

1 | ENGROSSED HOUSE
BILL NO. 2155

By: Dobrinski of the House

and

Green of the Senate

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

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

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 810 of Title 17, unless there is
17 created a duplication in numbering, reads as follows:

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

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

As used in the Renewable Energy Facility Act:

1 1. "Adjacent owner" means the landowner or landowners of record
2 of the surface estate and owners or holders of the mineral estate,
3 within a one-half (1/2) mile radius of the outer boundary of any
4 energy facility;

5 2. "Commission" means the Oklahoma Corporation Commission;

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

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

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

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

23 7. "Permit" means a form approved by the Commission for an
24 energy facility;

1 8. "Surface estate" means, as to any lands within the State of
2 Oklahoma, the fee simple or absolute fee ownership of a tract of
3 real property, as defined under Sections 5 and 23 of Title 60 of the
4 Oklahoma Statutes, less and excluding the mineral estate; and

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

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

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

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

19 1. Be duly registered with or under the jurisdiction of the
20 Commission;

21 2. Provide a form of financial security which meets the
22 provisions of Section 160.15 of Title 17 of the Oklahoma Statutes,
23 if applicable, or provide a form of financial security, in the form
24 and amount to be determined by the Commission, as applicable, which

1 shall remain in effect until release is authorized by the
2 Commission; and

3 3. Obtain an approved permit from the Commission.

4 C. Rules promulgated by the Commission governing all energy
5 facility operations shall include, but not be limited to,
6 requirements for:

7 1. A permit containing:

8 a. the name, address, and contact information of the
9 facility operator, including a named representative of
10 the facility operator and a telephone number and
11 electronic mail address for each such representative
12 including emergency contact information,

13 b. a legal description of the energy facility which
14 includes the gross acreage utilized and actual size of
15 the energy facility,

16 c. an attestation that insurance with coverage limits
17 consistent with prevailing industry standards shall be
18 obtained and kept in effect or an attestation that the
19 provisions of Section 160.19 of Title 17 of the
20 Oklahoma Statutes, if applicable, have been complied
21 with,

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

23 e. an attestation that the facility operator has current
24 safety and environmental plans in place and that it

1 will provide such plans to state, regional and local
2 emergency personnel, if requested,

3 f. proposed methods for disposal of equipment, waste,
4 chemicals or other substances, if any, during the life
5 of the energy facility,

6 g. an attestation that prior to abandonment or
7 decommission, the facility operator shall notify the
8 Commission at least thirty (30) days in advance,

9 h. an attestation that a decommission plan shall be
10 provided to the Commission, the Department of
11 Environmental Quality, and any other agencies, if
12 requested, and if applicable, such decommission plan
13 shall comply with the provisions of Section 160.14 of
14 Title 17 of the Oklahoma Statutes, and

15 i. a list of the names and addresses for all surface,
16 mineral, and adjacent owners notified in accordance
17 with paragraph 2 of this subsection;

18 2. An applicant to notify all surface, mineral, and adjacent
19 owners where the energy facility shall be located at least sixty
20 (60) days prior to commencement of any energy facility by U.S. mail.

21 If the applicant has the right to commence an energy facility and
22 has attempted to give actual notice of intent to commence the energy
23 facility to the owners noted herein, any time prior to sixty (60)
24 days of commencing the energy facility, such action shall be

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

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

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

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

22 | D. The Commission is further directed to promulgate rules to
23 | implement a system to register complaints against any facility

1 operator. The Commission may determine if and when a complaint has
2 been adequately resolved.

3 E. Any facility operator which commences any energy facility
4 without an approved permit by the Commission, or in any other manner
5 violates the rules of the Commission governing such energy facility,
6 shall be subject to a penalty of One Thousand Five Hundred Dollars
7 (\$1,500.00) per violation per day by the Commission, in addition to
8 any other legal remedy provided by law.

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

15 G. The Commission is authorized to assess a filing fee for any
16 permit required under this section on a per acre or per turbine or
17 per mega-watt output or any other basis the Commission deems
18 appropriate, in an amount not to exceed Forty Thousand Dollars
19 (\$40,000.00) per permit. The Commission is authorized to adopt
20 emergency rules in order to effectuate the provisions of this act.

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

1 Passed the House of Representatives the 5th day of March, 2025.
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Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2025.
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Presiding Officer of the Senate

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