

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1935

By: Murdock

7 AS INTRODUCED

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

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

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

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

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

22 A. As used in this section:

23 1. "Balance of plant systems" means the electrical, structural,  
24 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, racing 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

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

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.

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.

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