

OKLAHOMA STATE SENATE  
CONFERENCE  
COMMITTEE REPORT

May 20, 2015

Mr. President:

Mr. Speaker:

The Conference Committee, to which was referred

SB 468

By: Marlatt of the Senate and Calvey of the House

Title: Oil and gas; prohibiting local regulation of certain oil and gas activities.  
Emergency.

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together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the House recede from all Amendments.
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,  
SENATE CONFEREES

  
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Marlatt

  
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Fields

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Bingman

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Wyrick

  
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Justice

  
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Garrison

  
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Griffin

HOUSE CONFEREES:

Conference Committee on Environmental Law

Senate Action \_\_\_\_\_ Date \_\_\_\_\_ House Action \_\_\_\_\_ Date \_\_\_\_\_

*epc*

*WD*

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 CONFERENCE COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED

5 SENATE BILL NO. 468

By: Marlatt of the Senate

and

6 Calvey of the House

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9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to oil and gas; authorizing certain  
11 public entities to enact regulations relating to  
12 certain oil and gas activities; stating limitations;  
13 defining term; providing that certain regulations  
14 shall constitute a taking under certain  
15 circumstances; repealing 52 O.S. 2011, Section 137,  
16 which relates to certain powers of cities and towns  
17 relating to certain oil and gas exploration;  
18 providing for codification; and declaring an  
19 emergency.

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1 regulations are not inconsistent with any regulation established by  
2 Title 52 of the Oklahoma Statutes or the Corporation Commission. A  
3 municipality, county or other political subdivision may also  
4 establish reasonable setbacks and fencing requirements for oil and  
5 gas well site locations as are reasonably necessary to protect the  
6 health, safety, and welfare of its citizens, but may not effectively  
7 prohibit or ban any oil and gas operations, including oil and gas  
8 exploration, drilling, fracture stimulation, completion, production,  
9 maintenance, plugging and abandonment, produced water disposal,  
10 secondary recovery operations, flow and gathering lines or pipeline  
11 infrastructure. All other regulation of oil and gas operations  
12 shall be subject to the exclusive jurisdiction of the Corporation  
13 Commission.

14 B. "Reasonable" as used in this section means a condition that  
15 would allow a reasonably prudent oil or gas operator to fully,  
16 effectively, and economically develop all affected oil and gas  
17 resources.

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

21 Whenever a municipality, county or other political subdivision,  
22 other than the Corporation Commission, adopts or implements an  
23 ordinance, resolution, rule, regulation or other form of official  
24 policy concerning oil and gas operations that has the effect of:

1 (1) substantially interfering with the use and enjoyment of the  
2 mineral estate, as defined in Section 802 of Title 52 of the  
3 Oklahoma Statutes, (2) imposing or enforcing a limitation that  
4 adversely impacts the use and development of minerals, or (3)  
5 prohibiting access to develop the mineral estate, thereby  
6 substantially increasing the costs of the oil and gas operations, or  
7 thereby substantially reducing the fair market value of the mineral  
8 estate, it shall be considered a taking pursuant to Article 2 of the  
9 Oklahoma Constitution and relevant statutes. The provisions of this  
10 section shall not apply to any ordinance, resolution, rule,  
11 regulation or other form of official policy adopted or implemented  
12 prior to December 31, 2014.

13 SECTION 3. REPEALER 52 O.S. 2011, Section 137, is hereby  
14 repealed.

15 SECTION 4. It being immediately necessary for the preservation  
16 of the public peace, health and safety, an emergency is hereby  
17 declared to exist, by reason whereof this act shall take effect and  
18 be in full force from and after its passage and approval.

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20 55-1-1844 MJM 4/20/2016 11:00:25 AM  
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