

SENATE FLOOR VERSION
April 24, 2025
AS AMENDED

ENGROSSED HOUSE
BILL NO. 2155

By: Dobrinski and Waldron of
the House

and

Green of the Senate

[Corporation Commission - Renewable Energy Facility Act - rules - facility operators - penalties - permit - filing fee - codification - emergency]

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

SECTION 1. NEW LAW A new section of law to be codified

15 in the Oklahoma Statutes as Section 810 of Title 17, unless there is
16 created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Renewable Energy Facility Act".

19 SECTION 2. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 811 of Title 17, unless there is
21 created a duplication in numbering, reads as follows:

As used in the Renewable Energy Facility Act:

23 1. "Adjacent owner" means the landowner or landowners of record
24 of the surface estate and owners or holders of the mineral estate,

1 | within a one-half (1/2) mile radius of the outer boundary of any
2 | energy facility;

3 | 2. "Commission" means the Oklahoma Corporation Commission;

4 | 3. "Energy facility" means the development, construction,
5 | operation, and maintenance of facilities for renewable energy
6 | sources including wind energy, solar energy, battery storage,
7 | hydrogen energy, or other renewable energy source, but shall not
8 | include transmission or distribution lines providing services to the
9 | facility;

10 | 4. "Facility operator" or "applicant" means a person or entity
11 | who is the owner of the right to develop, operate, and maintain an
12 | energy facility;

13 | 5. "Mineral estate" means ownership or interests as defined
14 | under Section 802 of Title 52 of the Oklahoma Statutes;

15 | 6. "Mineral owner" means an owner or holder of certain rights
16 | of the mineral estate as defined under Section 802 of Title 52 of
17 | the Oklahoma Statutes, as to the property upon which the energy
18 | facility is to be developed, operated, and maintained based upon the
19 | records of the county clerk of the county within which the mineral
20 | estate lies;

21 | 7. "Permit" means a form approved by the Commission for an
22 | energy facility;

23 | 8. "Surface estate" means, as to any lands within the State of
24 | Oklahoma, the fee simple or absolute fee ownership of a tract of

1 real property, as defined under Sections 5 and 23 of Title 60 of the
2 Oklahoma Statutes, less and excluding the mineral estate; and

3 9. "Surface owner" means the landowner or landowners of record
4 of the surface estate of the real property upon which the energy
5 facility is to be developed, operated, and maintained, based upon
6 the records of the county clerk of the county within which the
7 surface estate is actually located.

8 SECTION 3. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 812 of Title 17, unless there is
10 created a duplication in numbering, reads as follows:

11 A. The Corporation Commission is directed and authorized to
12 promulgate rules governing the operations for energy facilities for
13 the purpose of protecting the interests and property of the citizens
14 of this state.

15 B. Any facility operator desiring to commence any energy
16 facility in this state shall, prior to commencing any such activity:

17 1. Be duly registered with or under the jurisdiction of the
18 Commission;

19 2. Provide a form of financial security which meets the
20 provisions of Section 160.15 of Title 17 of the Oklahoma Statutes,
21 if applicable, or provide a form of financial security, in the form
22 and amount to be determined by the Commission, as applicable, which
23 shall remain in effect until release is authorized by the
24 Commission; and

1 3. Obtain an approved permit from the Commission.

2 C. Rules promulgated by the Commission governing all energy

3 facility operations shall include, but not be limited to,

4 requirements for:

5 1. A permit containing:

6 a. the name, address, and contact information of the

7 facility operator, including a named representative of

8 the facility operator and a telephone number and

9 electronic mail address for each such representative

10 including emergency contact information,

11 b. a legal description of the energy facility which

12 includes the gross acreage utilized and actual size of

13 the energy facility,

14 c. an attestation that insurance with coverage limits

15 consistent with prevailing industry standards shall be

16 obtained and kept in effect or an attestation that the

17 provisions of Section 160.19 of Title 17 of the

18 Oklahoma Statutes, if applicable, have been complied

19 with,

20 d. sources of water used at the energy facility, if any,

21 e. an attestation that the facility operator has current

22 safety and environmental plans in place and that it

23 will provide such plans to state, regional and local

24 emergency personnel, if requested,

- 1 f. proposed methods for disposal of equipment, waste,
2 chemicals or other substances, if any, during the life
3 of the energy facility,
- 4 g. an attestation that prior to abandonment or
5 decommission, the facility operator shall notify the
6 Commission at least thirty (30) days in advance,
- 7 h. an attestation that a decommission plan shall be
8 provided to the Commission, the Department of
9 Environmental Quality, and any other agencies, if
10 requested, and if applicable, such decommission plan
11 shall comply with the provisions of Section 160.14 of
12 Title 17 of the Oklahoma Statutes, and
- 13 i. a list of the names and addresses for all surface,
14 mineral, and adjacent owners notified in accordance
15 with paragraph 2 of this subsection;
- 16 2. An applicant to notify all surface, mineral, and adjacent
17 owners where the energy facility shall be located at least sixty
18 (60) days prior to commencement of any energy facility by U.S. mail.
19 If the applicant has the right to commence an energy facility and
20 has attempted to give actual notice of intent to commence the energy
21 facility to the owners noted herein, any time prior to sixty (60)
22 days of commencing the energy facility, such action shall be
23 considered sufficient notification for the purposes of this section.
24 For the purposes of this section, an attempt to notify shall be

1 | considered sufficient when the notification is sent by U.S. mail,
2 | the notice is postmarked at least sixty (60) days prior to
3 | commencement of any energy facility, and has been given at the last
4 | address shown of record for any such owners in the records of the
5 | county clerk in the county where the owners' lands are located, or
6 | an address that is verified by an applicant to be more accurate than
7 | the foregoing address of record;

8 | 3. An applicant to file an affidavit within ninety (90) days of
9 | the last mailing of the notice described herein with the county
10 | clerk in the county where the lands are located, setting out that
11 | mailing of the notice has occurred in compliance with this section,
12 | and specifically listing the owners which were not locatable at the
13 | addresses required;

14 | 4. A facility operator shall obtain an additional permit for
15 | any extension, rebuild, or upgrade of the initial energy facility;
16 | and

17 | 5. Any other pertinent and relevant information requested by
18 | the Commission for the protection of surface, minerals, and adjacent
19 | owners shall be timely provided by the facility operator.

20 | D. The Commission is further directed to promulgate rules to
21 | implement a system to register complaints against any facility
22 | operator. The Commission may determine if and when a complaint has
23 | been adequately resolved.

24 |

1 E. Any facility operator which commences any energy facility
2 without an approved permit by the Commission, or in any other manner
3 violates the rules of the Commission governing such energy facility,
4 shall be subject to a penalty of One Thousand Five Hundred Dollars
5 (\$1,500.00) per violation per day by the Commission, in addition to
6 any other legal remedy provided by law.

7 F. In order for facility operators to continue operations on
8 any preexisting, operating, or under construction energy facilities,
9 a permit shall be obtained from the Commission on or before January
10 1, 2026. A preexisting, operating, or under construction energy
11 facility owned by a public utility under the jurisdiction of the
12 Commission shall not be assessed a fee for a permit.

13 G. The Commission is authorized to assess a filing fee for any
14 permit required under this section on a per acre or per turbine or
15 per mega-watt output or any other basis the Commission deems
16 appropriate, in an amount not to exceed Forty Thousand Dollars
17 (\$40,000.00) per permit. The Commission is authorized to adopt
18 emergency rules in order to effectuate the provisions of this act.

19 SECTION 4. It being immediately necessary for the preservation
20 of the public peace, health or safety, an emergency is hereby
21 declared to exist, by reason whereof this act shall take effect and
22 be in full force from and after its passage and approval.

23 COMMITTEE REPORT BY: COMMITTEE ON ENERGY
24 April 24, 2025 - DO PASS AS AMENDED