shall electronically submit a report to the President Pro Tempore of  
19 the Senate and the Speaker of the House of Representatives that  
20 includes:

- 21 1. An accounting of expenditures made pursuant to this section;
- 22 2. The number of landowners served;
- 23 3. Outcomes related to energy negotiation literacy;
- 24 4. Adoption of agricultural dual-use practices;

1           5. Improvements in the landowner engagement related to orphaned  
2 or abandoned well reporting;

3           6. Recommendations that shall be made publicly available on the  
4 Extension Service's website; and

5           7. Educational outcomes related to voluntary soil and water  
6 conservation practices, including landowner participation in water-  
7 protective programming or incorporation of informational water-  
8 related considerations into energy-related land use agreements.

9           H. The Extension Service may adopt policies and procedures to  
10 implement the provisions of this section.

11           SECTION 2.           NEW LAW           A new section of law to be codified  
12 in the Oklahoma Statutes as Section 4201 of Title 2, unless there is  
13 created a duplication in numbering, reads as follows:

14           There is hereby created in the State Treasury a revolving fund  
15 for the Oklahoma Department of Agriculture, Food, and Forestry to be  
16 designated the "Landowner Energy Negotiation Revolving Fund". The  
17 fund shall be a continuing fund, not subject to fiscal year  
18 limitations, and shall consist of all monies received by the  
19 Department from the fees authorized pursuant to Section 3 of this  
20 act provided for the purpose of supporting the Landowner Energy  
21 Negotiation, Agricultural Preservation, and Orphaned Well Mitigation  
22 Education Program. All monies accruing to the credit of the fund  
23 are hereby appropriated and may be budgeted and expended by the  
24 Department for the purpose provided for in this act. Expenditures

1 from the fund shall be made upon warrants issued by the State  
2 Treasurer against claims filed as prescribed by law with the  
3 Director of the Office of Management and Enterprise Services for  
4 approval and payment.

5 SECTION 3. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 4202 of Title 2, unless there is  
7 created a duplication in numbering, reads as follows:

8 A. As used in this section:

9 1. "Commission" means the Corporation Commission;

10 2. "Cooperative Extension Service" means the Oklahoma State  
11 University Cooperative Extension Service and the Langston University  
12 Cooperative Extension Service;

13 3. "Department" means the Oklahoma Department of Agriculture,  
14 Food, and Forestry;

15 4. "Disturbed acreage" means the total surface area within this  
16 state that is occupied or materially altered by an energy project;  
17 and

18 5. "Renewable energy project" means a facility or  
19 infrastructure used for the generation or storage of electricity  
20 from renewable resources, including wind energy facilities, solar  
21 energy facilities, battery or energy storage facilities, and  
22 collection or transmission infrastructure associated with a  
23 renewable energy project.

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1 B. 1. The Corporation Commission may promulgate rules to levy  
2 and collect a State Energy Land Remediation and Education Fee on  
3 energy projects located within this state.

4 2. The fee shall be assessed annually and shall not exceed  
5 Twenty-five Dollars (\$25.00) per acre of disturbed acreage,  
6 beginning on the date construction commences and continuing until  
7 the date of decommissioning or completion of site reclamation.

8 3. The fee authorized by this section shall be a fee on acres  
9 disturbed and not a tax on energy, shall be reasonably related to  
10 land disturbance impacts, and shall not regulate the siting,  
11 permitting, or operation of energy facilities.

12 C. 1. All fees authorized pursuant to this section shall be  
13 deposited in the Landowner Energy Negotiation Revolving Fund  
14 established in Section 2 of this act.

15 2. Not less than eighty percent (80%) of all monies deposited  
16 to the fund shall be distributed to the Cooperative Extension  
17 Services, and such monies shall be divided equally as follows:

18 a. fifty percent (50%) to the Oklahoma State University  
19 Cooperative Extension Service, apportioned equally to  
20 counties in which there is an Oklahoma State  
21 University Cooperative Extension Service office  
22 located, and

23 b. fifty percent (50%) to the Langston University  
24 Cooperative Extension Service, apportioned equally to

1            counties in which there is a Langston University  
2            Cooperative Extension Service office located.

3            3. Monies distributed pursuant to paragraph 2 of this  
4 subsection shall be used solely to support the Landowner Energy  
5 Negotiation, Agricultural Preservation, and Orphaned Well Mitigation  
6 Education Program created pursuant to Section 1 of this act,  
7 including education, outreach, and land stewardship support for  
8 landowners affected by renewable energy development, agricultural  
9 dual-use practices, water conservation, or abandoned or orphaned oil  
10 and gas wells.

11           4. Not more than ten percent (10%) of all monies collected  
12 pursuant to this section may be retained by the Department for the  
13 administration of the Landowner Energy Negotiation Revolving Fund  
14 established in Section 2 of this act.

15           5. Not more than ten percent (10%) of all monies collected  
16 pursuant to this section may be retained by the Commission for the  
17 purpose of administering this section, including fee collection,  
18 verification of disturbed acreage, processing of stewardship  
19 credits, auditing, reporting, and rulemaking.

20           D. 1. The owner or operator of a renewable energy project  
21 shall be eligible for a stewardship credit if the project  
22 incorporates agrivoltaic or dual-use land management practices.

23           2. Eligible practices may include:  
24

- a. grazing of livestock beneath or around renewable energy facilities,
- b. cultivation of crops, pollinator habitats, or native vegetation compatible with energy infrastructure,
- c. soil health practices that prevent erosion or compaction, or
- d. site design that preserves agricultural productivity during the operational life of the project.

3. The Commission shall establish a credit of fifty percent (50%) of the annual per-acre fee for acreage actively managed using approved agrivoltaic or dual-use practices.

4. Eligibility for a credit shall be demonstrated through documentation, site management plans, or technical verification or certification from the Oklahoma Department of Agriculture, Food, and Forestry.

E. The Oklahoma Department of Agriculture, Food, and Forestry shall promulgate rules in consultation with the Corporation Commission, the Oklahoma State University Cooperative Extension Service, and the Langston University Cooperative Extension Service as necessary to implement and administer the fund established in Section 2 of this act.

F. Nothing in this section shall be construed to authorize this state to prohibit renewable energy projects or to impose operational standards unrelated to the assessment or administration of the fee.

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SECTION 4. This act shall become effective November 1, 2026.

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