ENROLLED HOUSE
BILL NO. 1396

By: Roach and Thornbrugh of the House

and

Easley of the Senate

An Act relating to oil and gas; making certain actions an unreasonable interference with a pipeline easement; allowing certain persons to undertake certain activities within the boundaries of a pipeline easement; allowing certain actions; providing for application of act to certain pipelines; providing for effect on certain defenses and agreements; providing for consideration of certain defenses and agreements; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 35.1 of Title 52, unless there is created a duplication in numbering, reads as follows:

A. Unless otherwise specifically authorized in the grant or reservation of the easement, or unless otherwise allowed by mutual agreement between the holder of the underlying fee interest and the owner of the pipeline easement, or in subsection B of this section, it shall be considered unreasonable interference with a pipeline easement for a person, other than the operator of a pipeline, to:

1. Build, erect, create or expand, or permit the building, erection, creation or expansion of a permanent or temporary structure or improvement within the boundaries of a pipeline easement, not to include fences; or

2. Plant or install or permit the planting or installation of shrubbery or shielding within a pipeline easement which impairs or will impair aerial observation of the pipeline.

B. The provisions of this section shall not prevent the revegetation of any landscape within the boundaries of a pipeline easement which was disturbed as a result of construction of the pipeline. In addition this section shall not prevent the holder of the underlying fee interest or the tenant of the holder from planting and harvesting seasonal agricultural crops or implementing a conservation farm plan within the boundaries of the pipeline easement, constructing a driveway across the easement or enclosing the easement within a fenced area. For purposes of this section, seasonal agricultural crops shall not include silviculture or any crop produced on trees or shrubs.

C. The owner of the pipeline easement may maintain an action for the enforcement of the provisions of this section.

D. This act only applies to pipelines regulated by the Oklahoma Corporation Commission or Federal Energy Regulatory Commission.

E. Nothing in this section shall void any defenses at law or equity, or any agreement or amendment executed between the fee title

owner and the owner of the pipeline easement prior to the effective date of this act regarding any claimed interference with a pipeline easement. Testimony and evidence of such an agreement or defenses shall be duly considered in any proceeding regarding this section and when determining all final equitable remedies.

SECTION 2. This act shall become effective July 1, 1997.

Passed the House of Representatives the 26th day of May, 1997.

Speaker of the House of Representatives

Passed the Senate the 29th day of May, 1997.

President of the Senate