

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

HOUSE BILL 2124

By: McBride

AS INTRODUCED

An Act relating to oil and gas; amending 52 O.S. 2011, Section 137, which relates to the powers of cities and towns to regulate oil and gas drilling or production; striking provisions recognizing the rights of cities and towns to provide rules and regulations for oil and gas drilling or production; recognizing that the operation of oil and gas and water disposal wells is of statewide importance; stating intent to preempt laws adopted by municipalities, counties and other governmental subdivisions regulating oil and gas operations; specifying primary regulation of oil and gas operations; allowing municipalities, counties and other governmental subdivisions to enact certain reasonable laws; prohibiting municipalities, counties and other governmental subdivisions from banning oil and gas operations; allowing reasonable setbacks for surface operations; granting the Corporation Commission authority to determine if certain laws are reasonable and consistent; making laws found by the Commission to be unreasonable and inconsistent void; and declaring an emergency.

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

SECTION 1. AMENDATORY 52 O.S. 2011, Section 137, is amended to read as follows:

Section 137. ~~Nothing in this act is intended to limit or restrict the rights of cities and towns governmental corporate~~

1 ~~powers to prevent oil or gas drilling therein nor under its police~~
2 ~~powers to provide its own rules and regulations with reference to~~
3 ~~well-spacing units or drilling or production which they may have at~~
4 ~~this time under the general laws of~~ A. The drilling, completing,
5 fracture stimulating and operations of oil and gas wells and
6 produced water disposal wells related to oil and gas wells are of
7 statewide importance and concern. The Legislature, by adopting this
8 act, intends to preempt any other law, ordinance, rule or regulation
9 promulgated to regulate drilling, completing, fracture stimulating
10 and operations of oil and gas wells and produced water disposal
11 wells that municipalities, counties or other governmental
12 subdivisions may adopt.

13 B. Primary regulation of oil and gas operations shall be by the
14 State of Oklahoma as set forth in state law and through the
15 jurisdiction granted the Corporation Commission pursuant to Section
16 139 of this title and Section 52 of Title 17 of the Oklahoma
17 Statutes.

18 C. Municipalities, counties or other governmental subdivisions
19 shall not be prohibited from enacting reasonable laws, ordinances,
20 rules and regulations relating to the local aspects of the oil and
21 gas operations within their boundaries, so long as the laws,
22 ordinances, rules and regulations are reasonable and consistent
23 with, and are not more stringent than or in opposition to, that
24 established by state law and regulations adopted by the Corporation

1 Commission. No municipal, county or other governmental subdivision
2 may enact a law, ordinance, rule or regulation which prohibits or
3 bans the drilling, completing, fracture stimulating or operations of
4 oil and gas wells or produced water disposal wells related to oil
5 and gas wells within its boundaries without the approval of the
6 Commission. Nothing in this section shall be construed to prevent
7 the municipal, county or other governmental subdivision from
8 enacting reasonable setbacks for surface operations based upon the
9 necessity to protect the health, safety and welfare of its citizens.
10 Upon application and notice, the Commission shall have the authority
11 and jurisdiction to determine whether a municipal, county or other
12 governmental subdivision law, ordinance, rule or regulation related
13 to the drilling, completing, fracture stimulating and operations of
14 oil and gas wells and produced water disposal wells related to oil
15 and gas wells is reasonable and consistent with, and is not more
16 stringent than or in opposition to, state law or regulations adopted
17 by the Corporation Commission. Any municipal, county or other
18 governmental subdivision law, ordinance, rule or regulation found by
19 the Commission to be unreasonable, more stringent than, inconsistent
20 with or in opposition to state law or regulations adopted by the
21 Commission shall be void.

22 SECTION 2. It being immediately necessary for the preservation
23 of the public peace, health and safety, an emergency is hereby
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1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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