

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 809

By: Bingman, Crain, Marlatt and  
Shortey of the Senate

3  
4 and

Hickman of the House

5  
6  
7  
8 An Act relating to oil and gas; authorizing  
regulatory by municipalities, counties and other  
9 political subdivisions of certain oil and gas  
operations and establishing setbacks; providing  
10 certain limitation; prohibiting certain regulations;  
making certain operations subject to jurisdiction and  
11 regulation of the Corporation Commission;  
establishing right to compensation for certain taking  
12 of interest from a local government regulatory  
restriction; repealing 52 O.S. 2011, Section 137,  
13 which relates to powers of cities and towns to  
regulate oil and gas drilling or production;  
14 providing for codification; and declaring an  
emergency.

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17 AUTHOR: Add the following House Coauthor: McBride

18 AUTHOR: Add the following Senate Coauthor: Griffin

19 AMENDMENT NO. 1. Strike the title, enacting clause and entire bill  
and insert

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22 "An Act relating to oil and gas; authorizing  
regulation by municipalities, counties and other  
23 political subdivisions of certain oil and gas  
operations and establishing setbacks; providing  
24 certain limitation; prohibiting certain regulations;

1 making certain operations subject to jurisdiction  
and regulation of the Corporation Commission;  
2 authorizing certain regulation of areas delineated  
as one-hundred-year floodplains; repealing 52 O.S.  
3 2011, Section 137, which relates to powers of cities  
and towns to regulate oil and gas drilling or  
4 production; and providing for codification.

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6  
7 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

8 SECTION 1. NEW LAW A new section of law to be codified  
9 in the Oklahoma Statutes as Section 137.1 of Title 52, unless there  
10 is created a duplication in numbering, reads as follows:

11 A municipality, county or other political subdivision may enact  
12 reasonable ordinances, rules and regulations concerning road use,  
13 traffic, noise and odors incidental to oil and gas operations within  
14 its boundaries, provided such ordinances, rules and regulations are  
15 not inconsistent with any regulation established by Title 52 of the  
16 Oklahoma Statutes or the Corporation Commission. A municipality,  
17 county or other political subdivision may also establish reasonable  
18 setbacks and fencing requirements for oil and gas well site  
19 locations as are reasonably necessary to protect the health, safety  
20 and welfare of its citizens but may not effectively prohibit or ban  
21 any oil and gas operations, including oil and gas exploration,  
22 drilling, fracture stimulation, completion, production, maintenance,  
23 plugging and abandonment, produced water disposal, secondary  
24 recovery operations, flow and gathering lines or pipeline

1 infrastructure. All other regulations of oil and gas operations  
2 shall be subject to the exclusive jurisdiction of the Corporation  
3 Commission. Provided, notwithstanding any provision of law to the  
4 contrary, a municipality, county or other political subdivision may  
5 enact reasonable ordinances, rules and regulations concerning  
6 development of areas within its boundaries which have been or may be  
7 delineated as a one-hundred-year floodplain but only to the minimum  
8 extent necessary to maintain National Flood Insurance Program  
9 eligibility.

10 SECTION 2. REPEALER 52 O.S. 2011, Section 137, is hereby  
11 repealed."

12 Passed the House of Representatives the 22nd day of April, 2015.

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15 \_\_\_\_\_  
16 Presiding Officer of the House of  
Representatives

17 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2015.

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20 \_\_\_\_\_  
21 Presiding Officer of the Senate  
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23  
24

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7 regulatory by municipalities, counties and other  
8 political subdivisions of certain oil and gas  
9 operations and establishing setbacks; providing  
10 certain limitation; prohibiting certain regulations;  
11 making certain operations subject to jurisdiction and  
12 regulation of the Corporation Commission;  
13 establishing right to compensation for certain taking  
14 of interest from a local government regulatory  
15 restriction; repealing 52 O.S. 2011, Section 137,  
16 which relates to powers of cities and towns to  
17 regulate oil and gas drilling or production;  
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19 emergency.

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traffic, noise, and odors incidental to oil and gas operations  
within its boundaries, provided such ordinances, rules, and  
regulations are not inconsistent with any regulation established by  
Title 52 of the Oklahoma Statutes or the Corporation Commission. A

1 municipality, county, or other political subdivision may also  
2 establish reasonable setbacks and fencing requirements for oil and  
3 gas well site locations as are reasonably necessary to protect the  
4 health, safety, and welfare of its citizens, but may not effectively  
5 prohibit, or ban any oil and gas operations, including oil and gas  
6 exploration, drilling, fracture stimulation, completion, production,  
7 maintenance, plugging and abandonment, produced water disposal,  
8 secondary recovery operations, flow and gathering lines or pipeline  
9 infrastructure. All other regulation of oil and gas operations  
10 shall be subject to the exclusive jurisdiction of the Corporation  
11 Commission.

12 SECTION 2. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 137.2 of Title 52, unless there  
14 is created a duplication in numbering, reads as follows:

15 Whenever a municipality or county or other political subdivision,  
16 other than the Corporation Commission, adopts or implements an  
17 ordinance, resolution, rule, regulation or other form of official  
18 policy concerning oil and gas operations that has the effect of: (1)  
19 substantially interfering with use and enjoyment of the mineral  
20 estate, as defined in section 802 of this title, or (2) exercising  
21 dominion and control over the mineral estate, thereby substantially  
22 increasing the costs of the oil and gas operations or substantially  
23 reducing the fair market value of the mineral estate, it shall be  
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