

1 ENGROSSED HOUSE  
2 BILL NO. 1821

By: Trebilcock of the House

3 and

4 Marlatt of the Senate

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6  
7 ( energy - Oil and Gas Exploration Rights Act of

8 2011 - solar energy agreement - exploration

9 rights - eminent domain -

10 codification )

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

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

18 This act shall be known and may be cited as the "Oil and Gas  
19 Exploration Rights Act of 2011".

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

23 As used in the Oil and Gas Exploration Rights Act of 2011:

24 1. "Act" means the Oil and Gas Exploration Rights Act of 2011;

1        2. "Operator" means a person engaged in the severance of oil or  
2 gas for that person alone, for other persons only, or for that  
3 person and others;

4        3. "Owner" means a person owning a right to explore for and  
5 produce oil and gas, whether the right is derived from ownership of  
6 oil and gas, from an oil and gas lease or from a force-pooling order  
7 issued by the Corporation Commission. An owner shall also include  
8 an operator;

9        4. "Person" means any individual, executor, administrator,  
10 estate, agent, trust, trustee, institution, receiver, business  
11 trust, firm, corporation, partnership, limited liability company,  
12 cooperative, joint venture, governmental entity or agency,  
13 association or any other group or combination acting as a unit;

14        5. "Exploration rights" means, as to any lands within the State  
15 of Oklahoma, a right, title or interest of an owner, whether legal  
16 or equitable, and whether the right, title or interest is derived  
17 from ownership of oil and gas, from an oil and gas lease or from a  
18 force-pooling order issued by the Corporation Commission, to explore  
19 for and produce oil and gas, including, without limitation, the  
20 right to enter upon and make use of the surface estate in connection  
21 with exploring for and producing oil and gas, whether for that owner  
22 alone, for other owners only, or for that owner and others; and

23        6. "Wind or solar energy agreement" means the same as defined  
24 in Section 820.1 of Title 60 of the Oklahoma Statutes.

1           SECTION 3.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 803 of Title 52, unless there is  
3 created a duplication in numbering, reads as follows:

4           A. Exploration rights shall not be diminished, abrogated or  
5 interfered with in any respect by a wind or solar energy agreement  
6 except with the prior written consent of the owner of exploration  
7 rights, which consent may be granted or withheld for any reason or  
8 for no reason. Any consent shall apply only to the exploration  
9 rights of the owner giving the consent, and to the successors and  
10 assigns of the owner if so provided in the instrument of consent.  
11 Any consent shall apply only to the specific wind or solar energy  
12 agreement which is the subject of the consent. Any consent shall be  
13 evidenced in a written instrument in recordable form and shall be  
14 recorded in the records of the county clerk of the county in which  
15 the affected property is located. Within thirty (30) days of the  
16 expiration of the wind or solar energy agreement which is the  
17 subject of the consent, the person granting the consent shall cause  
18 to be recorded in the records of the county clerk of the county in  
19 which the affected property is located a notice of termination of  
20 consent.

21           B. Any rights derived from a wind or solar energy agreement  
22 shall be subordinate in all respects to exploration rights except to  
23 the extent consent is otherwise given in accordance with this  
24 section.

1           SECTION 4.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 804 of Title 52, unless there is  
3 created a duplication in numbering, reads as follows:

4           Notwithstanding any other provision of law to the contrary,  
5 whether expressed or by implication, exploration rights shall not be  
6 taken by eminent domain proceedings other than pursuant to law  
7 specifically enacted for that purpose and specifically granting the  
8 power of eminent domain as to exploration rights. The power of  
9 eminent domain as to exploration rights shall not be granted or  
10 bestowed by implication under any other law, rule, order or  
11 regulation.

12           SECTION 5.           NEW LAW           A new section of law to be codified  
13 in the Oklahoma Statutes as Section 805 of Title 52, unless there is  
14 created a duplication in numbering, reads as follows:

15           The provisions of the Oil and Gas Exploration Rights Act of 2011  
16 and the rights granted under the act are intended to be cumulative  
17 with all other rights an owner may otherwise have at law or in  
18 equity. To the extent that there is a conflict between the  
19 provisions of the act and any other rights an owner has at law or in  
20 equity, then the rights of the owner are to be liberally construed  
21 to the end that those rights which afford the owner the most  
22 comprehensive protection to secure the exercise of the exploration  
23 rights of the owner shall be given preference.

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1 Passed the House of Representatives the 17th day of March, 2011.

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4 Presiding Officer of the House of  
Representatives

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6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2011.

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9 Presiding Officer of the Senate