



1 evidence of financial ability to comply with the requirements for  
2 plugging, closure of surface impoundments, removal of trash and  
3 equipment as established by the rules of the Commission and by law.  
4 To establish evidence of financial ability, the Commission shall  
5 require:

6 1. Category A surety which shall include a financial statement  
7 listing assets and liabilities and including a general release that  
8 the information may be verified with banks and other financial  
9 institutions. The statement shall prove a net worth of not less  
10 than Fifty Thousand Dollars (\$50,000.00). Category A surety will no  
11 longer be accepted as valid form of surety for new operators to  
12 select beginning November 1, 2024. All current operators who have  
13 valid Category A surety and are in good standing with the Commission  
14 will be able to retain their Category A surety for the time they are  
15 a valid operator in the State of Oklahoma; or

16 2. Category B surety which shall include an irrevocable  
17 commercial letter of credit, cash, a cashier's check, a Certificate  
18 of Deposit, ~~Bank Joint Custody Receipt,~~ other negotiable instrument,  
19 or, a blanket surety bond. Except as provided in paragraph ~~3~~ 1 of  
20 subsection ~~A~~ B or subsection C of this section, amount of such  
21 letter of credit, cash, cashier's check, certificate, bond, receipt  
22 or other negotiable instrument shall be ~~in the amount of Twenty-five~~  
23 ~~Thousand Dollars (\$25,000.00) but may be set higher at the~~

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1 ~~discretion of the Director of the Oil and Gas Conservation Division~~  
2 based on the number of wells that the person operates as follows:

3 a. for one to ten wells, Twenty-five Thousand Dollars  
4 (\$25,000.00),

5 b. for eleven to fifty wells, Fifty Thousand Dollars  
6 (\$50,000.00),

7 c. for fifty-one to one hundred wells, One Hundred  
8 Thousand Dollars (\$100,000.00), and

9 d. for more than one hundred wells, One Hundred Fifty  
10 Thousand Dollars (\$150,000.00).

11 ~~The Commission is authorized to determine the amount of Category B~~  
12 ~~surety based upon the past performance of the operator and its~~  
13 ~~insiders and affiliates regarding compliance with the laws of this~~  
14 ~~state, and any rules promulgated thereto including but not limited~~  
15 ~~to the drilling, operation and plugging of wells, closure of surface~~  
16 ~~impoundments or removal of trash and equipment. Any instrument~~  
17 ~~shall constitute an unconditional promise to pay and be in a form~~  
18 ~~negotiable by the Commission.~~

19 ~~3.~~ B. 1. The Commission upon certification by any operator  
20 subject to Category B surety that its plugging liability statewide  
21 is less than the ~~twenty-five-thousand-dollar standard~~ amount based  
22 on the number of wells operated as specified in this section may  
23 allow said operator to provide Category B type surety in an amount  
24 less than the amount required ~~Twenty-five Thousand Dollars~~

1 ~~(\$25,000.00)~~ by this section, but at least sufficient to cover the  
2 estimated cost of all plugging, closure, and removal operations  
3 currently the responsibility of that operator. The liability  
4 certification referred to in this ~~paragraph~~ subsection shall take  
5 the form of an affidavit from a licensed well plugger estimating the  
6 costs of all plugging, closure, and removal operations of the  
7 operator requesting such relief. This alternative amount shall be  
8 modified upward upon the assumption of additional operations by such  
9 operator, the maximum amount of Category B surety to be posted not  
10 to exceed ~~the twenty-five-thousand-dollar total unless as provided~~  
11 previously One Hundred Fifty Thousand Dollars (\$150,000.00).

12 ~~B. Operators of record as of June 7, 1989, who do not have any~~  
13 ~~outstanding contempt citations or fines and whose insiders or~~  
14 ~~affiliates have no outstanding contempt citations or fines may post~~  
15 ~~Category A surety.~~

16 2. New operators, operators who have outstanding fines or  
17 contempt citations and operators whose insiders or affiliates have  
18 outstanding contempt citations or fines as of June 7, 1989, shall be  
19 required to post Category B surety. ~~Operators who have posted~~  
20 ~~Category B surety and have operated under this type surety and have~~  
21 ~~no outstanding fines at the end of three (3) years may post Category~~  
22 ~~A surety.~~

23 3. Operators using Category A surety who are assessed a fine of  
24 Two Thousand Dollars (\$2,000.00) or more and who do not pay the fine

1 within the specified time shall be required to post a Category B  
2 surety within thirty (30) days of notification by the Commission.

3 C. For good cause shown concerning pollution or improper  
4 plugging of wells by the operator posting either Category A or B  
5 surety or by an insider or affiliate of such operator, the  
6 Commission, upon application of the Director of the Oil and Gas  
7 Conservation Division, after notice and hearing, may require the  
8 filing of additional Category B surety in an amount greater than  
9 Twenty-five Thousand Dollars (\$25,000.00) but not to exceed ~~One~~  
10 ~~Hundred Thousand Dollars (\$100,000.00)~~ One Hundred Fifty Thousand  
11 Dollars (\$150,000.00).

12 D. If the Commission determines that a blanket surety bond is  
13 required, the bond shall be conditioned on the fact that the  
14 operator shall cause the wells to be plugged and abandoned surface  
15 impoundments to be closed, and trash and equipment to be removed in  
16 accordance with the laws of this state and the rules of the  
17 Commission. Each bond shall be executed by a corporate surety  
18 authorized to do business in this state and shall be renewed and  
19 continued in effect until the conditions have been met or release of  
20 the bond is authorized by the Commission.

21 E. The agreement provided for in subsection A of this section  
22 shall provide that if the Commission determines that the person  
23 furnishing the agreement has neglected, failed, or refused to plug  
24 and abandon, or cause to be plugged and abandoned, or replug any

1 well or has neglected, failed or refused to close any surface  
2 impoundment or removed or cause to be removed trash and equipment in  
3 compliance with the rules of the Commission, then the person shall  
4 forfeit from his or her bond, letter of credit or negotiable  
5 instrument or shall pay to this state, through the Commission, for  
6 deposit in the State Treasury, a sum equal to the cost of plugging  
7 the well, closure of any surface impoundment or removal of trash and  
8 equipment. The Commission may cause the remedial work to be done,  
9 issuing a warrant in payment of the cost thereof drawn against the  
10 monies accruing in the State Treasury from the forfeiture or  
11 payment. Any monies accruing in the State Treasury by reason of a  
12 determination that there has been a noncompliance with the  
13 provisions of the agreement or the rules of the Commission, in  
14 excess of the cost of remedial action ordered by the Commission,  
15 shall be credited to the Oil and Gas Revolving Fund. The Commission  
16 shall also recover any costs arising from litigation to enforce this  
17 provision. Provided, before a person is required to forfeit or pay  
18 any monies to the state pursuant to this section, the Commission  
19 shall notify the person at his or her last-known address of the  
20 determination of neglect, failure or refusal to plug or replug any  
21 well, or close any surface impoundment or remove trash and equipment  
22 and said person shall have ten (10) days from the date of  
23 notification within which to commence remedial operations. Failure  
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1 to commence remedial operations shall result in forfeiture or  
2 payment as provided in this subsection.

3 F. It shall be unlawful for any person to drill or operate any  
4 oil or gas well subject to the provisions of this section, without  
5 the evidence of financial ability required by this section. The  
6 Commission shall shut in, without notice, hearing or order of the  
7 Commission, the wells of any such person violating the provisions of  
8 this subsection and such wells shall remain shut in for  
9 noncompliance until the required evidence of Category B surety is  
10 obtained and verified by the Commission.

11 G. If title to property or a well is transferred, the  
12 transferee shall furnish the evidence of financial ability to plug  
13 the well and close surface impoundments required by the provisions  
14 of this section, prior to the transfer.

15 H. As used in this section:

16 1. "Affiliate" means an entity that owns twenty percent (20%)  
17 or more of the operator, or an entity of which twenty percent (20%)  
18 or more is owned by the operator; and

19 2. "Insider" means officer, director, or person in control of  
20 the operator; general partners of or in the operator; general or  
21 limited partnership in which the operator is a general partner;  
22 spouse of an officer, director, or person in control of the  
23 operator; spouse of a general partner of or in the operator;  
24 corporation of which the operator is a director, officer, or person

1 in control; affiliate, or insider of an affiliate as if such  
2 affiliate were the operator; or managing agent of the operator.

3 SECTION 2. This act shall become effective November 1, 2024.

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5 COMMITTEE REPORT BY: COMMITTEE ON ENERGY AND NATURAL RESOURCES,  
6 dated 02/15/2024 - DO PASS, As Coauthored.

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