

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 809, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Bingman

Bingman-MJM-FS-Req#1574
2/18/2016 5:01 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

1st Session of the 55th Legislature (2015)

FLOOR SUBSTITUTE

FOR

SENATE BILL NO. 809

By: Bingman, Crain and Marlatt
of the Senate

and

Hickman of the House

FLOOR SUBSTITUTE

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

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

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

A municipality, county, or other political subdivision may enact reasonable ordinances, rules, and regulations concerning road use,

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

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

19 Whenever a municipality or county or other political subdivision,
20 other than the Corporation Commission, adopts or implements an
21 ordinance, resolution, rule, regulation or other form of official
22 policy concerning oil and gas operations that has the effect of: (1)
23 substantially interfering with use and enjoyment of the mineral
24 estate, as defined in section 802 of this title, or (2) exercising

1 dominion and control over the mineral estate, thereby substantially
2 increasing the costs of the oil and gas operations or substantially
3 reducing the fair market value of the mineral estate, it shall be
4 considered a taking pursuant to section 24 of article 2 of the
5 Oklahoma Constitution.

6 SECTION 3. REPEALER 52 O.S. 2011, Section 137, is hereby
7 repealed.

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

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13 55-1-1574 MJM 2/18/2016 5:01:07 PM
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