

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 2173

By: Boren

AS INTRODUCED

An Act relating to agriculture; creating the Landowner Energy Negotiation, Agricultural Preservation, and Orphaned Well Mitigation Education Act of 2026; providing short title; stating legislative findings; defining terms; creating the Landowner Energy Negotiation, Agricultural Preservation, and Orphaned Well Mitigation Education Program within the Oklahoma Cooperative Extension Service; prescribing duties and program purposes; requiring reporting; granting rulemaking authority; appropriating funds; establishing fees for renewable energy land remediation and education; providing for collection and distribution of fees; creating a revolving fund; authorizing land stewardship credits; authorizing rulemaking; providing for codification; providing an effective date; and declaring an emergency.

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:

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

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

4 2. The Legislature further finds that the rapid expansion of
5 utility-scale wind and solar development necessitates training and
6 technical assistance to ensure agricultural operations, including
7 grazing, crop production, and soil conservation, may be preserved
8 alongside energy production.

9 3. The Legislature additionally recognizes the need for
10 improved landowner awareness regarding environmental, safety, and
11 financial risks posed by orphaned and abandoned oil and gas wells.

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

18 5. The Legislature further finds that agricultural producers
19 and rural landowners face increasing challenges related to the
20 availability of water for beneficial use, including groundwater and
21 surface water management, and that land use decisions associated
22 with energy development may affect the conservation and protection
23 of water resources.

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

8 C. As used in this section:

9 1. "Dual-use land management" means land management strategies
10 that allow agricultural activities, including grazing, crop
11 cultivation, pasture improvement, or soil conservation, to continue
12 on land leased for or impacted by wind or solar energy
13 infrastructure;

14 2. "Extension Service" means the Oklahoma State University
15 Cooperative Extension Service and Langston University Cooperative
16 Extension Service;

17 3. "Landowner" means the legal owner of surface rights to real
18 property within this state;

19 4. "Orphaned or abandoned well" means any well identified by
20 the Corporation Commission as unplugged, unmaintained, or lacking a
21 responsible operator; and

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

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

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

1. Development and delivery of professional education and training programs for landowners regarding:

- a. negotiation of oil and gas leases, surface use agreements, and related energy contracts,
- b. negotiation of wind energy leases and turbine siting agreements, including impacts on agricultural operations, access roads, drainage, and long-term land value,

- c. negotiation of solar energy leases, including ground cover requirements, panel spacing and height, panel technology requirements, fencing, vegetation management, and livestock-compatible or agrivoltaics system layouts,
- d. incorporation of agricultural preservation clauses, dual-use provisions, land restoration requirements, and decommissioning assurances into energy contracts,
- e. legal and financial considerations associated with energy development on privately owned agricultural land,
- f. evaluation of risks and obligations related to energy infrastructure on agricultural property,
- g. negotiation of timelines and procedures for dismantling energy-related equipment and any potentially necessary land restoration requirements,
- h. negotiation of clear ownership, responsibilities, and procedures for any necessary repairs of energy-related equipment during the life of the lease, and
- i. voluntary practices related to the conservation and protection of groundwater and surface water resources, including educational discussion of lease provisions addressing water use during construction or operation, protection of water wells regulated under state law,

1 drainage alteration, erosion control, stormwater
2 management, and post-construction land restoration,
3 provided that such education does not alter, impair,
4 or adjudicate any existing water right;

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

12 3. Conducting workshops, field demonstrations, and educational
13 programming related to:

- 14 a. agricultural co-location with wind and solar energy,
15 including grazing under solar arrays, wind-compatible
16 grazing systems, and soil protection during
17 construction,
- 18 b. identification, reporting, and remediation options
19 related to orphaned and abandoned oil and gas wells,
20 and
- 21 c. voluntary soil and water conservation practices
22 related to energy development, including soil moisture
23 protection, runoff and drainage management, protection
24 of water wells and recharge areas, vegetative cover

1 systems, and drought-resilient land management
2 practices, presented for educational purposes only;

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

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

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

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

- 19 1. An accounting of expenditures made pursuant to this section;
- 20 2. The number of landowners served;
- 21 3. Outcomes related to energy negotiation literacy;
- 22 4. Adoption of agricultural dual-use practices;
- 23 5. Improvements in the landowner engagement related to orphaned
24 or abandoned well reporting;

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

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

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

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

12 For fiscal year 2026, there is hereby appropriated from the
13 General Revenue Fund to the Oklahoma Cooperative Extension Service
14 the sum of Three Million Five Hundred Thousand Dollars
15 (\$3,500,000.00) to implement the program. Monies appropriated
16 pursuant to this section shall be used solely for the purposes
17 specified in Section 1 of this act.

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

21 A. As used in this section:

22 1. "Cooperative Extension Service" means the Oklahoma State
23 University Cooperative Extension Service and the Langston University
24 Cooperative Extension Service;

1 2. "Disturbed acreage" means the total surface area within this
2 state that is occupied or materially altered by a renewable energy
3 project, including turbines, panels, substations, access roads,
4 laydown areas, and related facilities; and

5 3. "Renewable energy project" means a facility or
6 infrastructure used for the generation or storage of electricity
7 from renewable resources, including wind energy facilities, solar
8 energy facilities, battery or energy storage facilities, and
9 associated collection or transmission infrastructure.

10 B. 1. The Corporation Commission shall levy and collect a
11 State Renewable Energy Land Remediation and Education Fee on
12 renewable energy projects located within this state.

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

17 3. The fee imposed by this section shall be a fee and not a
18 tax, shall be reasonably related to land disturbance impacts, and
19 shall not regulate the siting, permitting, or operation of renewable
20 energy facilities.

21 C. 1. All fees collected pursuant to this section shall be
22 deposited in the State Treasury to the credit of a revolving fund to
23 be designated the Renewable Energy Land Remediation and Education
24 Fund.

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

4 a. fifty percent (50%) to the Oklahoma State University
5 Cooperative Extension Service, and

6 b. fifty percent (50%) to the Langston University
7 Cooperative Extension Service.

8 3. Monies distributed pursuant to paragraph 2 of this section
9 shall be used solely to support the Landowner Energy Negotiation,
10 Agricultural Preservation, and Orphaned Well Mitigation Education
11 Program created pursuant to Section 1 of this act, including
12 technical assistance, education, outreach, and land stewardship
13 support for landowners affected by renewable energy development,
14 agricultural dual-use practices, and water conservation.

15 4. Not more than twenty percent (20%) of all monies collected
16 pursuant to this section may be retained by the Corporation
17 Commission for the purpose of administering this section, including
18 fee collection, verification of disturbed acreage, processing of
19 stewardship 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:
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- 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 Corporation Commission shall grant a credit of up to 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 Cooperative Extension Service.

E. The Corporation Commission shall promulgate rules as necessary to implement and administer the provisions of this section.

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.

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

SECTION 5. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.
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