

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 60th Legislature (2025)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2155

By: Dobrinski of the House

and

Green of the Senate

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10 COMMITTEE SUBSTITUTE

11 An Act relating to the Corporation Commission;
12 creating the Renewable Energy Facility Act; defining
13 terms; directing the Corporation Commission to
14 promulgate certain rules; requiring facility
15 operators to complete certain actions; detailing
16 requirements for the promulgation of certain rules;
17 establishing penalties for violations; requiring
18 certain facility operators obtain permit by certain
19 date; authorizing Commission to assess certain filing
20 fee; authorizing the adoption of certain emergency
21 rules; providing for codification; and declaring an
22 emergency.

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

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

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

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

6 As used in the Renewable Energy Facility Act:

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

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

12 3. "Energy facility" means the development, construction,
13 operation, and maintenance of facilities for renewable energy
14 sources including wind energy, solar energy, battery storage,
15 hydrogen energy, or other renewable energy source, but shall not
16 include transmission or distribution lines providing services to the
17 facility;

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

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

23 6. "Mineral owner" means an owner or holder of certain rights
24 of the mineral estate as defined under Section 802 of Title 52 of

1 the Oklahoma Statutes, as to the property upon which the energy
2 facility is to be developed, operated, and maintained based upon the
3 records of the county clerk of the county within which the mineral
4 estate lies;

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

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

11 9. "Surface owner" means the landowner or landowners of record
12 of the surface estate of the real property upon which the energy
13 facility is to be developed, operated and maintained, based upon the
14 records of the county clerk of the county within which the surface
15 estate is actually located.

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

19 A. The Corporation Commission is directed and authorized to
20 promulgate rules governing the operations for energy facilities for
21 the purpose of protecting the interests and property of the citizens
22 of this state.

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

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

3 2. Provide a form of financial security which meets the
4 provisions of Section 160.15 of Title 17 of the Oklahoma Statutes,
5 if applicable, or provide a form of financial security, in the form
6 and amount to be determined by the Commission, as applicable, which
7 shall remain in effect until release is authorized by the
8 Commission; and

9 3. Obtain an approved permit from the Commission.

10 C. Rules promulgated by the Commission governing all energy
11 facility operations shall include, but not be limited to,
12 requirements for:

13 1. A permit containing;

14 a. the name, address, and contact information of the
15 facility operator, including a named representative of
16 the facility operator and a telephone number and
17 electronic mail address for each such representative
18 and include emergency contact information,

19 b. a legal description of the energy facility which
20 includes the gross acreage utilized and actual size of
21 the energy facility,

22 c. attestation that insurance with coverage limits
23 consistent with prevailing industry standards shall be
24 obtained and kept in effect or an attestation that

1 provisions of Section 160.19 of Title 17 of the
2 Oklahoma Statutes, if applicable, have been complied
3 with,

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

5 e. attestation that the facility operator has current
6 safety and environmental plans in place and that it
7 will provide such plans to state, regional and local
8 emergency personnel, if requested,

9 f. proposed methods for disposal of equipment, waste,
10 chemicals or other substances, if any, during the life
11 of the energy facility,

12 g. attestation that prior to abandonment or decommission,
13 the facility operator shall notify the Commission at
14 least thirty (30) days in advance,

15 h. attestation that a decommission plan shall be provided
16 to the Commission, the Department of Environmental
17 Quality and any other agencies, if requested, and if
18 applicable, such decommission plan shall comply with
19 the provisions of Section 160.14 of Title 17 of the
20 Oklahoma Statutes, and

21 i. a list of the names and addresses for all surface,
22 mineral and adjacent owners notified in accordance
23 with subsection 2 of this section.
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1 2. Applicant to notify all surface, mineral, and adjacent
2 owners where the energy facility will be located at least sixty (60)
3 days prior to commencement of any energy facility by U.S. mail. If
4 the applicant has the right to commence an energy facility and has
5 attempted to give actual notice of intent to commence the energy
6 facility to the owners noted herein, any time prior to sixty (60)
7 days of commencing the energy facility, such action shall be
8 considered sufficient notification for the purposes of this section.
9 For the purposes of this section, an attempt to notify shall be
10 considered sufficient when the notification is sent by U.S. mail,
11 the notice is postmarked at least sixty (60) days prior to
12 commencement of any energy facility, and has been given at the last
13 address shown of record for any such owners in the records of the
14 county clerk in the county where the owners' lands are located, or
15 an address that is verified by applicant to be more accurate than
16 the foregoing address of record;

17 3. Applicant to file an affidavit within ninety (90) days of
18 the last mailing of the notice described herein with the county
19 clerk in the county where the lands are located, setting out that
20 mailing of the notice has occurred in compliance with this section,
21 and specifically listing the owners which were not locatable at the
22 addresses required.

23 4. Facility operator shall obtain an additional permit for any
24 extension, rebuild or upgrade of the initial energy facility.

1 5. Any other pertinent and relevant information requested by
2 the Commission for the protection of surface, minerals, and adjacent
3 owners shall be timely provided by the facility operator.

4 E. The Commission is further directed to promulgate rules to
5 implement a system to register complaints against any facility
6 operator. The Commission may determine if and when a complaint has
7 been adequately resolved.

8 F. Any facility operator which commences any energy facility
9 without an approved permit by the Commission, or in any other manner
10 violates the rules of the Commission governing such energy facility,
11 shall be subject to a penalty of One Thousand Five Hundred Dollars
12 (\$1,500.00) per violation per day by the Commission, in addition to
13 any other legal remedy provided by law.

14 G. In order for facility operators to continue operations on
15 any preexisting, operating, or under construction energy facilities,
16 a permit shall be obtained from the Commission on or before January
17 1, 2026. A preexisting, operating, or under construction energy
18 facility owned by a public utility under the jurisdiction of the
19 Commission shall not be assessed a fee for a permit.

20 H. The Commission is authorized to assess a filing fee for any
21 permit required under this section on a per acre or per turbine or
22 per mega-watt output or any other basis the Commission deems
23 appropriate, in an amount not to exceed Forty Thousand Dollars
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1 (\$40,000.00) per permit. The Commission is authorized to adopt
2 emergency rules in order to effectuate the provisions of this act.

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

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8 COMMITTEE REPORT BY: COMMITTEE ON ENERGY AND NATURAL RESOURCES
9 OVERSIGHT, dated 02/26/2025 - DO PASS, As Amended and Coauthored.

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