

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

COMMITTEE SUBSTITUTE
FOR

SENATE BILL 1510

By: Hamilton

COMMITTEE SUBSTITUTE

An Act relating to energy; amending 17 O.S. 2021, Sections 160.14 and 160.15, which relate to the Oklahoma Wind Energy Development Act; modifying property restoration requirements; modifying allowable financial assurance instruments; amending Section 6, Chapter 25, O.S.L. 2025 (17 O.S. Supp. 2025, Section 820.5), which relates to the Commercial Solar Facility Decommissioning Act; modifying allowable financial assurance instruments; modifying amount of certain required financial assurance; updating statutory language and references; and providing an effective date.

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

SECTION 1. AMENDATORY 17 O.S. 2021, Section 160.14, is amended to read as follows:

Section 160.14. A. The owner of a wind energy facility shall be responsible, at its expense, for the proper decommissioning of the facility upon abandonment or the end of the useful life of the commercial wind energy equipment in the wind energy facility.

B. Proper decommissioning of a wind energy facility shall include:

1 1. Removal of wind turbines, towers, buildings, cabling,
2 electrical components, foundations, and any other associated
3 facilities, to a depth ~~of thirty (30) inches below grade~~ that
4 restores the property to, as near as reasonably possible, the
5 condition of the property prior to the establishment of the wind
6 energy facility; and

7 2. Disturbed earth being graded and reseeded or otherwise
8 restored to substantially the same physical condition as existed
9 prior to the construction of the wind energy facility by the owner,
10 excluding roads, unless the landowner specifically requests in
11 writing that the roads or other land surface areas be restored.

12 C. The decommissioning of the wind energy facility, or
13 individual pieces of commercial wind energy equipment, shall be
14 completed as follows:

15 1. By the owner of the wind energy facility within twelve (12)
16 months after abandonment or the end of the useful life of the
17 commercial wind energy equipment in the wind energy facility; and

18 2. If the owner of the wind energy facility fails to complete
19 the decommissioning within the period prescribed in paragraph 1 of
20 this subsection, the Corporation Commission shall take such measures
21 as are necessary to complete the decommissioning.

22 D. A lease or other agreement between a landowner and an owner
23 of a wind energy facility may contain provisions for decommissioning
24 that are more restrictive than provided for in this section.

SECTION 2. AMENDATORY 17 O.S. 2021, Section 160.15, is amended to read as follows:

Section 160.15. A. The owner of a wind energy facility shall submit to the Corporation Commission evidence of financial security to cover the anticipated costs of decommissioning the wind energy facility. For a wind energy facility or portion thereof which reaches the commercial generation date prior to December 31, 2016, the evidence of financial security shall be submitted after the fifteenth year of operation of the facility. For a wind energy facility or portion thereof which reaches the commercial generation date on or after December 31, 2016, the evidence of financial security shall be submitted by the fifth year of operation of the facility. Evidence of financial security ~~may~~ shall be in the form of a surety bond, ~~collateral bond, parent guaranty, cash, cashier's check, certificate of deposit, bank joint custody receipt or other approved negotiable instrument as established in rules promulgated by the Commission~~ underwritten by surety companies listed as certified insurers acceptable as sureties and reinsurers on federal bonds as published in the Federal Register, Treasury Circular 570, latest revision.

B. 1. For a wind energy facility which reaches the commercial generation date prior to December 31, 2016, the evidence of financial security shall be accompanied by an estimate of the total cost of decommissioning, minus the salvage value of the equipment,

1 prepared by a professional engineer licensed in this state. The
2 amount of the evidence of financial security shall be either:

- 3 a. the estimate of the total cost of decommissioning
4 minus the salvage value of the equipment which shall
5 be submitted to the Commission in the fifteenth year
6 of the project and every tenth year thereafter for the
7 life of the wind energy facility, or
- 8 b. one hundred twenty-five percent (125%) of the estimate
9 of the total cost of decommissioning which shall be
10 submitted to the Commission in the fifteenth year of
11 the project.

12 2. For a wind energy facility which reaches the commercial
13 generation date on or after December 31, 2016, the evidence of
14 financial security shall be accompanied by an estimate of the total
15 cost of decommissioning and an estimate of the salvage value of the
16 equipment prepared by a professional engineer licensed in this
17 state. The amount of the evidence of financial security shall be
18 one hundred twenty-five percent (125%) of the estimate of the total
19 cost of decommissioning, minus the salvage value of the equipment,
20 which shall be submitted to the Commission by the fifth year after
21 reaching the commercial generation date and thereafter upon request
22 by the Commission.

23 C. If the owner of a wind energy facility fails to submit the
24 information with the Commission as is required by this section, the

1 owner shall be subject to an administrative penalty not to exceed
2 One Thousand Five Hundred Dollars (\$1,500.00) per day.

3 D. In the event of a transfer of ownership of a wind energy
4 facility, the evidence of financial security posted by the
5 transferor shall remain in place and shall not be released until
6 such time as evidence of financial security meeting the requirements
7 of this section is posted by the new owner of the wind energy
8 facility and deemed acceptable by the Commission.

9 E. The provisions of this section shall apply to any wind
10 energy facility or portion thereof entering into or renewing a power
11 purchase agreement (PPA) for the energy generated by the wind energy
12 facility on or after January 1, 2011. If a wind energy facility
13 does not sell its energy under a power purchase agreement, the
14 provisions of this section shall apply to the wind energy facility
15 or portion thereof which construction commences on or after January
16 1, 2011.

17 SECTION 3. AMENDATORY Section 6, Chapter 25, O.S.L. 2025
18 (17 O.S. Supp. 2025, Section 820.5), is amended to read as follows:

19 Section 820.5. A. A solar power facility agreement shall
20 provide that the grantee obtain and deliver to the landowner
21 evidence of financial assurance that conforms to the requirements of
22 this section to secure the performance of the grantee's obligation
23 to remove the grantee's solar power facilities located on the
24 landowner's property as described by Section ~~5 of this act~~ 820.4 of

1 this title. ~~Acceptable forms~~ Evidence of financial assurance
2 ~~include a parent company guaranty with a minimum investment grade~~
3 ~~credit rating for the parent company issued by a major domestic~~
4 ~~credit rating agency, a letter of credit, a bond, or another form of~~
5 ~~financial assurance reasonably acceptable to the landowner~~ shall be
6 in the form of a surety bond underwritten by surety companies listed
7 as certified insurers acceptable as sureties and reinsurers on
8 federal bonds as published in the Federal Register, Treasury
9 Circular 570, latest revision.

10 B. The amount of the financial assurance ~~must~~ shall be ~~at~~
11 either:

12 1. At least equal to the estimated amount by which the cost of
13 removing the solar power facilities from the landowner's property
14 and restoring the property to, as near as reasonably, possible the
15 condition of the property as of the date the agreement begins
16 exceeds the salvage value of the solar power facilities, less any
17 portion of the value of the solar power facilities pledged to secure
18 outstanding debt; or

19 2. One hundred twenty-five percent (125%) of the estimate of
20 the total cost of decommissioning.

21 C. The agreement shall provide that:

22 1. The estimated cost of removing the solar power facilities
23 from the landowner's property and restoring the property to, as near
24 as reasonably possible, the condition of the property as of the date

1 the agreement begins and the estimated salvage value of the solar
2 power facilities ~~must~~ shall be determined by an independent, third-
3 party professional engineer licensed in this state;

4 2. The grantee shall deliver to the landowner an updated
5 estimate, prepared by an independent, third-party professional
6 engineer licensed in this state, of the cost of removal and the
7 salvage value:

8 a. on or before the tenth anniversary of the commercial
9 operations date of the solar power facilities, and

10 b. at least once every five (5) years after the
11 commercial operations date of the solar power
12 facilities for the remainder of the term of the
13 agreement; and

14 3. The grantee is responsible for ensuring that the amount of
15 the financial assurance remains sufficient to cover the amount
16 required by subsection B of this section, consistent with the
17 estimates required by this subsection.

18 D. The grantee is responsible for the costs of obtaining
19 financial assurance described by this section and costs of
20 determining the estimated removal costs and salvage value.

21 E. The agreement ~~must~~ shall provide that the grantee shall
22 deliver the financial assurance not later than the earlier of:

23 1. The date the solar power facility agreement is terminated;
24 or

1 2. The twentieth anniversary of the commercial operations date
2 of the solar power facilities located on the landowner's leased
3 property.

4 F. For purposes of this section, "commercial operations date"
5 means the date on which the solar power facilities are approved for
6 participation in market operations by a regional transmission
7 organization and does not include the generation of electrical
8 energy or other operations conducted before that date for purposes
9 of maintenance and testing.

10 G. The grantee may not cancel financial assurance before the
11 date the grantee has completed the grantee's obligation to remove
12 the grantee's solar power facilities located on the landowner's
13 property in the manner provided by ~~this act~~ the Commercial Solar
14 Facility Decommissioning Act, unless the grantee provides the
15 landowner with replacement financial assurance at the time of or
16 before the cancellation. In the event of a transfer of ownership of
17 the grantee's solar power facilities, the financial security
18 provided by the grantee shall remain in place until the date
19 evidence of financial security meeting the requirements of ~~this act~~
20 the Commercial Solar Facility Decommissioning Act is provided to the
21 landowner.

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