

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1935

By: Murdock

AS INTRODUCED

An Act relating to solar setbacks; creating the Commercial Solar Facility Setback Act; providing short title; defining terms; establishing certain setback requirements; stating criteria for which certain agreement applies; clarifying scope of application; providing for noncodification; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Commercial Solar Facility Setback Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 810 of Title 17, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Balance of plant systems" means the electrical, structural, mechanical, communications, and civil systems necessary to support,

1 operate, monitor, and deliver energy from a utility-scale solar
2 energy facility, excluding the photovoltaic modules. Balance of
3 plant systems includes inverters, transformers, wiring and
4 collection systems, racking or tracking equipment, foundations, site
5 communications and control systems, access roads, drainage
6 improvements, and other supporting infrastructure located within the
7 project boundary;

8 2. "Original generation interconnection agreement date" means
9 the effective date of the first executed generation interconnection
10 agreement (GIA) between a generation facility and the Southwest
11 Power Pool (SPP) under the Open Access Transmission Tariff (OATT) of
12 the SPP that establishes the facility's initial interconnection
13 rights and obligations;

14 3. "Overhead infrastructure" means distribution- and
15 transmission-related equipment that is not buried or otherwise
16 primarily attached to the ground;

17 4. "Participating residence" means a residence located on a
18 parcel that is subject to a written agreement with the owner or
19 operator of a utility-scale solar energy facility concerning siting,
20 compensation, easement, or participation;

21 5. "Repowering" means the replacement, upgrade, or
22 refurbishment of one or more components of a utility-scale energy
23 facility including photovoltaic modules, inverters, racking, wiring,
24 electrical equipment, or balance of plant systems without relocating
25

1 the facility's original point of interconnection or expanding the
2 project boundary. Repowering shall not mean new construction,
3 expansion, or reconfiguration for the purposes of applying or
4 recalculating any setback established under this section including,
5 but not limited to, setbacks from residences, property lines, public
6 roads, or non-project-related overhead infrastructure;

7 6. "Residence" means a single-family detached dwelling that the
8 occupant owns or leases and uses as the individual's principal place
9 of dwelling for at least nine (9) consecutive months during each
10 calendar year and is the individual's declared and actual home for
11 that period as evidenced by the listed address on two or more of the
12 following documents: driver license, state income tax filing, voter
13 registration, or nine (9) months of utility bills. Residence does
14 not include:

- 15 a. any dwelling held primarily for seasonal,
16 recreational, vacation, or secondary-home use,
- 17 b. any mobile home, manufactured home, house trailer,
18 tiny home on wheels, recreational vehicle, or other
19 relocatable structure, unless installed on a permanent
20 foundation, or
- 21 c. any multi-unit residential structure including, but
22 not limited to, condominiums, townhouses, or apartment
23 buildings; and
24

1 7. "Utility-scale solar energy facility" means an electric
2 generating facility that uses photovoltaic or solar-thermal
3 technologies with a nameplate capacity greater than one (1) megawatt
4 alternating current (AC) designed to deliver energy to the electric
5 grid and not primarily to on-site load.

6 B. 1. Utility-scale solar energy facilities, excluding
7 residential solar energy panels, shall not be located within one
8 hundred twenty-five (125) feet of a participating or non-
9 participating residence unless this requirement is waived in writing
10 by the residence owner. Non-project-related overhead infrastructure
11 shall not be located within fifty (50) feet of the edge of a public
12 road; provided, however, this shall not apply to project-related
13 overhead interconnection lines including generation interconnect
14 lines where a crossing or necessary alignment is required to reach
15 the point of interconnection.

16 2. The setback provisions established in paragraph 1 of this
17 subsection shall be measured using industry standard practices and
18 no extra setback or buffer shall be required. Setbacks shall be
19 measured from the closest electric generating equipment such as
20 solar panels, inverters, or transformers to the residence or
21 property line. Fences, access roads, operations buildings, and
22 similar facilities are not subject to the setback requirements as
23 provided in this subsection.
24

1 C. 1. Repowering of a utility-scale solar energy facility
2 shall not require the application of new or modified setbacks
3 adopted after the facility's original GIA date. Setbacks applicable
4 to the facility at the time of the original GIA date shall remain as
5 the controlling setbacks for the repowered facility.

6 2. a. An amendment or replacement of the GIA shall not
7 create a new original GIA date unless the SPP
8 determines under the OATT that the change is a
9 material modification and the change either:

- 10 (1) relocates the point of interconnection, or
11 (2) increases the facility's net nameplate capacity
12 by more than twenty percent (20%) and requires a
13 new system-impact study.

14 b. The repowering of a utility-scale solar energy
15 facility shall not be considered a material change for
16 purposes of determining or resetting the facility's
17 original GIA date and shall not require a new or
18 restated GIA unless the owner seeks to relocate the
19 point of interconnection or expand the project
20 boundary.

21 c. Any other administrative or technical revision shall
22 not reset the original GIA date.

23 D. The provisions of this section shall not apply to
24 residential solar energy panels.

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

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