

COMMITTEE AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3464 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Brad Boles

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

PROPOSED POLICY
COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 3464

By: Boles

PROPOSED POLICY COMMITTEE SUBSTITUTE

An Act relating to energy; stating legislative intent; defining terms; requiring energy storage resources comply with certain safety codes and standards; providing for resolution if conflict exists; authorizing requirement for certain written report; listing required contents of written report; requiring certain cooperation; requiring certain information be provided; requiring the curing of noncompliance before commencement of operations; requiring certain energy storage resource to have emergency operations plan; listing requirements of emergency operations plan; requiring submission of emergency operations plan; requiring the offering of certain training to local first responders; listing requirements of training; prohibiting certain actions by political subdivisions; establishing fees for review and permitting of wind energy facilities by the Office of the Oklahoma State Fire Marshal; limiting the amount of collected fees; providing for distribution of collected fees; requiring completion of certain report as soon as practicable; requiring the State Fire Marshal Commission to adopt certain rules; creating the Oklahoma Solar Energy Development Act; stating legislative findings; requiring owners of solar energy facilities to provide certain statement to landowners; listing minimum requirements of statements; authorizing certain landowners the right to inspect records to verify payments; requiring certain records be made available; detailing the procedure for providing records; requiring the annual reporting of generation,

1 nameplate capacity, and facility location to the
2 Oklahoma Corporation Commission; requiring the
3 keeping of liability insurance policy prior to
4 commencement of construction; requiring landowner be
5 added as additional insured to policy; requiring
6 certain evidence of policy be submitted to landowner;
7 requiring certain notice; requiring submission of a
8 notification of intent to build; requiring
9 Corporation Commission prescribe form and submission
10 requirements; listing certain required information;
11 requiring certain notification to board of county
12 commissioners or municipality; requiring publication
13 of certain notice by certain date; requiring copies
14 of notice be sent to certain specified parties;
15 requiring an affidavit in certain situations;
16 requiring the holding of a public meeting; requiring
17 notice of public meeting be published and submitted;
18 listing requirements of public meeting notice;
19 requiring certain notice to surface estate owner;
20 listing requirements of notice to surface estate;
21 prohibiting commencement of construction until all
22 notification requirements are satisfied; requiring
23 notification to Corporation Commission that certain
24 requirements have been met; providing for certain
penalty; stating requirements shall only apply to
certain facilities; requiring submission of certain
site plans to the Office of the Oklahoma State Fire
Marshal at certain time; listing requirements to be
included in site plan; limiting review of the Office
of the Oklahoma State Fire Marshal; requiring review
be completed as soon as practicable; allowing certain
on-site actions to proceed during review period;
authorizing assessment of certain fee; limiting the
amount of collected fee; providing for fee
distribution; providing for application to certain
facilities; requiring compliance with certain act;
requiring submission of certain evidence of financial
assurance; providing for certain calculations of
financial assurance; requiring financial assurance be
certain percentage of decommissioning estimate;
authorizing Corporation Commission to promulgate
certain rules; granting certain exclusive
jurisdiction; providing for codification; and
providing an effective date.

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

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 180.14 of Title 17, unless there
3 is created a duplication in numbering, reads as follows:

4 The Legislature finds that:

5 1. To protect the citizens of Oklahoma, energy storage
6 resources shall satisfy safety codes and standards; and

7 2. This act is intended to help Oklahoma secure the benefits of
8 energy storage resources to provide electric grid reliability.

9 SECTION 2. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 180.15 of Title 17, unless there
11 is created a duplication in numbering, reads as follows:

12 As used in Section 3 of this act:

13 1. "Commencement of operations" means the date on which an
14 energy storage resource first delivers electricity to the grid in an
15 amount sufficient for commercial sale or use off-site from the
16 energy storage resource, but shall not include amounts of electrical
17 energy used only for the maintenance or testing of the energy
18 storage resource or related equipment;

19 2. "Energy storage resource" means a resource capable of
20 receiving electric energy from the electrical grid, or from a
21 generation source with which it is associated, and storing such
22 electric energy for later injection into the electrical grid; and
23
24

1 3. "Resource owner" means the entity having a majority equity
2 interest in the energy storage resource, including its respective
3 successors and assigns.

4 SECTION 3. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 180.16 of Title 17, unless there
6 is created a duplication in numbering, reads as follows:

7 A. An energy storage resource shall comply with the following
8 minimum safety codes and standards for energy storage resource
9 equipment or facilities:

10 1. The International Fire Code (IFC), as adopted and amended by
11 the Oklahoma Uniform Building Code Commission, in effect at the time
12 a construction permit is applied for; and

13 2. Criteria described in the National Fire Protection
14 Association (NFPA) 855 2026 Standard for the Installation of
15 Stationary Energy Storage Systems.

16 Where a conflict exists between the requirements of the IFC, as
17 adopted and amended by the Oklahoma Uniform Building Code
18 Commission, and the NFPA 855 2026 edition, the provisions of the
19 NFPA 855 2026 edition shall take precedence.

20 B. Before a construction permit is issued for an energy storage
21 resource, the entity responsible for fire inspection and primary
22 emergency response may require the resource owner to pay for an
23 independent, third-party engineer licensed in this state or other
24 consultant with appropriate expertise, mutually approved by both the

1 resource owner and the entity responsible for fire inspection and
2 primary emergency response, to provide a written report to the
3 entity responsible for fire inspection and primary emergency
4 response and the resource owner determining:

5 1. Whether the energy storage resource, as proposed, complies
6 with subsection A of this section; and

7 2. To the extent the energy storage resource does not comply
8 with subsection A of this section, any appropriate actions to cure
9 such noncompliance in accordance with the NFPA 855 2026 edition.

10 C. Any resource owner that receives a lawful request pursuant
11 to subsection B of this section shall cooperate with the request.
12 Such cooperation shall include providing the engineer or consultant
13 with all necessary documents relating to the energy storage
14 resource's site layout, emergency operations plan, hazard mitigation
15 analysis, manufacturer specifications, product listings, including,
16 but not limited to, UL 9540 and UL 9540A reports, compliance with
17 the NFPA 855 2026 edition and other applicable referenced standards,
18 electrical drawings, monitoring procedures, and fire protection
19 system, as applicable to the proposed energy storage resource. If
20 the engineer or consultant identifies appropriate actions to cure
21 noncompliance under paragraph 2 of subsection B of this section, the
22 resource owner shall implement said appropriate actions before
23 commencement of operations.

1 D. Energy storage resources, other than energy storage systems
2 installed in one- and two-family dwellings as defined in the NFPA
3 855 2026 edition, in this state shall have and maintain, at an on-
4 site location accessible to local first responders, a site-specific
5 emergency operations plan. In accordance with the NFPA 855 2026
6 edition, the site-specific emergency operations plan shall identify:

7 1. Potential risks and hazards specific to the site;

8 2. Hazard mitigation measures;

9 3. Procedures for the safe shutdown, de-energizing, or
10 isolation of equipment and systems under emergency conditions,
11 including emergency procedures to be followed in case of fire;

12 4. Procedures for handling equipment damaged in a fire or other
13 emergency event;

14 5. Procedures and schedules for conducting drills using the
15 procedures listed under this subsection and documentation related to
16 the performance of the drills;

17 6. Procedures for communication between the operator of the
18 energy storage resource and first responders, including procedures
19 that facilitate communication between first responders and emergency
20 contacts for the resource operator; and

21 7. Emergency operations protocols to ensure safety during
22 critical events, including protocols that provide for the safety of
23 nearby residents, neighboring properties, first responders, and the
24

1 environment, including measures to mitigate or prevent pollution of
2 the air, soil, groundwater, and surface water.

3 E. Before commencement of operations, the resource owner shall
4 provide the site-specific emergency operations plan to the entity
5 responsible for fire inspection and primary emergency response.

6 F. Energy storage resource owners in this state shall offer to
7 local first responders, at no cost to the responders, education and
8 training regarding responding to an equipment failure incident at
9 the energy storage resource site. The training shall include:

10 1. Training on specific characteristics of the energy storage
11 resource technology;

12 2. Training on protecting first responders during incident
13 response;

14 3. Training on hazards commonly associated with incident
15 response;

16 4. Training on incident response protocols, including an
17 overview of the site-specific emergency operations plan developed
18 under subsection D of this section; and

19 5. An on-site review of the perimeter, major equipment, and
20 ingress and egress to the energy storage resource site.

21 G. Unless expressly authorized by law, political subdivisions
22 in this state shall not adopt, enforce, or maintain any rules,
23 regulations, codes, or standards that uniquely apply to energy
24 storage resources other than those set forth in this act.

1 SECTION 4. NEW LAW A new section of law to be codified

2 in the Oklahoma Statutes as Section 160.24 of Title 17, unless there
3 is created a duplication in numbering, reads as follows:

4 A. For wind energy facilities located in areas where no
5 recognized local authority having jurisdiction exists, and where, as
6 a result, any component of a wind energy facility or the wind energy
7 facility itself is subject to inspections, plan reviews, or permits
8 from the Office of the Oklahoma State Fire Marshal, as provided in
9 the codes adopted by the Oklahoma Uniform Building Code Commission,
10 the State Fire Marshal Commission may establish a fee rate of no
11 more than six cents (\$0.06) per square foot of surface physically
12 occupied aboveground by wind energy facility infrastructure. Such
13 fee shall be inclusive of all inspections, plan reviews, permit
14 issuance, and other review actions undertaken by the Office of the
15 Oklahoma State Fire Marshal in connection with the project, and the
16 total fee shall not exceed Five Hundred Thousand Dollars
17 (\$500,000.00) for any individual wind energy facility. Nothing in
18 this section shall be construed to authorize the collection of fees
19 beyond said amount, except as otherwise provided by law. Where a
20 recognized local authority having jurisdiction exists, such local
21 authority is subject to the same fee limitations as the Office of
22 the Oklahoma State Fire Marshal established in this subsection.

23 B. Any fees collected pursuant to subsection A of this section
24 shall be distributed as follows:

1 1. Seventy-five percent (75%) of such fees shall be distributed
2 to local fire departments providing primary fire protection services
3 to the jurisdiction or jurisdictions where the facility is located,
4 within sixty (60) days of receipt. Funds distributed under this
5 paragraph shall be used solely for fire protection, fire prevention,
6 inspections, training, or emergency response activities related to
7 the facility; and

8 2. Twenty-five percent (25%) of such fees shall remain with the
9 Office of the Oklahoma State Fire Marshal for regulatory purposes.

10 C. For purposes of this section, "recognized local authority
11 having jurisdiction" means a city, town, college, or county that has
12 been recognized by the Office of the Oklahoma State Fire Marshal as
13 the authority having jurisdiction for permits, inspections, and
14 enforcement under the adopted codes.

15 D. The Office of the Oklahoma State Fire Marshal or a local
16 authority having jurisdiction, where applicable, shall complete any
17 review subject to subsection A of this section as soon as
18 practicable, and in no event later than thirty (30) calendar days
19 following receipt of complete site plans.

20 E. The State Fire Marshal Commission shall adopt rules as
21 necessary to implement the provisions of this section, pursuant to
22 Section 324.9 of Title 74 of the Oklahoma Statutes, including, but
23 not limited to, fee collection and distributions.

1 SECTION 5. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 809 of Title 17, unless there is
3 created a duplication in numbering, reads as follows:

4 Sections 5 through 15 of this act shall be known and may be
5 cited as the "Oklahoma Solar Energy Development Act".

6 SECTION 6. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 809.1 of Title 17, unless there
8 is created a duplication in numbering, reads as follows:

9 The Legislature finds that the prudent development of solar
10 energy resources requires assurances that the rights of private
11 landowners should be protected, that such landowners have access to
12 adequate information to verify the accuracy of their payments, among
13 other protections, and that public and mineral interest operators
14 receive sufficient notice of planned developments.

15 SECTION 7. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 809.2 of Title 17, unless there
17 is created a duplication in numbering, reads as follows:

18 As used in the Oklahoma Solar Energy Development Act:

19 1. "Commencement of construction" means the date on which the
20 owner or developer of a solar energy facility installs a post or
21 posts into the ground for panel foundations. The term shall not
22 include environmental assessments, surveys, preliminary engineering,
23 site preparation, or other activities associated with assessment of
24 development of the solar resources on a given parcel of property;

2. "Facility" means a solar energy facility;

3. "Owner" means the entity having a majority equity interest in a solar energy facility, including its respective successors and assigns;

4. "Racking system" means the permanent structural framework, including foundations, piles, mounts, or tracking equipment that is designed to support, anchor, and orient photovoltaic modules or related solar-energy-producing equipment at a solar energy facility and that is integral to the facility's ability to generate electricity; and

5. "Solar energy facility" means an electric-generating facility using photovoltaic or solar-thermal technologies with a nameplate capacity greater than one (1) megawatt alternating current (AC), designed to deliver energy to the electric grid and not primarily to on-site load, unless otherwise specified by state law.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 809.3 of Title 17, unless there is created a duplication in numbering, reads as follows:

For landowners who are paid based on the amount of electrical energy produced from the conversion of solar energy, the owner of any solar energy facility shall provide a statement within ten (10) business days of the payment to the landowner in consideration for the use of the property of the landowner to generate electrical energy. The statement shall provide, at a minimum, information

1 reasonably necessary to assist the landowner an understanding of the
2 basis for the payment to the landowner and a means of confirming its
3 accuracy.

4 SECTION 9. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 809.4 of Title 17, unless there
6 is created a duplication in numbering, reads as follows:

7 A. Any landowner who has, through a lease, easement, or other
8 arrangement, allowed a solar energy facility foundation or racking
9 system to be placed on the property of the landowner and who is paid
10 based on the amount of electrical energy produced from the
11 conversion of solar energy shall have the right to inspect the
12 records of the owner of the solar energy facility for the purpose of
13 confirming the accuracy of any payments made to the landowner within
14 the past twenty-four (24) months.

15 B. The owner of any solar energy facility, any portion of which
16 is located in this state, upon request of a landowner with the right
17 to inspect records as set forth in subsection A of this section,
18 shall make available, within a reasonable time, all records,
19 documents, data, and other information, or copies thereof, as are
20 necessary for a landowner to conduct the inspection specified in
21 subsection A of this section. The records shall be made available
22 within the confines of this state and in a location and manner that
23 affords a landowner reasonable access to the records during normal
24 business hours. The landowner shall be permitted one request per

1 calendar year and be afforded a reasonable length of time to
2 complete the inspection but shall not cause undue disruption to the
3 operations of the owner during the inspection. The records shall be
4 subject to the confidentiality requirements contained in the
5 respective landowner lease agreement.

6 SECTION 10. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 809.5 of Title 17, unless there
8 is created a duplication in numbering, reads as follows:

9 A. The owner of any solar energy facility shall report to the
10 Oklahoma Corporation Commission the electrical energy generated by
11 the solar energy facility, the nameplate capacity of the solar
12 energy facility, and the location of the solar energy facility.

13 B. If a solar energy facility contains generating units with
14 different nameplate capacities, the information required in
15 subsection A of this section shall be reported separately for each
16 nameplate capacity.

17 C. The information required by this section shall be reported
18 on an annual basis, with the information due not later than March 1
19 of each calendar year.

20 SECTION 11. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 809.6 of Title 17, unless there
22 is created a duplication in numbering, reads as follows:
23
24

1 A. Prior to commencing construction of a solar energy facility,
2 the owner of the solar energy facility shall obtain and keep in
3 effect either:

4 1. A commercial general liability insurance policy with
5 coverage limits consistent with prevailing industry standards; or

6 2. A combination of self-insurance and excess liability
7 insurance.

8 B. The owner shall cause the owner of the land on which the
9 solar energy facility is located to be named as an additional
10 insured under the policy.

11 C. The owner shall deliver to the landowner a certificate of
12 insurance evidencing the policy. The landowner shall be given not
13 less than thirty (30) days prior written notice of any material
14 modification, cancellation, or termination of the insurance policy.

15 SECTION 12. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 809.7 of Title 17, unless there
17 is created a duplication in numbering, reads as follows:

18 A. The owner of a solar energy facility shall submit a
19 notification of intent to build a facility to the Oklahoma
20 Corporation Commission at least six (6) months before the
21 commencement of construction, as defined in Section 7 of this act.
22 The Corporation Commission shall prescribe the form and submittal
23 requirements of the notification; provided, the information required
24 on the notification form shall include a description of the

1 facility, the nameplate capacity, the general location of the
2 facility, and a map of the project boundary.

3 The owner of the solar energy facility shall send copies of the
4 notification to the board of county commissioners of every county in
5 which all or a portion of the solar energy facility is to be located
6 within twenty-four (24) hours of filing said notification with the
7 Corporation Commission. If all or a portion of the solar energy
8 facility is to be located within the incorporated area of a
9 municipality, a copy of the notification shall also be sent to the
10 governing body of the municipality within twenty-four (24) hours of
11 filing said notification with the Corporation Commission.

12 B. Within six (6) months of submitting the notification to the
13 Corporation Commission as provided for in subsection A of this
14 section, the owner of the solar energy facility shall cause a copy
15 of the notification to be published in a newspaper of general
16 circulation in the county or counties in which all or a portion of
17 the solar energy facility is to be located. Proof of publication
18 shall be submitted to the Corporation Commission.

19 C. Within six (6) months of submitting the notification to the
20 Corporation Commission as provided in subsection A of this section,
21 the owner of the solar energy facility shall cause a copy of the
22 notification to be sent, by certified mail, to:

23 1. Any operator, as reflected in the records of the Corporation
24 Commission, conducting oil and gas operations upon all or any part

1 of the surface estate on which the solar energy developer intends to
2 construct the solar energy facility;

3 2. Any operator, as reflected in the records of the Corporation
4 Commission, of an unspaced unit or a unit created by order of the
5 Corporation Commission, conducting oil and gas operations for a unit
6 where all or any part of the unit area is within the geographical
7 boundaries of the surface estate on which the solar energy developer
8 intends to construct the solar energy facility; and

9 3. All lessees of oil and gas leases covering the mineral
10 estate underlying any part of the tracts of land that are filed of
11 record with the county clerk in the county where the tracts are
12 located and whose primary term has not expired. This paragraph
13 shall apply to tracts of land not described in paragraphs 1 and 2 of
14 this subsection on which the solar energy developer intends to
15 construct a solar energy facility.

16 If the solar energy developer makes a search with reasonable
17 diligence and the whereabouts of a party entitled to notice cannot
18 be ascertained or the notice cannot be delivered, an affidavit
19 attesting to such diligent search shall be submitted to the
20 Corporation Commission.

21 D. Within sixty (60) days of publication of the notification in
22 a newspaper of general circulation as provided for in subsection B
23 of this section, the owner of the solar energy facility shall hold a
24 public meeting. Notice of the public meeting shall be published in

1 a newspaper of general circulation and submitted to the board of
2 county commissioners in the county or counties in which all or a
3 portion of the solar energy facility is to be located. The notice
4 shall contain the place, date, and time of the public meeting.
5 Proof of publication of the notice shall be submitted to the
6 Corporation Commission. The public meeting shall be held in the
7 county or in one of the counties in which all or a portion of the
8 solar energy facility is to be located.

9 E. With regard to the surface estate upon which the owner of a
10 solar energy facility intends to construct the facility, at least
11 sixty (60) days before entering upon the surface estate for the
12 purpose of commencement of construction, the owner shall provide
13 written notice, by certified mail, of its intent to construct the
14 solar energy facility to the parties described in subsection C of
15 this section.

16 The notice shall contain a map or plat of the proposed location,
17 with sufficient specificity to identify the elements of the solar
18 energy facility to be located on the governmental section and the
19 approximate date construction is proposed to commence. If the solar
20 energy developer makes a search with reasonable diligence and the
21 whereabouts of a party entitled to notice cannot be ascertained or
22 the notice cannot be delivered, an affidavit attesting to such
23 diligent search shall be submitted to the Corporation Commission.
24 Within thirty (30) days of receiving such notice, any party

1 described in subsection C of this section shall reciprocate, in
2 writing by certified mail, the relevant site, operational, and
3 infrastructure information sufficient to assist with the safe
4 construction and operation of the solar energy facility. This
5 information shall include American Land Title Association surveys,
6 if available, and technical specifications for existing subsurface
7 or surface improvements.

8 F. The owner of a solar energy facility shall not commence
9 construction on the facility until the notification and public
10 meeting requirements of this section have been satisfied. Upon the
11 commencement of the sixty-day notice required under subsection E of
12 this section, the owner shall notify the Corporation Commission that
13 such notice has commenced and shall include an affirmation that all
14 other notices and notifications required by this section have been
15 properly provided.

16 If an owner of a solar energy facility fails to submit any
17 information required by this section, the owner shall be subject to
18 an administrative penalty not to exceed One Thousand Five Hundred
19 Dollars (\$1,500.00) per day, per violation, as provided by law.

20 G. The provisions of this section shall only apply to
21 facilities that commence construction after May 1, 2027, and shall
22 not apply to any facilities that commenced construction before that
23 date, including any subsequent maintenance, repairs, modifications,
24 or other work on existing facilities.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 809.8 of Title 17, unless there is created a duplication in numbering, reads as follows:

A. When applicable, a solar energy developer shall submit site plans and fees for any new solar energy facility to the Office of the Oklahoma State Fire Marshal for review. Such site plans shall be submitted when the solar energy facility is sixty percent (60%) complete in design development. The site plans shall include an accurate representation of:

1. Photovoltaic modules;
2. Inverters;
3. Monitoring and control equipment;
4. Substations;
5. Collection lines;
6. Access roads;
7. Temporary construction areas;
8. Operation and maintenance facilities; and
9. Other relevant supporting infrastructure.

B. Review by the Office of the Oklahoma State Fire Marshal shall be limited to compliance with applicable fire and building safety codes, including:

1. The Oklahoma-adopted International Building Code, as codified at OAC 748:20-2-1; and

1 2. The 2018 Edition of the International Fire Code , as
2 codified at OAC 748:20-4-1.

3 C. The Office of the Oklahoma State Fire Marshal shall complete
4 its review as soon as practicable, but in no event not later than
5 thirty (30) calendar days following receipt of complete site plans
6 and fees. In the event the Office of the Oklahoma State Fire
7 Marshal does not complete its review within thirty (30) calendar
8 days, any applicable permits and certificates shall be deemed
9 issued.

10 D. During the pendency of the review by the Office of the
11 Oklahoma State Fire Marshal, the following on-site activities may
12 proceed:

- 13 1. Timbering, clearing, and grubbing vegetation;
- 14 2. Civil grading and earthwork;
- 15 3. Installation of stormwater pollution prevention measures and
16 best management practices;
- 17 4. Installation of laydown areas and substation concrete
18 foundation pads, including rough grading and gravel;
- 19 5. Installation of racking systems, inverters, photovoltaic
20 modules, low-voltage collection systems, and above-ground
21 transmission poles;
- 22 6. Public road improvements, entrance installations, and
23 service road construction;

24

1 7. Placement of construction trailers with temporary power,
2 fiber connections, and portable sanitation facilities;

3 8. Sub-grade open trenching;

4 9. Installation of on-grade concrete foundations; and

5 10. Installation of structural columns and beams.

6 E. The Office of the Oklahoma State Fire Marshal may assess a
7 plan review fee at a rate of six cents (\$0.06) per square foot of
8 actual erected solar facilities, provided that the total fee shall
9 not exceed Five Hundred Thousand Dollars (\$500,000.00) for any
10 single solar energy facility. The amount of such fee must have a
11 reasonable connection to the work actually performed by the Office
12 of the Oklahoma State Fire Marshal.

13 F. Of the fees collected pursuant to this section:

14 1. Seventy-five percent (75%) shall be distributed to local
15 fire departments providing primary fire protection services to the
16 jurisdiction or jurisdictions where the facility is located, within
17 sixty (60) days of receipt. Funds distributed pursuant to this
18 paragraph shall be used solely for fire protection, fire prevention,
19 inspections, training, or emergency response activities related to
20 the facility; and

21 2. Twenty-five percent (25%) may be retained by the Office of
22 the Oklahoma State Fire Marshal for regulatory purposes.

23 G. If the Office of the Oklahoma State Fire Marshal delegates
24 any site plan review, permitting, or similar authority over a solar

1 energy facility to a recognized local authority having jurisdiction,
2 fees and timing shall continue to conform to subsections C and E of
3 this section.

4 H. The provisions of this section shall apply to solar energy
5 facilities designed to provide electricity to the grid, as well as
6 any utility-scale solar energy facility designed to deliver
7 electricity directly from a generating facility to a single end-use
8 customer.

9 SECTION 14. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 809.9 of Title 17, unless there
11 is created a duplication in numbering, reads as follows:

12 A. In addition to complying with the provisions of this act, the
13 owner of a solar energy facility shall comply with the provisions of
14 the Commercial Solar Facility Decommissioning Act in accordance with
15 Section 820 et seq. of Title 17 of the Oklahoma Statutes.

16 B. An owner shall submit evidence of financial assurance
17 sufficient to secure the performance of its decommissioning
18 obligations in accordance with the Commercial Solar Facility
19 Decommissioning Act on or before the tenth year of operation of the
20 facility and thereafter upon request by the Commission, but at least
21 once every five (5) years for the life of the solar energy facility.
22 The amount of such financial assurance shall be calculated in
23 accordance with the Commercial Solar Facility Decommissioning Act,
24 but shall not be less than one hundred twenty-five percent (125%) of

1 the estimate of the total cost of decommissioning, less the salvage
2 value of facility equipment and any portion of the value of such
3 equipment pledged to secure outstanding debt.

4 SECTION 15. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 809.10 of Title 17, unless there
6 is created a duplication in numbering, reads as follows:

7 The Oklahoma Corporation Commission shall have authority to
8 promulgate rules as necessary to implement the provisions of the
9 Oklahoma Solar Energy Development Act and to set fees necessary to
10 perform the duties and responsibilities of the Commission pursuant
11 to the act. The Oklahoma Corporation Commission shall have
12 exclusive jurisdiction to enforce the provisions of this act that
13 are within its authority.

14 SECTION 16. This act shall become effective November 1, 2026.

15

16 60-2-16037 JBH 02/09/26

17

18

19

20

21

22

23

24