

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 3243

By: Derby

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5  
6 AS INTRODUCED

7 An Act relating to oil and gas; creating the Oklahoma  
8 Energy Authority Act; stating legislative findings;  
9 making legislative declaration that certain oil,  
10 natural gas, and petroleum activities are not subject  
11 to federal laws or regulation; directing state  
12 environmental agencies to cooperate with federal  
13 environmental agencies; prohibiting enforcement of  
14 certain federal laws and regulations; providing for  
15 codification; and providing an effective date.

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

17 SECTION 1. NEW LAW A new section of law to be codified  
18 in the Oklahoma Statutes as Section 801 of Title 52, unless there is  
19 created a duplication in numbering, reads as follows:

20 This act shall be known and may be cited as the "Oklahoma Energy  
21 Authority Act".

22 SECTION 2. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 802 of Title 52, unless there is  
24 created a duplication in numbering, reads as follows:

The Legislature finds that the:

1           1. Tenth Amendment to the United States Constitution guarantees  
2 to the states and their people all powers not granted to the federal  
3 government elsewhere in the Constitution and reserves to the people  
4 and the State of Oklahoma certain powers as they were understood at  
5 the time that Oklahoma was admitted to statehood. The guarantee of  
6 those powers is a matter of contract between the state and people of  
7 Oklahoma and the United States as of the time that the compact with  
8 the United States was agreed upon and adopted by Oklahoma and the  
9 United States;

10           2. Ninth Amendment to the United States Constitution guarantees  
11 to the people rights not granted in the Constitution and reserves to  
12 the people of Oklahoma certain rights as they were understood at the  
13 time that Oklahoma was admitted to statehood. The guarantee of  
14 those rights is a matter of contract between the people and the  
15 State of Oklahoma and the United States as of the time that the  
16 compact with the United States was agreed upon and adopted by  
17 Oklahoma and the United States; and

18           3. Regulation of intrastate commerce is vested in the states  
19 under the Ninth and Tenth Amendments to the United States  
20 Constitution.

21           SECTION 3.           NEW LAW           A new section of law to be codified  
22 in the Oklahoma Statutes as Section 1-1-210 of Title 27A, unless  
23 there is created a duplication in numbering, reads as follows:

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1       A. The Legislature of the State of Oklahoma declares that the  
2 regulation of the exploration, drilling, development, operation,  
3 production, transportation and processing of oil, natural gas,  
4 mineral brine, petroleum, petroleum products, biofuels, and  
5 biodiesel that originate and remain inside the State of Oklahoma and  
6 have not been proven and adjudicated by the Oklahoma court system or  
7 the federal court system to specifically be causing, or to have  
8 caused, quantifiable harm to any persons or places beyond the  
9 borders of Oklahoma to be intrastate commerce and shall not be  
10 subject to federal law or federal regulation under the authority of  
11 the United States Congress to regulate interstate commerce.

12       B. The Corporation Commission, each state environmental agency  
13 and each state agency with limited environmental responsibilities,  
14 within its areas of environmental jurisdiction, shall to the extent  
15 deemed necessary cooperate with federal environmental and regulatory  
16 agencies in the regulation of the exploration, drilling,  
17 development, operation, production, transportation and processing of  
18 oil, natural gas, mineral brine, petroleum, petroleum products,  
19 biofuels, and biodiesel, but shall not be required to enforce  
20 federal laws or regulations relating to such environmental resources  
21 and activities.

22       SECTION 4. This act shall become effective November 1, 2010.

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24       52-2-8087           KB           01/13/10