STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

HOUSE BILL NO. 1396 By: Rice

AS INTRODUCED

An Act relating to oil and gas; providing for application of act; 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 codification; providing an effective date; and declaring an emergency.

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. This section shall not apply to any easement granted prior to July 1, 1997. Beginning after July 1, 1997, unless otherwise specifically authorized in the grant or reservation of the 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;

2. Build, erect, create or expand, or permit the building, erection, creation or expansion of a permanent or temporary structure, fence, wall or obstruction adjacent to a pipeline easement which prevents complete and unimpaired surface access to the easement; or

3. Plant or install or permit the planting or installation of shrubbery or shielding within or adjacent to 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 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.

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

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

46-1-5575 KB