

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1528

By: Boren

AS INTRODUCED

An Act relating to energy; transferring duties and responsibilities from the Oklahoma Energy Resources Board to the Corporation Commission; amending 52 O.S. 2021, Section 288.2, which relates to definitions; modifying definitions; adding term; amending 52 O.S. 2021, Section 288.3, as last amended by Section 1, Chapter 13, O.S.L. 2025 (52 O.S. Supp. 2025, Section 288.3), which relates to the Oklahoma Energy Resources Board; transferring duties to the Corporation Commission; amending 52 O.S. 2021, Sections 288.5, 288.5A, 288.5C, 288.7, 288.8A, 288.9A, 288.11, and 288.12, which relate to the Oklahoma Energy Education and Marketing Act; requiring the Corporation Commission to coordinate certain program; clarifying responsibilities of the Corporation Commission; placing the Committee for Sustaining Oklahoma's Energy Resources under the Corporation Commission; transferring fund administration duties to the Corporation Commission; modifying amounts to be used for certain purpose; authorizing certain expenditures; removing certain expenditure restrictions upon certain finding; removing certain eligibility requirements; conforming statutory references; updating statutory language and references; repealing 52 O.S. 2021, Section 288.4, which relates to composition of the Oklahoma Energy Resources Board; repealing 52 O.S. 2021, Section 288.6, which relates to the Oklahoma Energy Resources Board; providing for codification; and providing an effective date.

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

2 SECTION 1. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 288.1A of Title 52, unless there
4 is created a duplication in numbering, reads as follows:

5 A. Effective November 1, 2026, all powers, duties, and
6 responsibilities exercised by the Oklahoma Energy Resources Board
7 shall be transferred to the Corporation Commission.

8 B. The period of July 1, 2026, through October 31, 2026, shall
9 be a transitional period in which the Corporation Commission shall
10 gradually assume complete administration and management over the
11 powers, duties, responsibilities, and staff currently carrying out
12 the administration of the Oklahoma Energy Resources Board. During
13 this transition period, the employees assigned to the Oklahoma
14 Energy Resources Board shall continue to be employees of the Board
15 unless otherwise agreed to by the Commission and Board.

16 SECTION 2. AMENDATORY 52 O.S. 2021, Section 288.2, is
17 amended to read as follows:

18 Section 288.2. As used in the Oklahoma Energy Education and
19 Marketing Act, Section 288.1 et seq. of this title:

20 1. ~~"Board" means the Oklahoma Energy Resources Board~~ "Abandoned
21 well" means a well that is described and listed in a report
22 published by the Corporation Commission identifying oil or gas wells
23 that have been determined to be abandoned or orphaned by the
24

1 Corporation Commission as a result of bankruptcy, inability to find
2 the owner, or for other reasons;

3 2. ~~"Person" means any individual, group of individuals, or any~~
4 ~~partnership, corporation, association, cooperative, or employee~~
5 ~~thereof, or any other entity~~ "Commission" means the Corporation
6 Commission;

7 3. "Independent producer" means any person:

8 a. who produces oil or natural gas and is not engaged in
9 refining or marketing of such products, or

10 b. who derives a majority of his or her oil- or natural
11 gas-related income from working interest;

12 4. "Major oil company" means any person who produces oil or
13 natural gas in the State of Oklahoma and who is a retailer as
14 defined in IRS Code Sec. 613A (d) (2) or a refiner as defined in Sec.
15 613A (d) (4) of the Code or is a subsidiary, directly or indirectly,
16 of a company that is classified as a major oil company as defined
17 herein; ~~and~~

18 5. "Person" means any individual, group of individuals, or any
19 partnership, corporation, association, cooperative, or employee
20 thereof, or any other entity;

21 6. "Public education" means educational activities directed to
22 the general public regarding safety protocols and risk awareness
23 associated with oil and gas production technologies; and
24

1 7. "Qualified independent producer association" means an entity
2 in existence as of January 1, 1992, that is organized and operating
3 within the state, a majority of whose governing body are independent
4 producers and which represents the independent oil or natural gas
5 industry on a statewide basis.

6 SECTION 3. AMENDATORY 52 O.S. 2021, Section 288.3, as
7 last amended by Section 1, Chapter 13, O.S.L. 2025 (52 O.S. Supp.
8 2025, Section 288.3), is amended to read as follows:

9 Section 288.3. ~~There is hereby re-created until July 1, 2031,~~
10 ~~the Oklahoma Energy Resources Board which shall be subject to the~~
11 ~~provisions of the Oklahoma Sunset Law. The purpose of the Board is~~
12 ~~to~~ The Corporation Commission shall coordinate a program designed to
13 demonstrate to the general public the importance of the Oklahoma oil
14 and natural gas exploration and production industry, to encourage
15 the wise and efficient use of energy, to promote environmentally
16 sound production methods and technologies, to develop existing
17 supplies of Oklahoma's oil and natural gas resources, to support
18 research and educational activities concerning the oil and natural
19 gas exploration and production industry and to cause remediation of
20 historical oilfield environmental problems.

21 SECTION 4. AMENDATORY 52 O.S. 2021, Section 288.5, is
22 amended to read as follows:
23
24
25

1 Section 288.5. The ~~Oklahoma Energy Resources Board~~ Corporation
2 Commission shall have the following powers, duties, and
3 responsibilities:

4 1. To administer and enforce the provisions of the Oklahoma
5 Energy Education and Marketing Act;

6 2. ~~To establish an office for the Board within the State of~~
7 ~~Oklahoma;~~

8 3. ~~To elect a chairperson and whatever other officers may be~~
9 ~~necessary to direct operations of the Board;~~

10 4. To employ personnel as shall be deemed necessary to carry
11 out the purpose and provisions of the Oklahoma Energy Education and
12 Marketing Act, including but not limited to an attorney to provide
13 legal assistance to the ~~Board~~ Commission, and to prescribe their
14 duties and fix their compensation;

15 5. 3. To establish and administer the Energy Resources
16 Revolving Fund;

17 6. ~~To approve or disapprove the budget of the Board;~~

18 7. 4. To promulgate rules as it deems necessary to carry out
19 the provisions of the Oklahoma Energy Education and Marketing Act;

20 8. 5. To enter into contracts or agreements for studies,
21 research projects, experimental work, supplies or other services to
22 carry out the purposes of the Oklahoma Energy Education and
23 Marketing Act, and incur those expenses necessary to carry out those
24 purposes. Any such contract or agreement shall provide that:

- 1 a. the person entering the contract or agreement on
2 behalf of the ~~Board~~ Commission shall develop and
3 submit to the ~~Board~~ Commission a plan or project
4 together with a budget or budgets that shows estimated
5 costs to be incurred for the plan or project, and
6 b. the person entering the contract or agreement shall
7 keep accurate records of all of its transactions,
8 account for funds received and expended, and make
9 periodic reports to the ~~Board~~ Commission of activities
10 conducted, and such other reports as the ~~Board~~
11 Commission may require;

12 ~~9.~~ 6. To keep accurate records of all financial transactions
13 performed pursuant to the Oklahoma Energy Education and Marketing
14 Act. These records shall be subject to an annual audit, as defined
15 by paragraph 4 of subsection B of Section 212 of Title 74 of the
16 Oklahoma Statutes, by an independent auditor and an annual report
17 shall be compiled and presented to the Governor;

18 ~~10.~~ 7. To cooperate with any private, local, state, or national
19 commission, organization, agency, or group and to make contracts and
20 agreements for joint programs beneficial to the oil industry;

21 ~~11.~~ 8. To accept donations, grants, contributions, and gifts
22 from any public or private source and deposit such in the Energy
23 Resources Revolving Fund;

1 ~~12.~~ 9. To approve or disapprove the investment of any monies in
2 the Energy Resources Revolving Fund; and

3 ~~13.~~ 10. To keep an accurate record of all assessments
4 collected.

5 SECTION 5. AMENDATORY 52 O.S. 2021, Section 288.5A, is
6 amended to read as follows:

7 Section 288.5A. A. There is hereby created the Committee for
8 Sustaining Oklahoma's Energy Resources which shall be under the
9 direction and supervision of the ~~Oklahoma Energy Resources Board~~
10 Corporation Commission and shall be for the purpose of encouraging
11 new processes or technological advancements to sustain the oil and
12 natural gas industry in the future for the benefit of the citizens
13 of this state and for advancing activities to support marginally
14 producing oil and gas wells.

15 B. 1. The Committee for Sustaining Oklahoma's Energy Resources
16 shall be made up of not less than twelve but not more than eighteen
17 members. The ~~Oklahoma Energy Resources Board~~ Corporation Commission
18 shall select one member of the ~~Board~~ Commission to serve as the
19 chair of the Committee. Except as otherwise provided, members of
20 the Committee shall be appointed by the chair of the Committee and
21 approved by a majority of the ~~Board~~ Commission.

22 2. The Secretary of Energy or a designee shall serve as a
23 member of the Committee for Sustaining Oklahoma's Energy Resources.
24 The Secretary of Energy shall select one member of the Committee who
25

1 shall currently be serving on the Oklahoma Energy Initiative Board
2 on behalf of the University of Oklahoma, Oklahoma State University,
3 the University of Tulsa, or Oklahoma City University.

4 3. Of the remaining members of the Committee for Sustaining
5 Oklahoma's Energy Resources at least:

- 6 a. four members shall be independent oil and gas
7 operators, of which at least one shall be from each of
8 the four Corporation Commission regulatory districts
9 as they existed on January 1, 2013, and each shall
10 have operations in the district they represent,
- 11 b. one member shall be an independent oil and gas
12 operator from Osage County and shall have operations
13 in Osage County,
- 14 c. one member shall be an independent oil and gas
15 operator selected from a list of operators submitted
16 by the Oklahoma Independent Petroleum Association,
- 17 d. one member shall be an oil and gas operator selected
18 from a list of operators submitted by the Mid-
19 Continent Oil and Gas Association,
- 20 e. one member shall be an Oklahoma oil and gas royalty
21 owner selected from a list of names submitted by the
22 Oklahoma Mineral Owners Association, and
- 23 f. one member shall be an Oklahoma oil and gas royalty
24 owner selected from a list of names submitted by the

Oklahoma affiliate of the National Association of
Royalty Owners.

4. With the exception of the Secretary of Energy or the
designee of the Secretary, Committee members shall serve for three-
year terms and may be removed from the Committee by a majority vote
of the Committee with or without cause. The ~~Oklahoma Energy~~
~~Resources Board~~ Corporation Commission may establish any additional
qualifications, requirements, or conditions it deems appropriate for
members of the Committee which are consistent with the provisions of
this section. The chair of the Committee, with the approval of the
~~Board~~ Commission, shall strive to select representatives of all
facets of the oil and natural gas industry, and the University of
Oklahoma, Oklahoma State University, the University of Tulsa, and
Oklahoma City University, in addition to any other interested higher
education institutions and governmental entities charged with duties
and authority over relevant areas.

5. No member of the Committee shall receive a salary for duties
performed as a member of the Committee; however, members may be
eligible to receive reimbursement for necessary and actual travel
expenses as provided for in the State Travel Reimbursement Act if
approved by the ~~Oklahoma Energy Resources Board~~ Corporation
Commission.

6. Members appointed to serve on the Committee shall be
eligible to serve on any other state board or commission if the

1 member is otherwise qualified to hold such appointed office,
2 notwithstanding the provisions of Section 6 of Title 51 of the
3 Oklahoma Statutes.

4 C. The Committee for Sustaining Oklahoma's Energy Resources is
5 authorized to accept appropriations, donations, grants,
6 contributions, and gifts from any public or private source for the
7 purpose of implementing the provisions of this ~~act~~ section and
8 Sections 288.5B and 288.11 of this title. The Committee shall
9 deposit such funds in the revolving fund created in Section 288.5B
10 of this title.

11 D. The Committee for Sustaining Oklahoma's Energy Resources,
12 with the advice and consent of the ~~Oklahoma Energy Resources Board~~
13 Corporation Commission, is authorized to promulgate rules as
14 necessary to implement the provisions of this ~~act~~ section and
15 Sections 288.5B and 288.11 of this title.

16 SECTION 6. AMENDATORY 52 O.S. 2021, Section 288.5C, is
17 amended to read as follows:

18 Section 288.5C. A. Effective July 1, 2013, all duties, assets
19 and obligations of the Commission on Marginally Producing Oil and
20 Gas Wells created pursuant to Section 700 of ~~Title 52 of the~~
21 ~~Oklahoma Statutes~~ this title shall be transferred to the authority
22 of the Committee for Sustaining Oklahoma's Energy Resources created
23 pursuant to Section 288.5A of ~~Title 52 of the Oklahoma Statutes~~ this
24 title.

1 B. Effective July 1, 2013, the terms of the members of the
2 Commission on Marginally Producing Oil and Gas Wells appointed
3 pursuant to the provisions of Section 700 of ~~Title 52 of the~~
4 ~~Oklahoma Statutes~~ this title shall be terminated.

5 C. Effective July 1, 2013, all unclassified full-time-
6 equivalent, part-time, and temporary employees of the Commission on
7 Marginally Producing Oil and Gas Wells shall be terminated.
8 Employees shall be paid for any accrued annual leave and may be
9 eligible for other benefits as provided by law.

10 D. Activities and functions previously performed by the
11 Commission on Marginally Producing Oil and Gas Wells shall be under
12 the responsibility of the Committee for Sustaining Oklahoma's Energy
13 Resources or a successor committee as provided by law. The
14 Committee may organize itself, create subcommittees, or adopt
15 procedures as deemed necessary and appropriate and consistent with
16 the provisions of this act to implement the provisions of this act
17 and carry out the functions and duties of the Commission on
18 Marginally Producing Oil and Gas Wells with the exception of making
19 annual reports as required by paragraph 7 of subsection A of Section
20 701 of ~~Title 52 of the Oklahoma Statutes~~ this title.

21 E. Monies remaining in the Commission on Marginally Producing
22 Oil and Gas Wells Revolving Fund created in Section 705 of ~~Title 52~~
23 ~~of the Oklahoma Statutes~~ this title shall be transferred to the
24 credit of the Sustaining Oklahoma's Energy Resources Revolving Fund

1 created in Section 288.5B of ~~Title 52 of the Oklahoma Statutes~~ this
2 title for use as provided in ~~this act~~ Sections 288.5A through 288.5E
3 of this title.

4 F. The Committee for Sustaining Oklahoma's Energy Resources,
5 with the advice and consent of the ~~Oklahoma Energy Resources Board~~
6 Corporation Commission, is authorized to promulgate any rules
7 necessary to implement the provisions of ~~this act~~ Sections 288.5A
8 through 288.5E of this title. The Secretary of Energy may provide
9 assistance as necessary to oversee the transfer of duties, assets,
10 and obligations pursuant to ~~this act~~ Sections 288.5A through 288.5E
11 of this title.

12 SECTION 7. AMENDATORY 52 O.S. 2021, Section 288.7, is
13 amended to read as follows:

14 Section 288.7. A. There is hereby created in the State
15 Treasury a revolving fund for the ~~Oklahoma Energy Resources Board~~
16 Corporation Commission to be designated the "Energy Resources
17 Revolving Fund". The fund shall be a continuing fund, not subject
18 to fiscal year limitations and shall consist of all monies received
19 by the ~~Oklahoma Energy Resources Board~~ Corporation Commission from
20 assessments received and collected pursuant to Section 288.8A of
21 this title, donations, grants, contributions, and gifts from any
22 public or private source. The ~~Board~~ Commission may expend funds as
23 provided for by law. Expenditures from ~~said~~ such fund shall be made
24 upon warrants issued by the State Treasurer against claims filed as

1 prescribed by law with the Director of the Office of Management and
2 Enterprise Services for approval and payment.

3 B. 1. Of the monies collected and not refunded pursuant to
4 Sections 288.8A and 288.9A of this title, a minimum of ~~fifty~~
5 seventy-five percent ~~(50%)~~ (75%) of ~~said~~ such monies collected,
6 including a prorated share of administrative costs incurred from the
7 effective date of this act, and not subsequently refunded, shall be
8 expended on environmental cleanup and remediation projects related
9 to oil and gas pollution and the plugging of wells pursuant to
10 Section 53 of Title 17 of the Oklahoma Statutes authorized by the
11 ~~Board~~ Commission from a priority list of projects ~~submitted~~
12 maintained by the ~~Corporation~~ Commission or, only in the absence of
13 ~~Corporation~~ Commission jurisdiction, projects submitted by other
14 appropriate state agencies.

15 2. Of the monies collected and not refunded pursuant to
16 Sections 288.8A and 288.9A of this title, no more than five percent
17 (5%) of such monies collected shall be expended for advertising or
18 promotional activities.

19 3. Of the monies collected and not refunded pursuant to
20 Sections 288.8A and 288.9A of this title, no more than twenty
21 percent (20%) shall be expended for the purpose of public education.

22 4. Upon a formal finding by the Commission that all identified
23 abandoned wells have been plugged pursuant to Section 53 of Title 17
24 of the Oklahoma Statutes, the expenditure restrictions of the Energy

1 Resources Revolving Fund pursuant to this subsection shall be
2 modified to allow for a minimum of fifty percent (50%) of such
3 monies collected to be expended for the purpose of public education,
4 the remaining amounts to be expended as determined by the
5 Commission. Such public education shall address safety protocols,
6 risk mitigation, and environmental protection measures applicable to
7 any energy production technologies, including, but not limited to,
8 oil and gas, renewable energy, electricity transmission, energy
9 storage, and emerging technologies. The public education shall be
10 factual, non-promotional, and designed to enhance public
11 understanding of safety and environmental stewardship. Any public
12 education and advertising programs shall be subject to review and
13 approval by the Commission.

14 C. None of the monies collected and not refunded pursuant to
15 Sections 288.8A and 288.9A of this title shall be used for travel
16 expenses of any member of the Oklahoma Legislature.

17 SECTION 8. AMENDATORY 52 O.S. 2021, Section 288.8A, is
18 amended to read as follows:

19 Section 288.8A. A. To fund the activities of the ~~Oklahoma~~
20 ~~Energy Resources Board~~ Corporation Commission in carrying out the
21 provisions of the Oklahoma Energy Education and Marketing Act, an
22 assessment shall be levied in the amount of one-tenth of one percent
23 (1/10 of 1%) of the gross revenues received at the wellhead for oil,
24 natural gas, casinghead gas or condensate produced from each well in

1 ~~the State of Oklahoma~~ this state except for production exempt from
2 the payment of gross production tax pursuant to Section 1001 of
3 Title 68 of the Oklahoma Statutes.

4 B. The assessment levied by subsection A of this section shall
5 be deducted from the proceeds of production by the person remitting
6 gross production tax to the Oklahoma Tax Commission pursuant to
7 Section 1001 of Title 68 of the Oklahoma Statutes. Such assessment
8 shall be remitted to the Oklahoma Tax Commission in the same manner
9 as is provided by law for the payment of gross production tax.

10 Provided, the person remitting the assessment may remit cumulative
11 amounts of Twenty-five Dollars (\$25.00) or less quarterly. To
12 defray the costs of receiving and depositing the assessments levied
13 by this section, the Oklahoma Tax Commission shall retain Two
14 Thousand Dollars (\$2,000.00) per month of the assessments received
15 for deposit in the Oklahoma Tax Commission Revolving Fund created
16 pursuant to Section 113 of Title 68 of the Oklahoma Statutes. The
17 remaining monies received by the Oklahoma Tax Commission pursuant to
18 this section shall be deposited in the Energy Resources Revolving
19 Fund.

20 C. The ~~Board~~ Corporation Commission shall be responsible for
21 taking appropriate legal actions to collect any assessment which is
22 not paid or is not properly paid. The Oklahoma Tax Commission shall
23 not be responsible for collecting any assessment not remitted to the
24 Oklahoma Tax Commission for deposit in the Energy Resources

1 Revolving Fund. The Oklahoma Tax Commission shall report to the
2 ~~Board~~ Commission any information it obtains regarding failure of any
3 person to properly pay the assessment due, including any
4 documentation it may have of such failure.

5 SECTION 9. AMENDATORY 52 O.S. 2021, Section 288.9A, is
6 amended to read as follows:

7 Section 288.9A. A. Any person subject to the assessment levied
8 by Section 288.8A of this title may request a refund as provided in
9 this section of the assessment paid on production for the preceding
10 calendar year. Upon compliance with the provisions of this section
11 and rules promulgated by the ~~Board~~ Corporation Commission to
12 implement this section, the ~~Board~~ Commission shall refund to each
13 person requesting a refund of the amount of the assessment paid by
14 or on behalf of such person during the preceding calendar year.
15 Refunds will include interest earned at the rate equal to the
16 average United States Treasury bill rate of the preceding calendar
17 year as certified by the State Treasurer.

18 B. The request for a refund of the assessment paid on
19 production for the preceding calendar year must be made during the
20 first three (3) calendar months following the calendar year for
21 which the refund is requested. Failure to request a refund during
22 this period shall terminate the right of any person to receive a
23 refund for the assessment paid on production for the preceding
24 calendar year. The ~~Board~~ Commission shall give notice of the

1 availability of the refund through press releases, paid
2 advertisements placed in the newspaper with the largest general
3 circulation in each county in the state, and such other means as it
4 deems appropriate.

5 C. Each person requesting a refund shall execute an affidavit
6 showing the amount of refund requested, and the affiant was the
7 owner of the production for which the refund is requested. Each
8 person requesting a refund shall submit supporting evidence
9 demonstrating the gross revenues, net to the person's revenue
10 interest, received for oil, natural gas, casinghead gas, or
11 condensate in ~~Oklahoma~~ this state. The ~~Board~~ Commission may verify,
12 principally through the use of audits, the accuracy of the request
13 for refund. In verifying the accuracy of a request for refund, the
14 ~~Board~~ Commission shall exercise its authority in a manner that will
15 reduce, to the extent practicable and appropriate, the burden on
16 persons providing the information to the ~~Board~~ Commission.

17 ~~D. No company or person who requests a refund under this~~
18 ~~section shall be eligible to serve or have a representative serve as~~
19 ~~a member of the Board.~~

20 SECTION 10. AMENDATORY 52 O.S. 2021, Section 288.11, is
21 amended to read as follows:

22 Section 288.11. A. The ~~Board~~ Corporation Commission may
23 invest, pending disbursement, funds collected through assessments
24 only in obligations of the United States or any agency thereof, in
25

1 general obligations of any state, in any interest-bearing account or
2 certificate of deposit of a bank that is a member of the Federal
3 Reserve System, or in obligations fully guaranteed as to principal
4 and interest by the United States.

5 B. The ~~Board~~ Corporation Commission shall be prohibited from
6 utilizing any funds collected through the assessment procedure
7 outlined in Section ~~8~~ 288.8A of this ~~act~~ title, for the purpose of
8 influencing governmental action or policy, with the exception of
9 recommending amendments to ~~this act~~ the Oklahoma Energy Education
10 and Marketing Act, and for the purpose of obtaining state or federal
11 funding for the activities of the Sustaining Oklahoma's Energy
12 Resources Advisory Committee.

13 SECTION 11. AMENDATORY 52 O.S. 2021, Section 288.12, is
14 amended to read as follows:

15 Section 288.12. Nothing in ~~this act~~ the Oklahoma Energy
16 Education and Marketing Act may be construed to preempt or supersede
17 any other program relating to oil or natural gas promotion or
18 marketing organized and operated under the laws of ~~the State of~~
19 ~~Oklahoma~~ this state or the United States. The provisions of ~~this~~
20 ~~act~~ the Oklahoma Energy Education and Marketing Act applicable to
21 the rules shall be applicable to amendments to the rules. In the
22 event of the establishment of a national program for an assessment
23 on oil or natural gas production, the ~~Board~~ Corporation Commission,
24 by majority vote, may elect to designate up to a maximum of fifty

1 percent (50%) of the funds collected under this act to such a
2 national program in lieu of an additional assessment as may be
3 required by such national program.

4 SECTION 12. REPEALER 52 O.S. 2021, Section 288.4, is
5 hereby repealed.

6 SECTION 13. REPEALER 52 O.S. 2021, Section 288.6, is
7 hereby repealed.

8 SECTION 14. This act shall become effective November 1, 2026.

9
10 60-2-3088 CN 1/12/2026 1:04:22 PM
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25