

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 2155

By: Dobrinski

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7 AS INTRODUCED

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

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

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

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

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

4 As used in the Renewable Energy Facility Act:

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

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

10 3. "Energy facility" means the development, construction,
11 operation, and maintenance of facilities for renewable energy
12 sources including wind energy, solar energy, battery storage,
13 hydrogen energy, or other renewable energy source, and any of the
14 activities associated therewith;

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

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

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

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

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

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

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

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

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

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

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

7 3. Obtain an approved permit from the Commission.

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

11 1. A permit containing;

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

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

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

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

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

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

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

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

20 i. a list of the names and addresses for all surface,
21 mineral and adjacent owners notified in accordance
22 with subsection 2 of this section.

23 2. Applicant to notify all surface, mineral, and adjacent
24 owners where the energy facility will be located at least sixty (60)

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

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

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